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Equal Opportunities Commission

# Promoting Gender Equality in the Public Sector

Karen Escott  
Dexter Whitfield  
*Centre for Public Services*

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*Research and Resources Unit  
Equal Opportunities Commission  
Arndale House  
Arndale Centre  
Manchester  
M4 3EQ*

E-mail: [research@eoc.org.uk](mailto:research@eoc.org.uk)  
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Karen Escott

Dexter Whitfield

*Centre for Public Services*

*(Since the completion of this report, Karen Escott has moved to the School of Environment and Development, Sheffield Hallam University)*

## SUMMARY

### Introduction and methodology

Public authorities in Britain now have a statutory duty to promote racial equality, but there is no similar GB-wide requirement on them to promote gender equality. In January 2002, the Equal Opportunities Commission commissioned the Centre for Public Services to undertake a preliminary investigation of evidence which could be used to support the introduction of a public duty on gender. The specific aims of the research were to:

- €# Examine the strategic approaches which a range of selected public sector organisations currently adopt to tackle gender equality, and discuss their effectiveness.
- €# Examine how far the case study organisations addressed equality issues when setting their objectives and forming policies.
- €# Draw together an initial evaluation of the case for a public sector duty to promote gender equality.

The study involved case study research in six public sector organisations (or group of related organisations): the Greater London Authority (GLA); the Scottish Executive; the Welsh Development Agency (WDA); City of Birmingham Council; West Midlands Police Authority; and various regional agencies in the North West Region. The GLA and the Scottish Executive organisations currently have a formal statutory duty to promote equality of opportunity, whilst the remainder do not. All of the selected case study organisations have an extensive track record in promoting equalities, have well established strategic and corporate policies for gender equality and aim to mainstream gender throughout the organisation.

The research also assessed recent initiatives by the Cabinet Office and the National Audit Office to promote public policy making and gender, regulatory and other impact assessments.

## KEY FINDINGS

### *The legislative context*

There is now a patchwork of equality duties across Britain. The only comprehensive duty is that around race, whilst the Welsh Assembly and the Greater London Authority legislation (but not that of the Scottish Parliament) encompasses a general equality duty. There is a danger that if an equality duty is applied to public sector organisations individually and separately as and when the opportunity arises, there will be a

fragmented approach and less emphasis on holistic equality strategies and gender mainstreaming in those organisations not embraced by the legislation. Thus the future advances made in promoting gender equality in some public sector organisations could be counterbalanced by a lack of progress in those outside the remit of a duty.

### *Public policy making*

The research concluded that the modernisation agenda to improve public services has not taken sufficient account of an equality dimension. A key difference was identified between public sector organisations having a public duty which they must apply to directly provided services, and a public duty which has to be implemented by contract with a third party (which may be with a private contractor, quango, trust or consultant). The wider implications of a public duty on gender being the responsibility of private companies or a third sector organisation need to be considered, along with proposals for effective monitoring procedures and powers of intervention.

### *Evidence of good practice*

The six case study organisations have advanced gender equality strategies. The reasons for this include that they:

- €# Have a corporate framework for gender equality. This usually had commensurate weight as other drivers of public service modernisation, in its application to all policy making, employment practices and service delivery.
- €# Enjoy political support and the commitment of senior managers.
- €# Have institutional arrangements which place a corporate equalities strategy at the heart of policy making, supported by sufficient resources.
- €# Have a budgetary process which is directly connected to the setting of equality standards and targets.
- €# Mainstream gender through policy development, performance management, service review (including Best Value) and service delivery plans. This should apply to both service delivery and staffing.
- €# Include equalities strategies as a key element of user consultation and involvement in service planning.

- €# Apply the policy through the key tools used to mainstream gender and specific programmes targeted at reducing inequality between men and women, including gender impact assessment.
- €# Monitor and evaluate the application of equalities policies at every level of the organisation and assess the equality impact of initiatives which provide greater service integration.

### *Strategic approaches to gender mainstreaming*

The numerous gender initiatives which are undertaken in many public sector organisations generally do not represent a coherent or strategic approach. Gender mainstreaming remains the province of equalities specialists and is not yet a core part of moves to improve public policy making. Major gaps continue to exist between mainstreaming in employment and mainstreaming in service delivery and policy implementation.

Established structures are generally regarded as being more difficult to change. Good practice in service delivery, attuned to the needs of women and men at national and local level, is patchy and only evident where it is driven by commitment.

### *Barriers to progress*

A number of barriers were outlined in the case study research. These included:

- €# The inconsistent and piecemeal application of gender specific strategies within public sector organisations, reflected in the gulf which is often found between equalities statements and practical application.
- €# A lack of senior commitment to advancing gender policies, with good practice often dependent on those already dedicated to making progress on gender equality issues.
- €# Limited resources to fund improvements.
- €# A lack of data to enable the impact of policy and service delivery to be identified.
- €# The prioritisation of performance management and other modernisation strategies over equalities issues.
- €# The weakness of legislation to ensure that external contractors are fair employers and will not introduce employment practices which are damaging to the position of

women employees (they form the vast majority of employees affected when staff are transferred from one employer to another).

- €# A lack of clarity over the application of gender equality policies to non-governmental organisations which are largely dependent on public funds.

### **Opportunities and future direction**

An assessment of a number of equality strategies indicates that whilst much has been achieved, it is necessary to challenge those public bodies which do not share the commitment to reduce inequality between women and men. Mechanisms are needed to ensure that policy making and service delivery programmes address inequality amongst all those who work in the public sector, as well as all recipients of public services.

Key factors affecting the future direction of gender specific strategies which must be central to the promotion of equality in the public sector include:

- €# The growth of regionalism, which has seen an increasing number of services and funding arrangements being co-ordinated and delivered at this and the sub-regional level.
- €# The new duties to consult local communities.
- €# The powers of community well-being.
- €# Regeneration initiatives.
- €# The plethora of partnerships (including Local Strategic Partnerships) which encompass public organisations and other groups.
- €# The increasing trend for public services and functions to be delivered by private companies, voluntary organisations, trusts and strategic service delivery partnerships.

Greater emphasis should be given to service delivery; many public sector organisations have worked to improve their own employment practices and endeavour to be exemplary employers. Less attention has been given to the delivery of services and the particular needs of women and men receiving public services. This is being addressed in some areas by local organisations working to re-orientate their services to meet specific local needs. These may include those groups particularly disadvantaged by inequality.

Greater consideration should be given to the application of a public duty transferred by contract to a third party and the imposition of this legal responsibility.

### **The case for a public sector duty on gender**

Three options open to the EOC in the light of the research findings are to:

- €# Press for a public duty on gender.
- €# Press for a public duty on equality and diversity which covers all the remaining equality groups.
- €# Press for equality legislation similar to Northern Ireland, which brings about a statutory requirement for equality schemes and equality impact assessment.

A public duty would:

- €# Provide a statutory framework, ensuring that public authorities meet their equality obligations.
- €# Ensure all public organisations are required by law directly to address inequality and tackle institutional discrimination.
- €# Enhance existing best practice approaches by integrating equalities policies into public policy making and implementation, including funding decisions, performance management, Best Value Performance Plans, Community Strategies and wider work on diversity.
- €# Strengthen mainstreaming and impact assessment so it is comprehensively applied across the public sector to ensure that improvements in tackling inequality are achieved across the board.
- €# Make equality impact assessments mandatory so that they are comprehensively applied across the public sector (which the Northern Ireland experience has shown offer substantial benefits).
- €# Ensure the universal implementation of the Equality Standard for Local Government (which applies to services and employment); the Gender Agenda in police services; and other similar framework documents designed to address inequality.

- €# Remove the distinction between those authorities which are currently obliged to meet a statutory duty on equality of which gender is a part and those which are not. This would allow a greater consistency between service providers.

A public sector duty would also enable gender to be mainstreamed through the service modernisation programme and applied to third party organisations as part of a strategy to prevent the discrimination which, in many cases, has been found in the contracting out of services.

### **Additional guidance and resources**

The research concluded that a public duty alone might be insufficient, suggesting that progressive strategies and key projects to further gender equality were also essential. Detailed guidance will be required to assist organisations to develop and implement accompanying gender equality strategies including:

- €# The application of EOC Codes of Practice to all public policies.
- €# A corporate gender equality scheme which applies to all services.
- €# The regular analysis and audit of the employment of men and women to reduce the gender pay gap and job segregation and to improve the position of part-time staff.
- €# Public sector workforces reflecting the local population to whom the service is being provided.
- €# Management competencies which include addressing gender equality targets.
- €# Equality as a key element of compliance for contracts and partnerships.
- €# Gender equality mainstreamed into inspection and auditing techniques.
- €# Gender equality mainstreamed into employment practices, policy development, service delivery and consultation with service users. This should be achieved through gender impact assessments; the incorporation of a gender equality dimension at all stages of monitoring and evaluation; and the inclusion of gender equality in performance appraisal and review.

The research also suggested a range of necessary associated developments including:

- €# Making resources available to finance policies which remedy existing inequalities and adverse impact.
- €# Establishing organisational structures which create internal capacity to develop and exchange best practice at the national, regional and local level.
- €# Building capacity within public bodies for training, skills development and consultation in order to carry out the requirements of legislation.
- €# Building capacity within the community and voluntary sectors to facilitate their involvement in consultation and participation.
- €# Improving data collection on the characteristics of equality groups and improved intelligence on the social and economic needs of equality groups.
- €# Monitoring compliance and evaluation of policies and practices to ensure the equality agenda is firmly embedded in the public policy making agenda.
- €# Developing a performance management system which is underpinned by public service principles and values; it should set targets and assess progress, but not be dependent on an inspection regime.

## 1. INTRODUCTION AND METHODOLOGY

### 1.1 Introduction

Under a provision of the Race Relations (Amendment) Act 2000, public authorities in Britain now have a statutory duty to promote race equality. Such authorities have had to comply with the general duties required under the Act since April 2001, while they have been required to have policies in place to comply with its specific duties since the end of May 2002.

There is no similar GB-wide statutory requirement on public authorities to promote gender equality. Under the Government of Wales Act (1998), however, the statute that established the National Assembly for Wales, the Assembly government is effectively required to promote equality of opportunity. While equality clauses were contained in the legislation which established the Scottish Parliament, the Welsh duty is unique because of its non-prescriptive phrasing and all-embracing scope (Chaney and Fevre, 2002).

The Equal Opportunities Commission (EOC) has been publicly committed to the principle of a GB-wide public duty on gender since 1998. In *Equality in the 21<sup>st</sup> Century: A new sex equality law for Britain* (EOC, 1998), the EOC recommended that:

- €# Public bodies should be required to work towards eliminating unlawful discrimination and to promote equality of opportunity.
- €# Public bodies should publish details of their equality programmes and progress in their annual reports.

In January 2002, the EOC commissioned the Centre for Public Services to undertake a preliminary investigation of evidence which could be used to support the introduction of a public duty on gender. The specific aims of the research were to:

- €# Examine the strategic approaches a range of selected public sector organisations currently adopt to tackle gender equality, and to discuss their effectiveness.
- €# Examine how far the case study organisations addressed equality issues when setting their objectives and forming policies.
- €# Draw together an initial evaluation of the case for a public sector duty to promote gender equality.

## 1.2 Methodology

The research involved examining the gender strategies and initiatives in six case study public sector organisations. This was supplemented by a review of strategic approaches to mainstreaming gender equality at organisational/sector level and an analysis of the national framework for such initiatives. Face-to-face interviews were conducted with two or more senior managers in each case study organisation; this information was supplemented by an analysis of published reports and material included on their web sites.

### *Selection of case study organisations*

All the selected case studies have an extensive track record in promoting equalities, have well established strategic and corporate policies for gender equality and aim to mainstream gender throughout the organisation. The selection was also designed to cover different parts of the public sector, including national, regional and local government and the police. It was also agreed with the EOC that some organisations should have a statutory duty to promote equality of opportunity and some should not. The National Assembly for Wales was deliberately excluded, since its work was being assessed as a separate research study for EOC Wales and others (see Chaney and Fevre, 2002).

On the basis of these criteria, the following case study organisations were selected:

- # The Greater London Authority (GLA);
- # The Scottish Executive;
- # The Welsh Development Agency (WDA);
- # City of Birmingham Council;
- # West Midlands Police Authority;
- # Various regional agencies in the North West Region

### *Greater London Authority*

Under the Greater London Authority Act 1999, the GLA has a statutory duty to make appropriate arrangements to ensure that there is due regard to the principle of equality of opportunity for all people. This is a broadly similar duty to that of the Welsh Assembly, but there is a narrower scope to its functions and powers (Chaney and Fevre, 2002). The case study highlighted the economic development and regeneration services carried out by one of its agencies, the London Development Agency.

### *Scottish Executive*

The Scottish Parliament does not have the same all-embracing statutory duty to promote equality of opportunity as the National Assembly for Wales. However, the Scotland Act

(1998) does permit the Scottish Parliament to encourage equal opportunities, in particular the observance of equal opportunities requirements.

#### *Welsh Development Agency*

The WDA does not have a formal statutory duty to promote equality. However, as an Assembly Sponsored Public Body (ASPB), it is required to take account of the equality framework established by the National Assembly. Indeed, the latter can require it to take action in particular areas, especially as it funds the WDA and can transfer some or all of the WDA's functions to itself.

#### *City of Birmingham Council*

Birmingham was selected as it is a major local authority with an established equality strategy which is mainstreamed through numerous service programmes, performance management and Best Value. As a local authority, it does not currently have a statutory duty to promote gender equality.

#### *West Midlands Police Authority*

The aim of this case study was to assess the national work on gender equality and the national competency framework in relation to one force. West Midlands Police Authority was selected as an authority where a number of initiatives were already underway. It also does not currently have a statutory duty to promote gender equality.

#### *North West regional agencies*

This case study involved examining how the policy appraisal framework in the North West Region has been implemented. This included an assessment of mainstreaming in the Regional Review of the North West Regional Development Agency, the North West Regional Assembly and selected Learning and Skills Councils (LSCs) in the region.

The Department of Environment, Transport and the Regions (DETR) issued guidance to the RDAs which required them to develop and implement an equal opportunities policy covering all aspects of their work and to be committed to, and promote equality of, opportunity. However, there are no sanctions for non-compliance with these recommendations. Section 14 of the Learning and Skills Act requires LSCs to have due regard to the need to promote equality of opportunity between people from different racial groups, between men and women, and between people with a disability and people without. The LSC National Office must report annually to the Secretary of State on what arrangements LSCs have made during the preceding year, how effective they were, and their plans for the following year. Thus the duty placed on LSCs is wide-ranging and important.

### *Aims of the case study research*

The case study research involved the development of an interview schedule with standard questions. It focussed on the specific implementation of gender equality policies in the six organisations, their structures and how these policies were monitored and evaluated. Views were also sought about the need for a public duty to promote gender equality. In addition, specific questions were developed for each organisation on the basis of its published material. This enabled various initiatives on gender to be explored in the light of particular programmes. For example, regeneration and social inclusion was examined in regional agencies, and performance management in local government. An analysis of service delivery and public sector employment was considered necessary in order to generate a clear rationale for a public duty.

### *Review and analysis of strategic approaches*

This stage of the research involved examining the public policy work of the Cabinet Office and the National Audit Office in promoting gender equality and improved policy making in public bodies and reviewing wider Government policies and programmes to assess the extent to which they incorporate an equality dimension. As part of the process, interviews were conducted with the director and other senior staff in the Women and Equality Unit (which was part of the Cabinet Office until May 2002 and is now part of the Department of Trade and Industry).

## **1.3 Structure of the report**

Chapter Two sets out the key areas of legislation which have established a duty to promote equality. It also assesses the national context through outlining various Government initiatives designed to improve policy making and other broader policies and programmes. Chapter Three summarises the relevant evidence from the case study research and interviews and outlines the principal barriers to progressing gender equality which this has uncovered. Chapter Four outlines the case for a public sector duty on gender. Chapter Five presents the policy recommendations and areas which require further research. Appendix 1 contains further information about the six case study organisations.

## **2. LEGISLATIVE AND NATIONAL CONTEXTS**

### **2.1 Introduction**

The first part of the chapter sets out the key areas of legislation which have established a duty to promote equality. It summarises the main elements of the duty to promote race equality; examines the statutory duties to promote equality of opportunity which the Greater London Authority and the National Assembly for Wales possess; and then assesses the key features of the legislation in Scotland and Northern Ireland which are concerned with the promotion of equal opportunities.

The second part of the chapter assesses the national context. It outlines various Government initiatives to improve policy making which have been promoted by the Cabinet Office and discusses the work of the Women and Equality Unit. It then considers how the government's modernisation programme is impacting on the equality agenda.

### **2.2 The duty to promote race equality**

The GB race equality legislation has recently been strengthened to require public authorities to promote good relations between different races and ethnic groups. At least partly as a result of the Macpherson Report, the Race Relations (Amendment) Act 2000 introduced a Race Relations Duty on public sector organisations. Its general duties came into force in April 2001 and its specific duties did so at the end of May 2002. The legislation affects both the services that authorities provide to the public and their internal employment policies.

The two general duties under S71 of the Act are to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. In effect, the new duty imports the concept of mainstreaming racial equality into public authority decision making and means that public authorities will be expected to consider the race relations implications of their administrative decisions. The general duty will be enforceable by way of judicial review.

The specific duties are designed to assist public authorities to meet their general duties. First, almost all authorities have to ensure equal opportunities in employment. In particular, this requires them to monitor the composition of their workforces and applicants for jobs, promotion and training by ethnic group. Larger authorities must also monitor grievances, disciplinary action, performance appraisals, dismissals and training by ethnic group. The results must be published annually. Second, certain authorities are required to prepare and publish race equality schemes. They will have to assess which of their functions are relevant to the duty and also set out their plans for assessing and consulting on the impact of any new policies for the promotion of race equality. They will also have to ensure that ethnic minority communities have access to information and

services and train their staff on the new duties. Again, the results of these assessments must be published. The Commission for Racial Equality (CRE) has enforcement powers including the power to issue a compliance notice to a public body which it believes has not fulfilled a specific duty. The CRE has also issued a draft statutory Code of Practice and four draft non-statutory good practice guides to help public bodies meet their obligations under the Act (Equal Opportunities Review 2001 a, b; 2002 a, b).

An internal EOC paper produced in early 2001 (i.e. before the implementation of the legislation) reported that the CRE assessed the benefits of the duty as being that:

- €# The duty is enforceable on the public sector and also affects a wide range of other bodies.
- €# It provides a mechanism for ensuring that mainstreaming happens.
- €# It makes good practice common practice because it has to be done: good practice thus becomes a legal requirement.
- €# It brings the requirement to promote equality into the territory of auditing and inspecting bodies and thus links quality and equality.
- €# It has been introduced in response to the need to do something about institutional racism, a requirement which is widely recognised and endorsed by both the government and the public.

In view of the fact that the legislation is recent and that its implementation stages have been phased, it is too early to assess how effective the duty is proving to be in promoting race equality.

### **2.3 Public authorities in the UK with an equality duty**

The Greater London Authority and the National Assembly for Wales already have a duty to promote equality of opportunity. It is important to note that the duty is general in that it targets all equality groups, and does not specify which groups are being targeted. It therefore differs from the race duty, which is specifically targeted at improving the position of ethnic minority communities in relation to public sector employment and the delivery of public services.

#### *Greater London Authority*

The Greater London Authority Act 1999 imposes duties in respect of equal opportunity and discrimination on the GLA. The Greater London Authority Act states that:

*The Authority shall make appropriate arrangements with a view to securing that in the exercise of powers, the formulation of policies and proposals and in the implementation of any of those strategies, there is due regard to the principle that there should be equality of opportunity for all people.*

The GLA is required to publish an annual report stating what arrangements are in place, and to make an assessment of their effectiveness in promoting equality of opportunity.

In addition, the Metropolitan Police Authority and the London Fire and Emergency Planning Authority are under a statutory duty to have regard to the need to promote equality of opportunity in respect of race, sex, disability, age, sexual orientation or religion, to eliminate unlawful discrimination, and to promote good relations between persons of different racial groups, religious beliefs and sexual orientation. The London Development Agency, created in July 2000, is one of the four functional bodies of the Greater London Authority. It is a Regional Development Agency like the eight established in England in April 1999, but differs from them as it is answerable to the Mayor of London, not the Secretary of State. It is led by a board and is responsible for furthering the economic development and regeneration of the city; promoting business efficiency, investment and competitiveness; promoting employment; enhancing and developing the skills of local people. Its Economic Development Strategy is based on four principles: Economic Growth, Knowledge and Learning, Diversity, Inclusion and Renewal and Sustainable Development.

#### *The National Assembly for Wales*

Section 120 of the Government of Wales Act 1998 requires the National Assembly for Wales (NAW) to 'make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people.' As Chaney and Fevre (2002) have emphasised, this type of legal duty, which effectively requires the Assembly government to promote equality of opportunity, is unprecedented in government in Britain.

There are two key restrictions on the Welsh duty. Firstly, it extends only to devolved areas. This includes health, economic development, education and local government, but many public services in Wales remain 'reserved', including the police, the employment service and taxation. Secondly, the NAW duty lacks adequate monitoring mechanisms and sanctions for failure to comply. Nevertheless, the duty covers functions worth £10 billion a year in Wales and the assessment by Chaney and Fevre (2002) is that it has had a significant impact and is leading to a distinctive equality agenda.

## 2.4 Mainstreaming and impact assessment in Scotland and Northern Ireland

As noted above, neither the Scottish Executive nor the Northern Ireland Assembly has the same kind of statutory power actively to promote equality of opportunity as the National Assembly for Wales (or the GLA). But they can use their powers to mainstream gender equality, including by impact assessments and other techniques.

### *Scotland*

The Scottish Executive lacks the statutory powers of the National Assembly for Wales or the Greater London Authority to promote equality. However, under Schedule 5, Part II, Section L.2 of the Scotland Act 1998, the following matters may be undertaken by the Scottish Executive:

- €# The encouragement (other than by prohibition or regulation) of equal opportunities.
- €# The imposition of duties on any office holder in the Scottish administration, or any Scottish public authority, to make arrangements with a view to ensuring that their functions are carried out with due regard to the need to meet the equal opportunities requirements.

The key difference between the legislation in Scotland and Wales is, therefore, that the Scottish Executive has no statutory powers to promote equality whilst the Welsh Assembly does have these powers. The Welsh duty applies only to specified functional bodies; the arrangement in Scotland is potentially more broad ranging in that the Scottish Executive can impose a duty on public authorities to ensure that functions are carried out with due regard for equality of opportunity.

### *Northern Ireland*

Section 75 of the Northern Ireland Act 1998 places an equality duty upon specified public authorities in Northern Ireland, including government departments. In contrast to the Government of Wales Act, the nine groups affected by the legislation are defined in the statute. It requires equality of opportunity to be promoted between persons of different religious belief, political opinion, racial group, age, marital status, or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependents and those without. Another difference between the Northern Ireland Act and the Government of Wales Act is that the former does not cover the (Northern Ireland) Assembly as a whole (Chaney and Fevre, 2002). The Act requires public bodies to publish equality schemes stating how they propose to fulfil their new duties.

In addition, under the same Act, equality impact assessment has become a statutory requirement. This builds on earlier legislation which introduced *Policy Appraisal and Fair*

*Treatment (PAFT)* guidelines in 1993. The Act requires public authorities to subject new and existing policies to a systematic screening process, and those identified as having significant implications for equality of opportunity must be subject to a full impact assessment. This ensures that all policy and budgetary changes are subjected to a gender/equality analysis which has meant that more sophisticated assessment techniques have had to be developed; it has identified gaps in data and information about social needs; it has raised the profile of gender/equality issues in public policy making; and public consultation has given equality groups an opportunity to examine the benefits or adverse impact of policies and to ensure mitigating action. A key issue in Northern Ireland is the interaction between equality groups. Equality groups do not have to be treated equally, but any differential impact between and within groups must be taken into account.

More recently, the Equality Commission for Northern Ireland (which was also set up in 1998) has established a seven-stage procedure for the conduct of equality impact assessments (Equality Commission for Northern Ireland 2001, Annex 1). This involves:

- €# Consideration of available data and research.
- €# The assessment of impacts.
- €# Consideration of measures which might mitigate any adverse impact and alternative policies which might better achieve the promotion of equality of opportunity.
- €# Formal consultation.
- €# A decision by a public authority.
- €# The publication of the results of the equality impact assessment.
- €# The monitoring of adverse impact in the future and publication of the results of such monitoring.

This comprehensive approach has many advantages. First, it ensures that all changes in public policy are subjected to a more rigorous appraisal and community consultation before they can be implemented. Secondly, it ensures that the needs and implications of policies, and the interrelationship between them, are assessed for all nine equality groups. Thirdly, it requires impact assessment, which requires the identification of any

potential adverse impact and either the development of an alternative policy or an action plan to mitigate adverse impact.

The current lack of population data means that impact assessment is frequently more limited for some equality groups, and gaps in the data on social needs affect all groups. The process also raises important capacity issues within the public sector and the need for training in the impact assessment process. The type and extent of community consultation on impact assessment findings is also being developed.

The approach adopted in Northern Ireland thus differs in key respects from that in Scotland and Wales. In practice, government departments must prepare equality schemes and a equality impact assessment is required for all major policy and budgetary changes. There are no equivalent statutory requirements in Scotland or Wales.

## **2.5 National framework for policy making**

A number of recent initiatives by the Cabinet Office and the National Audit Office have sought to promote a more comprehensive approach to public policy making and gender, regulatory and other impact assessments.

### *Policy appraisal*

Policy appraisal tools have been limited in their requirements. In 1998, the Policy Appraisal for Equal Treatment (PAET) guidelines were jointly issued to all government departments by the Home Office, the Department for Education and Employment (DfEE) and the Cabinet Office. They focussed on gender-proofing to ensure that policies were not unlawful, and that if there were negative impacts on groups, these could be defended as being consistent with policy objectives. The DfEE prepared mainstreaming guidelines in 1998 which recognised that mainstreaming was not confined to ensuring compliance but required policy makers to identify, address and tackle barriers facing disadvantaged and under-represented groups. PAET is applicable only to central government departments and to our knowledge has not been applied in other public sector bodies. Moreover, there is little external evidence that PAET has been applied effectively even within central government departments.

### *Improving public policy making*

Several recent reports have sought to assess the public policy making process as a whole. One of the first studies in the current examination of public policy making, *Adding It Up*, which was carried out by the Cabinet Office's Performance and Innovation Unit, found that the 'demand for good analysis is not fully integrated in the culture of central government' (Cabinet Office 2000a). It also found a lack of demand for fundamental and comparative analysis and a lack of cross cutting information to enable the 'big picture' to

be analysed. Although the study examined several case studies, there was little specific reference to gender or to equalities.

Another Cabinet Office study reported on a survey of senior civil servants in all Ministerial Departments in *Better Policy Making* (Cabinet Office, 2001). The survey by the Centre for Management and Policy Studies obtained 130 examples from across Government on new, innovative and professional approaches to policy making. In addition, the survey sought the views of policy makers on the main issues in the modernising process, and the support required to facilitate change. The key enablers of change were seen as the sharing of best practice in policy making; more time and opportunity for networking; more advanced IT; training in, and greater emphasis on, policy implementation.

The study identified nine features of modern policy making. This should be:

- ⌘ Forward looking, by taking a long-term view of the likely impact of policy.
- ⌘ Outward looking, by taking account of factors in the national, European and international situation.
- ⌘ Innovative, flexible and creative, by being willing to question established ways of dealing with things and encourage new ideas.
- ⌘ Evidence based, by using a wide range of sources and involving stakeholders at an early stage.
- ⌘ Inclusive and fair to people who were directly or indirectly affected by it so as to take account of its impact more widely.
- ⌘ Joined up, by taking a holistic view looking beyond institutional boundaries to the Government's strategic objectives.
- ⌘ Based on reviews to ensure existing policy is addressing the problems it is designed to solve.
- ⌘ Evaluation based, by building systematic evaluation of early outcomes into the policy process.
- ⌘ Based on past experience about what works and what does not work.

The study makes no specific reference to equality issues. Nevertheless, the report does state that ‘the policy making process should take account of the impact on and/or meet the needs of all people directly or indirectly affected by the policy; and involve all key stakeholders directly.’ It adds that an inclusive approach might include:

- €# Consulting those responsible for service delivery and implementation.
- €# Consulting those at the receiving end or otherwise affected by the policy.
- €# Carrying out an impact assessment.
- €# Seeking feedback on policy from recipients and front line deliverers.

#### *Regulatory Impact Assessments*

Regulatory Impact Assessments (RIAs) are designed to add value to the policy making process and can help to deliver better regulation (National Audit Office, 2001a). The expectation of the Cabinet Office is that policy makers should prepare a RIA, which has a regulatory impact on business, voluntary or other organisations, before taking action.

A full regulatory impact assessment is expected to include a risk assessment of the regulations and consider their costs and benefits, how compliance can be achieved and the impact on small business. It also covers public consultation, monitoring and evaluation and makes recommendations to the Minister (Cabinet Office, 2000b).

The Cabinet Office document identified that good practice would include:

- €# Assessing the risks of not regulating.
- €# Considering the likely level of compliance.
- €# Explaining how new regulation is to be considered by those affected.
- €# Considering alternative approaches to enforcement.
- €# Setting out arrangements for monitoring and evaluation.

Its task force also proposed a number of principles of good regulation:

- €# Proportionality to the risk.

- €# Transparency – regulations should be open, simple and user friendly.
- €# Consistency – regulations should be predictable so that people know where they stand.
- €# Targeting – regulations should be focused on the problem, with minimal side effects.
- €# Accountability - to the Ministers and Parliament, to users and the public.

Although the guide did include a checklist for policy makers, which included the PAET guidance (as well as other checklists), the document revealed that the Government has an uneven approach to assessing the regulatory, gender and equality impact of public policy making. Similarly, a follow-up study by the National Audit Office (2001a) on RIAs, which drew on examples from government departments, made no specific reference to gender or equalities apart from stating that policies should be inclusive.

#### *Women and Equality Unit*

The Women and Equality Unit (WEU) works with Government departments and other organisations to improve policy making and to secure measurable improvements for women. The WEU has developed a draft framework for assessing the impact of policies on women (representing a proactive approach to policy making), but does not set out national guidance for public sector organisations. It aims to build on good practice and its recent work on health and education, *Better Services - better working lives* (WEU, 2001), sought to look at women as key customers of such services and service providers. The report explores the views of women about the provision of health and education services and how these might be improved and identifies a number of initiatives which demonstrated good practice. It also assesses the benefits, critical success factors and barriers to improvement.

The WEU is also developing a set of key baseline indicators for women in public services. It is also working with the Department of Trade and Industry on a work-life balance strategy, but has not yet focussed on equalities practice in local government or at the regional level.

The WEU has issued a draft guidance on gender mainstreaming for policy makers. This document, which was designed to support and supplement the Policy Appraisal for Equal Treatment (above), defined mainstreaming as follows:

*Gender mainstreaming is a strategy for addressing gender equality: accepting and valuing equally the differences between women and men and the diverse roles they play in society. It aims to achieve greater equality between women and men by bringing a gender equality perspective into everyday policy making, and by complementing the more traditional approaches to promoting gender equality, such as legislation and positive action (Women and Equality Unit, 2002).*

The guidance states that gender impact assessment should be applied to legislation, policy plans and programmes, budgets, reports and existing policies. HM Treasury has since produced a draft of a revised Green Book (*Economic Appraisal in Central Government, 1997*) for consultation (HM Treasury, 2002). The focus remains on economic appraisal and evaluation with only a few brief references to equality. It fails to integrate gender/equality impact assessment into project evaluation.

A Gender Impact Assessment Tool has been developed by the WEU. It was formally piloted by the Department of Health and the Lord Chancellor's Department and has been influential in developing customer service standards. An evaluation of the tool is currently being undertaken by the WEU. One limitation of the impact assessments as they are applied to central government at Westminster, as opposed to the situation in Northern Ireland, is that they are voluntary in nature.

## **2.6 The Government's modernisation agenda**

The Government's modernisation agenda aims to change the way public services are provided, to improve their quality and to increase user involvement. To this end, it has instituted a number of policies and programmes which impact upon the operation of some or all parts of the public sector. These could be affected in a variety of ways by a public sector duty on gender.

### *Improving service quality*

The Government is committed to improving the quality of public services. There is only limited evidence of serious attempts to mainstream equalities through the various modernisation initiatives, the key component of which is Best Value affecting all local government services, the police, fire authorities and regional agencies. At present, the targets and objectives set out in Best Value Performance Plans to improve services do not usually include specific equality targets to improve employment conditions, service access and delivery. The introduction of a public duty would ensure that equality is mainstreamed through the service review process.

### *Partnerships*

Increasingly, public sector organisations are expected to work in partnership with other public, non-governmental, private and voluntary bodies to develop policy and deliver a range of services and initiatives. The government regards public organisations as having a community leadership role, and it is in this area that a public sector duty to promote gender equality would be a key element. This could ensure that all public policies and services delivered in partnership would be subject to gender mainstreaming and to an equalities strategy, which is not currently the case.

Local strategic partnerships (involving numerous public bodies, including local authorities, health services and the police) are also being established in many areas. Their role is to seek to target service improvements in selected areas of need. The equality dimension of this work would be strengthened by a public duty.

### *Third sector*

The Government's public reform agenda is leading to the transfer of services and functions (particularly housing, leisure and social services) from the public to the third, non-profit or voluntary sector (e.g. local authority arms length companies, quangos, trusts and voluntary bodies). In addition, there is increasing interest in mutualisation – i.e. the setting up of community businesses and cooperatives - which affects both service delivery and employment. Some third sector organisations deliver publicly funded services and further work is needed to identify the specific problems and opportunities in the application of a public duty to these bodies.

### *Regeneration*

Major public funds are being channelled into regeneration schemes. These are usually initiated and coordinated by public bodies including local authorities and, increasingly, regional agencies, which have been given the major responsibility for overseeing funding in local schemes. It is evident that women often do not benefit from these programmes to the degree that they should, given their role in communities where improvements are targeted. A recent research report, *Young, Urban and Female* (YWCA, 2001) found the near absence of reference to the specific needs of women of all ages in the Social Exclusion Unit's national strategy for urban renewal and a lack of recognition that women experience disadvantage differently from men. The research findings from four case studies revealed a male dominance in regeneration structures and a lack of women in the decision making structures. The study concluded that regeneration planning had not addressed many of the issues specifically affecting young women. Young women cited the lack of affordable and adequate childcare, poor play facilities, infrequent and inefficient transport, and fears about personal safety as key areas which had been overlooked by regeneration planners. A public duty to promote gender equality which included the commissioning and contracting of aspects of regeneration programmes to

trusts, development agencies, management consultants and private contractors could ensure an improved gender balance in the involvement of women in decision making. It would also be a mechanism for improving the gender balance of beneficiaries from such projects.

### *Community Strategy*

Under the Local Government Act 2000, local authorities are required to prepare a Community Strategy. This sets out a broad vision for the community and shows how authorities intend to use their powers to promote the social, economic and environmental well-being of their area.

Community planning is regarded by the Government as a key element in developing the links between local government and service users. The guidance which is issued to local authorities suggests that this should involve the different communities that make up each area, and that equality issues will be important in determining the priorities to tackle social exclusion. The interpretation by some authorities is that the strategy should set out the authority's approach to equality of opportunity, addressing how it will ensure the needs of women, men and other groups. Gender specific work on the various elements of the community plan process (including the involvement of local groups and organisations) should thus be central to the development of community plans.

In the majority of local authorities, the development of such plans is at an early stage and it is premature to conclude whether or not gender specific work will be included within them. A public sector duty would, however, ensure that this would occur as a matter of course.

### *Public spending and Public Service Agreements*

Public bodies are dependent on public funds; decisions on how public funds are used need to operate in the interests of promoting gender equality. There is increasing pressure to ensure that funds are geared to specific targets and performance indicators. Without a public duty to promote equality, there is little likelihood of rapid progress, as indicators are largely geared to value for money and service improvement, which is quantifiable.

The comprehensive use of performance targets in public services is increasingly driving local spending priorities. One of the latest initiatives, Public Service Agreements, sets targets for local authorities and is linked to funding. The targets for 2001-04 virtually exclude any reference to gender equality. A duty would ensure that equality is mainstreamed in the process of budget making and in the drawing up of such agreements.

*Regional agenda*

The establishment of Regional Development Agencies and, at sub-regional level, Learning and Skills Councils and the careers organisations, Connexions, is particularly important for economic development, employment and training services. Regional Economic Strategies are expected to include equal opportunities as part of the framework, but the requirement to improve economic competitiveness and promote economic development has rarely been enhanced by measures to promote gender equality. A public duty would strengthen the equalities work of regional and sub-regional public agencies which might state equalities aims, but in practice have done little to address this issue. This is particularly important given the added responsibilities being proposed for regional agencies. Consideration could also be given to how equality targets are tied to funding arrangements.

*Regional government*

The government has published proposals for elected regional assemblies which will have wide ranging powers and specific responsibilities for economic development, skills and employment, housing, transport, land use and regional planning, public health, sport, culture and tourism and environmental protection (DTLR, 2002). Assemblies will have between 25 and 35 members. The government proposes that for those regions which opt for an elected assembly in a referendum, this should be accompanied by the establishment of a single tier of local government i.e. Unitary Authorities replacing District and County Councils.

The establishment of elected regional government is particularly strongly advocated in the North West, North East and the South West. The North West Regional Assembly is planning to establish a Civic Forum which will include representation from a wide range of youth, pensioner and other organisations in the region.

*Best Value and performance management*

Performance management is now applied in most public sector organisations, but the development of equality initiatives as part of this process has been weak and fragmented. National performance indicators on gender equality are minimal, and few public sector bodies have developed their own. Specific targets are needed if gender is to be mainstreamed.

The Local Government Act 1999 gave authorities a duty to deliver Best Value by improving the quality, efficiency and effectiveness of the way that services are provided. Best Value applies to all local government and police support services. It replaced Compulsory Competitive Tendering (CCT), and is one of the cornerstones of the Government's modernisation agenda for the public sector. The evidence from CCT was that women in particular suffered reduced pay and terms and conditions as a result of

contracting out (Escott and Whitfield, 1995). Whilst the guidance on Best Value in local government stated that equalities should be taken into account in service reviews, the reality is that few authorities have met this requirement in any depth. *Equality and Diversity: Learning from Audit, Inspection and Research*, a recent report by the Audit Commission (2002b), found that performance on equality and diversity issues was poor in relation to important indicators in 2000-01 and that only two Best Value inspection reports have specifically dealt with equality and diversity. In addition, the themes emerging from a review of inspection reports found wide variety in coverage, high levels of commitment in some councils but dispersed responsibility and limited capacity for improvement. It noted that:

*Although the majority of councils have some kind of equality and diversity policy, it is rarely translated into strategy and even more rarely into action plans with challenging targets (Audit Commission, 2002b: 13).*

The evidence from the Improvement and Development Agency's database is revealing. The following table shows the proportion of authorities surveyed (146 local authorities) which replied positively to the question of whether the authority had incorporated gender issues into particular aspects of the Best Value Process.

**Table 2.1 Local authorities taking gender considerations into account in Best Value**

Element of the Best Value process	Per cent
Consultation	44
Best Value reviews	45
Improvement targets and plans	22
Contract or partnership arrangements	12

*Source:* Improvement and Development Agency, Best Value Database 2002, unpublished.

The findings show that less than half of authorities look at gender equality issues as part of Best Value reviews, and only a fifth of those surveyed had considered gender equality in the setting of improvement targets. Only 12 per cent took gender issues into consideration in contract and partnership arrangements involving external bodies.

The consideration of gender equality was greater in metropolitan districts and London boroughs than in unitary authorities, shire counties and districts. It is of interest to note that the picture for disability, race and age was similar, but far fewer (32 per cent) local authorities took sexuality into account in Best Value reviews.

The five national Best Value Performance Indicators (BVPI) on equality include only one specifically aimed at addressing gender issues: BVPI 11 (the percentage of senior management posts filled by women). This excludes any focus on the vast majority of women who deliver public services, for example, police support staff, care services, school cleaning and catering - all services subject to Best Value.

In addition, local authorities are required to develop local indicators to measure local performance and indicate how they are meeting local needs, but few have specific gender equality indicators or methods for measuring how equality targets are being met.

### *Outsourcing and externalisation*

Public services are increasingly being delivered through contracts with private and voluntary sector organisations. There are a number of significant trends:

Strategic service-delivery partnerships: this involves outsourcing back office services (finance, IT, personnel, administration and other services) to private firms on 10 to 15 year contracts covering 500-1000 staff. Such partnerships also affect education and technical services such as engineering and architecture. The scale of the trend towards such partnerships is illustrated by the fact that the value of the eleven established partnerships amounts to over £2 billion (CPS unpublished research, 2002). Six further authorities are in procurement stage and the Government has recently announced pathfinder projects in 24 local authorities (DTLR, 2002). The three key themes promoted by the Government are: first, corporate services and e-government; secondly, education, health and social services; and thirdly, transport and environment. This represents a move to increase the remit of such partnerships beyond the support services and into frontline service delivery. A public duty should therefore be transferred by contract to a third party, imposing another legal responsibility and due process.

Housing stock transfers: council housing is increasingly being transferred either to housing associations or to local authority arms length companies.

Leisure services: the number of local authorities which have transferred leisure and sports facilities to trusts has increased rapidly in the last five years.

Residential care: the sale, transfer or closure of local authority residential care home continues.

Private Finance Initiative (PFI) projects: schools, hospitals, courts, housing, waste management, street lighting and a range of other projects require the transfer of facilities management staff to the private sector. By June 2001 there were 148 approved health PFI schemes in England with a capital value of £4.5 billion and 150 approved local

government PFI schemes. The number of projects is set to increase across the entire public sector; by 2003-04, PFI projects are expected to have a capital value of over £20 billion (Centre for Public Services, 2001).

Outsourcing in general: Increasing pressure is being applied under Best Value for public sector authorities (local government, the police and the fire service) to adopt this option. For example, the Audit Commission's latest management paper, *Competitive Procurement* (2002a) places councils in four categories according to their enthusiasm and capacity to make use of competition. This ranged from 'high performing' councils, which demonstrated enthusiasm to use competition to drive improvement and innovation with the capacity to do this effectively, to 'poor performing' councils, which had no real enthusiasm for competition and tended to retain services in-house following review. Authorities with the most developed approaches had generally received high star ratings from inspectors for quality of service.

The wording of Part II of the Local Government Act 1988 prevented local authorities taking non-commercial matters into consideration in the exercise of contractual functions. In essence, public bodies could not take into account pay and terms and conditions of employment when contracting out services.

This legislation was not amended until March 2001. The regulations now allow local authorities to take employment issues (such as terms and conditions, staff training and management practices) into account when selecting tenderers and awarding contracts. The new powers affect all types of contracting, whether or not it occurs under Best Value. There is no national evidence on how far authorities have used Part II powers to ensure equal opportunities policies and good pay and conditions for all staff, regardless of gender, are applied to contracted out services. This is a key area for further research.

Contracting out has resulted in the creation of a two tier workforce (UNISON, 2002). Although transferred staff have some degree of protection through the TUPE regulations, new staff are employed on different terms and conditions. The key conclusion is that rapidly increasing provision of public services by third sector organisations and private companies has major implications for the application of a public duty. For such a duty to be effective, it will have to be transferred via a contract to another body. For those equality groups affected, it means two tiers of legal obligation and methods of compliance which, as our evidence shows, could weaken the process of applying a public sector duty. Further research is required in this area, which could focus on the Welsh Assembly and the Greater London Authority. The research could seek to assess their ability to conduct equality vetting of contractors in procurement and, as a result, examine the performance of the two bodies in implementing a public duty which applies to services provided by private contractors.

### *The Equality Standard for Local Government*

The Equality Standard was developed to enable local authorities to mainstream equality and to ensure that discriminatory barriers preventing access to services and employment are identified and removed. The standard provides a common approach for dealing with race, gender and disability, whilst recognising that the three areas should not be dealt with as a single issue (CRE *et al*, 2002).

The standard proposed that local authorities will be able to assess their progress on five levels:

- Level 1: Commitment to a comprehensive equality policy.
- Level 2: Assessment and consultation.
- Level 3: Setting equality objectives and targets.
- Level 4: Information systems and monitoring against targets.
- Level 5: Achieving and reviewing outcomes.

The generic standard reflects a strategic approach and one which seeks to combine policy with practice whilst recognising that authorities require a flexible approach which takes into account local needs and priorities. The standard, which came into effect in 2002, has replaced the CRE Equality Standard as a Best Value Performance Indicator. It will be important to conduct detailed research to assess the implementation of the standard across local government services.

## **2.7 Conclusions**

An analysis of the legislative context and the case study findings reveals that there is now a patchwork of equality duties across Britain. The only comprehensive duty is that around race, whilst the Welsh Assembly and GLA legislation, but not that of the Scottish Parliament, encompasses a general equality duty. There is therefore a danger that if an equality duty is applied to public sector organisations individually and separately as and when the opportunity arises, there will be a fragmented approach and less emphasis on holistic equality strategies and gender mainstreaming in those organisations not embraced by the legislation. This could mean that in future the advances made in promoting equality in some public sector organisations are counterbalanced by a lack of progress in the large number of organisations and public services (including many public bodies, quangos, trusts, private contractors and consultants) which are outside the remit of the duty. Therefore one GB-wide public duty is required.

A further distinction arises which must be recognised in any discussion of the application of a public duty. There is a key difference between public sector organisations having a public duty which they must apply to directly provided services, and a public duty which has to be implemented by contract with a third party, which is most likely to be a private

contractor. The wider implications of a public duty on gender being the responsibility of private companies need to be considered, along with proposals for effective monitoring procedures and powers of intervention.

An analysis of the Government's initiatives to promote better public policy making reveals that gender has not been effectively mainstreamed; this is also true for other equality issues, although the position on race is changing as a result of the Race Relations Amendment Act 2000, and work being carried out across the public sector directly to address the findings of the MacPherson Report. The recent Audit Commission report (2002b) found that five years after the introduction of the CRE standard for local government, only two-fifths of English and Welsh councils assessed themselves as having reached level 1, with only around one in five English and one in eight Welsh councils having reached level 2 or higher. The Audit Commission concluded that:

*Councils that have yet to reach level 1 on the Standard will need to make considerable progress if they are to meet their obligations under the Race Relations Amendment Act 2000 (Audit Commission, 2002b: 6).*

Moreover, the modernisation agenda to improve the provision of public services has not taken sufficient account of an equality dimension. The government has recently increased the role of competition in Best Value (DTLR, 2001 and Audit Commission, 2002a) and launched a national taskforce to promote strategic service-delivery partnerships, in effect large outsourcing contracts. The wider use of competitive tendering with larger contracts than those under CCT is almost certain to produce similar, if not more serious, consequences for the gender and equality agenda (Escott and Whitfield, 1995). This aspect of the government's modernisation programme conflicts with its equality policy statements. The inclusion of equality policies and public duty responsibilities in contract documents between the public and private sectors is unlikely to prove adequate protection given the historical difficulties of ensuring that equality policies are applied and implemented. Gender mainstreaming is rarely implemented in private and third sector organisations. Further research is required which assesses the most appropriate methods for achieving the desired change in reducing inequalities and social exclusion promoted through the modernisation agenda and how the application of a public sector equality duty would assist in this.

In May 2002, the Government announced long-term plans to create a Single Equality Commission to replace the three that already exist (the Equal Opportunities Commission, the Commission for Race Equality and the Disability Rights Commission) and to cover incoming legislation on age, religion and sexual orientation (Equal Opportunities Review, 2002c). Simplification of equality laws and clarification of their application are also key elements of this strategy. A coherent approach to race, gender,

disability and other equality issues strengthens the arguments for a public sector duty which addresses multiple discrimination and encompasses employment, policy development, community involvement, and service delivery.

### 3. CASE STUDY FINDINGS

This chapter examines the strategies to promote gender equality which the case study organisations have adopted. It also sets out the barriers to progress which were identified by the research, indicating the particular constraints to advancing gender equality policies identified by the interviewees. Details about the case study organisations and their gender equality strategies can be found in Appendix 1.

#### 3.1 Strategies to promote gender equality

The six case study organisations, which were selected for their leading contribution to work on gender equality, have advanced their strategies using a number of methods. This chapter analyses the key features of success in furthering this work, along with the barriers to progressing gender specific strategies identified by the respondents. The assessment of initiatives largely draws on material published by the case study organisations and the individual views of the respondents interviewed.

The presentation of findings has been organised under the following headings:

##### *Organisation and management*

- €# Strategic approach and corporate framework.
- €# Political support and commitment from senior managers.
- €# Institutional arrangements.
- €# Financial resources and budget making.

##### *Approaches to gender mainstreaming*

- €# Mainstreaming through legislation.
- €# Mainstreaming in employment practices.
- €# Mainstreaming in policy planning and service delivery
- €# Consultation.
- €# Gender impact assessment.
- €# Procurement and contracting.
- €# Monitoring and evaluation.

#### 3.2 Organisation and management

##### *Strategic approach and corporate framework*

The case study authorities regarded having an effective corporate framework for gender equality, which has commensurate weight to the other drivers of public service modernisation, as crucial to the implementation of gender equality policies. The framework adopted in the majority of authorities was designed to ensure that gender equality was central to all policy making, employment practices and service delivery. The

achievement of this approach varied, often depending on the levels of political and managerial commitment (see below) and the history of previous initiatives.

The corporate framework was considered an essential element by Birmingham City Council's Equalities Division. The division provides a coordinating function for equality issues with three specialist teams - gender, race and disability. In total the division has 30 staff and a budget of £1.5m. Service departments also have equalities staff.

Like many public sector organisations, Birmingham aims to mainstream equalities throughout its work and ensure that a structure is in place which enables the impact of policies to be measured. In practice, how the equalities framework is implemented varies between departments.

Birmingham's approach follows the Equality Action Planning structure, which was put in place across the council in 1997. The strategic framework sought to develop a structured and consistent approach. Under this arrangement, departments were required to produce action plans which were approved by the Equalities Committee and subject to six monthly reviews. Managers had to account for their work on equalities, and had a clear format to follow with support from equalities officers.

Key changes to local government in 1999/2000 resulted in the Equality Action Planning system being replaced by a new council-wide policy-planning framework designed to meet the needs of the Best Value process. Since then, considerable work has been carried out on race issues within departments, but it is only now that a clear gender equalities strategy is emerging which can be applied across the council and in its work with external agencies.

#### *Political support and commitment from senior managers*

The promotion of gender mainstreaming as a key mechanism for delivering equality improvements within public sector organisations relies on managerial support. The extent to which mainstreaming was effective in the case study organisations was often determined by the depth of commitment from senior managers and politicians to mainstreaming. For example, the success of the Welsh Assembly in mainstreaming equalities was dependent to some extent on the fact that there are a large number of women Assembly Members, many of whom have key positions and are committed to implementing the equality requirements. Similarly, in the Greater London Authority, the engagement of powerful men in supporting women's initiatives was regarded as crucial, as was the commitment of the Mayor.

West Midlands Police representatives considered that the interest and support of departmental managers was critical and although considerable progress had been

made, there remained a particular organisation culture which is male dominated and narrow minded. This was reflected in recruitment processes which resulted, for example, in women police officers being employed in specific parts of the service such as domestic violence.

### *Institutional arrangements*

The location of the gender equality function within an organisation was considered important in the majority of case study organisations. It was argued that the corporate equalities strategy should be located at the centre of policy making if it was to have a sustained impact across the organisation. This is particularly relevant at a time when public organisations are expected to abolish bureaucratic departmental divisions and to improve the co-ordination and integration of services.

Whilst equalities should be a key dimension in the job description of all staff working across the organisation, several interviewees concluded that staff with a corporate responsibility for pursuing gender equality should be at a senior level so that they would be able to influence key decision-makers, including budget holders. But in practice, the various models found in the case study organisations often reflected that resources are scarce and levels of equalities expertise across services and departments are inadequate.

For example, gender mainstreaming is considered central to the strategy developed by respondents in West Midlands Police. The authority previously had an Equal Opportunities Unit which was largely responsible for case work. Each department now has a personnel manager, with equalities as a part of their job description and it is the responsibility of senior managers to report on equality progress and achievements. Responsibility and accountability rests with managers, and the regional HQ supports and guides the 21 command units. All staff, including support staff, receive diversity training focusing on methods of service delivery and interface with the public. Specific initiatives include a flexible hours scheme for support staff and the availability of childcare vouchers.

The Greater London Authority deliberately located its Equalities Team, along with three other teams, in the Performance Unit so that it would be close to the budget process and strategic direction.

In Birmingham City Council, a clear equality structure is regarded as an important element of the gender strategy in the Department of Environmental and Consumer Services. The Head of Corporate Administration and Equalities coordinates equalities work across the department. A women's employment support group was established over ten years ago and similar groups have also been set up for race and disabilities.

Four representatives from the employment support groups and four managers, including a senior decision maker, meet in Equality Development Groups to initiate projects. The groups then report to the Equality Management Group, made up of departmental managers and the chairs of the Equality Development Groups. The structure has worked well until recently, though there is concern that the employment support groups are not receiving the same level of support. Staff tend to attend meetings on employment related issues, but are less interested in service matters.

#### *Financial resources and budget making*

Many decisions in public organisations are driven by the budget making process. An area of work being developed by recently created organisations is to connect the budgetary process directly to equality standards and targets.

An Equality Proofing Budgets Advisory Group was established by the Scottish Executive's Minister for Finance and Local Government in November 2000. It includes representatives from the Equality Unit, Engender Women's Budget Group, the EOC and other organisations. A research project to examine ways to increase the transparency of the budget process was recently completed. Work on drawing up guidance on equality impact assessment of budgets is at a very early stage.

One of the key methods for mainstreaming at the Greater London Authority has been to link the budget directly to the equalities priorities. The budget is reviewed on an annual basis with equalities as a cross-cutting theme. A suite of performance indicators is being used to monitor the budgetary process. Equality measures are also being developed for incorporation into the performance management system.

### **3.3 Approaches to gender mainstreaming**

The EOC defines mainstreaming as:

*the integration of equal opportunities into all policy development, implementation, evaluation and review processes (EOC, 1997).*

Mainstreaming affects the organisation, improvement, development and evaluation of policy so that decisions are made in the interests of gender equality. Gender mainstreaming reflects a move away from the work of specialist units established to co-ordinate equalities work, which primarily focussed on employment initiatives, awareness raising and improving consultation with women's organisations.

*Mainstreaming through legislation*

The Scottish Executive's Equality Unit launched two mainstreaming pilots, in housing and schools, in 2000. It worked with Scottish Executive staff responsible for drafting a new Housing Bill, [now the Housing (Scotland) Act 2001] together with Housing Division staff, to ensure that equalities were mainstreamed in the legislation. A member of the Equality Unit worked with the bill drafting team for about six months through the initial drafting and Committee stages. The subsequent Housing Act placed a duty on the Scottish Executive, local authorities and housing associations to encourage equal opportunities in their housing functions. The Act also included a broader definition of family and improved provisions in relation to disability and racial harassment. An evaluation of this project has yet to be published. However, a review of mainstreaming in the Social Justice Annual Report concluded that:

*the equality proofing exercise contributed towards improvements in both process and outcome including: a more systematic consideration of different viewpoints and available evidence; a heightened awareness of equality issues; more explicit attention paid to both generic and specific equalities considerations; more thought and effort invested in consulting different groups and considering the difficulties of effective consultation with disadvantaged groups (Mackay, 2001: 6).*

The Equality Unit provides briefing and support material to all legislative drafting teams.

*Mainstreaming in employment practices*

The case study authorities usually differentiated between gender equalities strategies aimed at the organisation itself, which tended to focus on personnel issues, and service delivery programmes, which included working with external organisations. The majority of public sector bodies have placed greater emphasis on their mainstreaming strategies on employment, rather than on service organisation, delivery and contracting arrangements. For example, West Midlands Police Authority's equality strategy initially focussed on improving employment standards within the police authority.

Amongst the case study organisations, there were also examples of a broader approach which encompassed policies to mainstream equality issues in both employment and service delivery. For example, whilst the Greater London Authority had internal gender equality targets, a great deal of the GLA's policy work centred on improving services for women in London through the work of the functional bodies, including the London Development Agency. Birmingham City Council's gender equality manager was aiming to develop the council's work on gender equality in collaboration with groups in the city as well as maintaining and improving employment standards internally.

A key example of equality mainstreaming in employment was found in the Scottish Executive where, following the publication of the Diversity Strategy in November 2000, the Personnel Division has initiated a wide range of changes and projects. These have included:

- €# Making changes to the recruitment process, particularly the competency and assessment centres, to eliminate any gender divide.
- €# Planning an Equal Pay Audit, which will be carried out in 2002.
- €# Establishing staff networks, which meet quarterly, and cover part-time, disability, multi-cultural and carer issues.
- €# Setting up mandatory diversity training for all managers.
- €# Reviewing its childcare strategy (currently it has two workplace nurseries with 50 places in total).
- €# Carrying out a survey of staff on working hours and alternative working patterns including annualised hours, term-time hours and a 24 hours system.
- €# Establishing domestic career breaks with 'keep in touch' schemes; in addition, current policy on non-domestic breaks is currently being examined.

The Department has a sophisticated data system covering 4,500 Scottish Executive staff and a further 2,000 staff in agencies, thus facilitating a robust monitoring system. The progress made by the Scottish Executive in achieving employment diversity targets is illustrated in Appendix 1, Table 1.

A pilot in the Scottish Executive's schools division involved Equality Unit staff working with staff to improve the data collected on pupils in terms of gender, race and disability and to mainstream equalities in the professional development of teacher training.

In the West Midlands Police Authority, the equal opportunities policy is regularly reviewed to ensure that it is up-to-date, and a number of steps have been taken to ensure it is being implemented. This has included ensuring that the force's procedures for selection and recruitment, selection for training, staff appraisal and promotion are frequently examined.

At the Greater London Authority, the Performance Unit prepares a quarterly report for the Mayor which includes a specific section on equalities and relevant indicators. The equalities targets are largely linked to employment, though specific service delivery targets are being established. The functional bodies have been given specific targets. For example, it is expected that by 2009, 15 per cent of the firefighters employed by the London Fire Service will be female.

The reasons why the Scottish Executive and the Welsh Assembly have targeted civil service employment are that:

- €# A public duty places considerable pressure on the organisations to be exemplary employers, in other words to be seen to be 'putting their own house in order' by applying the requirements internally, in parallel with mainstreaming equalities in the policies, services and functions of government.
- €# Legal advice no doubt played a part, and the new Governments did not want legal action by their own staff which could be financially and politically damaging.
- €# Employment offers the scope to have very specific targets and measures which can be implemented solely by the Assembly (leaving aside the application to contractors and consultants).
- €# Internal decision making can often be delivered more quickly than changes in public policy.

Similar arguments could also be applied to the Greater London Authority where there has been a clear strategy to ensure that the organisation reflects the local population at all grades.

#### *Mainstreaming in policy planning and service delivery*

Gender mainstreaming in this area was found to be less consistently developed than internal personnel policies designed to promote gender equality in the case study authorities. Recently created organisations, such as the London Development Agency, are working through the implications of such a strategy and are aiming to mainstream gender equality through performance management, service review (including Best Value) and service delivery plans.

Longer established organisations had usually developed initiatives and specific programmes targeted at reducing inequality between men and women, but relatively little had been done to mainstream gender equality through Best Value reviews, partnership working and regeneration.

The Welsh Development Agency is currently carrying out a service audit to establish current equalities practice in service delivery and employment. The audit is expected to lead to Action Plans for field staff which will address the particular environment and issues associated with a diverse range of WDA activities, ranging from land purchase to equity finance and business support.

The agency operates the Small and Medium Enterprise (SME) Equality Project which provides a team of business advisers for companies to help them develop good practice in 'gender focused equal opportunities'. Another programme, Potentia, aims to persuade more people from under-represented groups to consider starting new enterprises. It aims to boost entrepreneurial capacity by providing integrated and tailor-made pre-start up support and by reducing barriers to starting new businesses. The Women's Enterprise Wales section of this project is delivered by Chwarae Teg, an economic development agency for women in Wales.

The GLA's business plan includes a section on equalities, and each strategy developed by the organisation includes an equalities dimension. The Director of Equality and Diversity at the London Development Agency is devising strategies designed to take the needs of different groups into account in policy making. It is recognised that there are marked gender differences in London's labour market which is reflected in the concentration of women in particular occupations, sectors and income levels. The LDA regards the earnings gap between men and women as a key economic indicator and measure of economic inefficiency. Improving diversity through equal opportunities policies is considered crucial to increase staff retention, reduce recruitment shortages, improve employee relations and enhance customer service (London Development Agency, 2001).

The LDA is aiming to establish a proactive approach which analyses what is required both from women who are already involved in projects and from those who are excluded from regeneration partnerships. The director is particularly concerned to identify the childcare needs of black/ethnic minority families. For example, the LDA's Economic Development Strategy is being developed with a childcare plan to complement it. Equality mainstreaming is being applied to policies as diverse as derelict land, environmental sustainability and the workings of Local Strategic Partnerships.

The complexity of financing economic development and a wide range of funding sources makes the application of equalities a key component at an early stage. For example, the programme of work on Community Development is assessing why the Single Regeneration Budget failed particular sections of the local community, and investigating ways of improving methods of consulting with women and the black community. Within the context of the Economic Development Strategy (2001), the LDA strategies include:

- €# Working with all relevant local and regional partners to formulate common standards for delivering good equality of opportunity and diversity practices.
- €# Exploring the business case for equality employment policies and practices.
- €# Developing initiatives which explore the potential for equal opportunities procurement and contract compliance policies.
- €# Looking at ways of extending the provision of affordable childcare and improving nursery provision for disadvantaged groups.

The Scottish Executive's Equality Strategy has been a key tool in mainstreaming equalities in the policy making, planning and modernising agenda.

### *Consultation*

Public bodies have extensive requirements to consult with a range of organisations and service users in developing policies and conducting Best Value reviews. The majority of case study organisations have sought to integrate equalities into their consultation process, though this is often dependent on the commitment of particular staff rather than being mainstreamed through the consultation arrangements.

Examples highlighted through the research reveal a range of approaches where the needs and views of different equalities groups are identified and consultative mechanisms are designed to ensure that they are representative of different groups. For example, the Scottish Executive's Equality Unit was involved in an internal group working with the Community Planning Taskforce which consulted widely. The new Local Government Bill team also engaged extensively with equality interests in the development of the draft bill, which includes a duty to promote community well-being and is currently going through Parliament. The Unit ensured that a diversity of community organisations were consulted and that this was reflected in the consultation process.

Birmingham City Council's Equalities Division is developing a draft strategy which has been the subject of a major consultation exercise with local organisations. The emphasis is on service outcomes, and for this it is considered important to have a corporate framework. The draft gender equality strategy for 2002-05 has been developed in conjunction with a wide range of organisations in the city. It focuses on six themes:

- €# Personal safety.
- €# Consultation and representative democracy.

- €# Education.
- €# Economy and work/life balance.
- €# Health.
- €# Infrastructure (which includes gender mainstreaming, high quality information and strategic alliances).

### *Gender Impact Assessment*

An increasing number of public organisations regard gender impact assessment as an important method for gender mainstreaming. Such assessment is designed to ensure that policy makers examine the impact of policies on women and men, using gender relevant criteria to compare and assess the current situation with the expected results of the policy. This approach is dependent on the organisation having gender disaggregated research information and statistics, as well as monitoring systems, in place. The evidence from government departments is that the application of this approach is piecemeal and uneven. The Women and Equality Unit has developed a gender impact assessment tool for use by government departments (Women and Equality Unit, 2002).

Gender impact assessment has been little used in the case study organisations (or, indeed, in the majority of public sector organisations more generally). For example, West Midlands Police has not adopted this method, but those interviewed considered it a relevant technique for assessing policy and process in an organisation which is highly structured and familiar with assessment of performance in many other fields. The Greater London Authority is evaluating the effectiveness of its strategies through impact assessment, though this is at an early stage.

The Welsh Development Agency carries out impact assessments only for very significant projects, for example, large investment projects or major closures. The agenda is often dictated by the employers who generally wish to focus on broad labour market and environmental issues. Impact assessments rarely examine gender and equality issues.

The use of statistical categories which are explicitly broken down by gender are required for assessment of clearly quantifiable targets. Issues were raised by one interviewee about whether the results of gender impact assessment were of value, given the high level of resources required.

The application of gender impact assessments is not advanced in Birmingham; the issue of resources required to undertake such assessments was considered a key issue.

#### *Procurement and contracting*

Public services are increasingly delivered by private and voluntary sector organisations and several case study organisations were attempting to strengthen the application of equalities policies through the procurement process. The WDA relies heavily on consultants and other agencies and suppliers. The National Assembly introduced a Voluntary Code of Practice for Suppliers in 2001. The Assembly is not an enforcement agency and cannot enforce contractors' statutory obligations as employers, hence it has adopted the Code and invited suppliers to sign up to it. This can be taken into account in awarding contracts. If contractors are found not to be complying with the Code, then the Assembly can ensure that they are not invited to tender. It is too early to determine the extent to which the WDA and other agencies successfully cascade equalities targets and conditions in outsourcing and consultancy contracts.

The Greater London Authority's procurement process incorporates an equalities dimension which includes a Fair Wages clause. The GLA has been advised that it would be lawful to apply a 'fair wage' condition to all contractors providing services on its behalf. The key area of difficulty for the GLA is how this will be applied in the functional bodies; this will be a key area since these bodies, rather than the GLA itself, deliver services.

The Fair Wages clause, which is intended to be introduced into the contracting procedures of the GLA, is designed not only to protect transferred staff, but also to prevent contractors paying lower rates to any staff working on the contract with the GLA. This would be particularly beneficial to women, who form the majority of employees in contracted services.

#### *Monitoring and evaluation*

Gender mainstreaming involving the application of equalities policies at every level of the organisation depends on effective monitoring and evaluation. The case study organisations have taken a number of steps to ensure that monitoring of the workforce is conducted on a regular basis. In the newly established institutions, the GLA and Scottish Executive, monitoring is linked to specific targets for the employment of women. Much less is being done in the case study authorities to ensure that the gender equality dimension is monitored in policy making and the delivery of services.

For example, the GLA carries out a monthly equalities analysis of its workforce. This includes distinguishing information by gender and race by directorate, as well as an analysis by salary level.

Birmingham City Council Personnel Department conducts extensive monitoring of its workforce, and the authority has initiated various Positive Action programmes including initiatives to raise the level and profile of women and ethnic minority managers.

In the West Midlands Police Authority, monthly statistics monitor various elements, including the gender balance of the force. These are reported to an Equalities Forum which is chaired by the Director of Personnel and includes a range of relevant groups. This includes an analysis by gender of grades and departments.

### **3.4 Barriers to progress**

A number of barriers to the promotion of gender equality were outlined in the case study research. The following themes are drawn from the views of those who were interviewed.

#### *Practical application variable*

The evidence revealed inconsistent application of gender specific strategies in public sector organisations. This often reflects a lack of senior commitment and expertise to advance gender specific policies. When asked about the barriers to progress, several interviewees considered that whilst policies were in place, delivery was patchy. This often reflected differences in cultural attitudes and management practices.

For example, whilst there may be a high profile and stated commitment to mainstreaming equality from central government departments, this is not being transferred to many of the regional and local organisations which have the responsibility to deliver services, but often do not share the commitment or have sufficient resources. This may well be a case where a public sector duty would ensure delivery of policy commitments.

The prioritisation of performance management and other modernisation strategies over equalities issues was raised as a problem by several interviewees, particularly those in long-established organisations where organisational change has been rapid and far-reaching.

#### *Performance management and approaches to service review*

The Best Value regime and role of the inspection framework had restricted the promotion of equal opportunities policies in some organisations. Equalities was often overlooked in the assessment of changing employment practices and service delivery resulting from the reviews. Respondents in Birmingham City Council considered that the Best Value process had impacted on equalities work, particularly through the cross-cutting reviews. For example, a review on access to local services is looking at equality indicators. The first point of contact for local services is regarded as crucial, particularly

for the ethnic minority population concentrated in inner city Birmingham. However, respondents from Environment and Consumer services argued that the need to compete with other organisations, including the private sector, where equality strategies are less well developed, caused problems. Concern was expressed about applying a duty to promote gender equality to the public sector which was not equally applied in the private sector.

For services to be delivered fairly and equally, differences between men and women need to be taken into account. Currently, gender specific knowledge about the coverage of service delivery and the differential impact of policies is relatively limited.

In spite of the mainstreaming commitment, good practice is fragmented and far too dependent on those already committed to making progress on gender equality issues.

In the absence of a duty to promote gender equality, there is uncertainty about the scope of gender mainstreaming, equality-proofing, a lack of commitment in some departments and an absence of enforcement mechanisms.

### *Resources*

The promotion of gender equality across the public sector requires adequate resources. Most public organisations have a plethora of funding requirements and the modernisation agenda has brought with it added pressures. The promotion of equalities has often not been regarded as a central feature of public service. One case study authority suggested that national funding would be required to undertake a pilot study of the application of gender impact assessments at a local level.

Lack of regional level resources is the main barrier to effective mainstreaming and sharing of good practice for regional and national bodies. For example, the Learning and Skills Councils and the Connexions Service do not have a regional resource to carry out this work. The Small Business Service (SBS) does have, at least, a regional manager structure. The sharing of good practice will not happen unless there are resources at regional level.

Another barrier is short-term funding; many public services now rely on relatively small amounts of short-term funding from a variety of different sources. This means that there is no continuity or long-term planning, resulting in the establishment of one-off small-scale projects. This approach is the antithesis of mainstreaming.

The new financial framework being introduced for the Regional Development Agencies by the DTI in April 2002 will be more restrictive and, as a North West Regional Assembly representative commented, may provide 'even fewer opportunities for acorns'.

Several equalities officers believed that these obstacles bring into question not only mainstreaming, but also the sustainability of equalities.

#### *Lack of data*

The current lack of appropriate data in public organisations disaggregated by sex, race, disability and other factors was found to be a major barrier to effective mainstreaming of equality through policy making and quality programme/service design, delivery and evaluation. For example, Birmingham City Council's Equality Action Planning process resulted in active and regular monitoring of the workforce up to three years ago; since action planning has ceased, there has been less detailed monitoring, though the department regularly reports on equality and personnel matters.

This issue would need to be addressed if a public duty is to be implemented. Workforce monitoring and the monitoring of service delivery are central to the delivery of gender and other equality improvements.

#### *Working with external organisations*

Legislation to ensure that external contractors are fair employers and will not introduce employment practices which are damaging to the position of women employees (given that they form the vast majority of staff affected by transfers) is weak.

The lack of clarity over the application of gender equality policies to non-governmental organisations which are largely dependent on public funds was also raised as a barrier in the promotion of gender equality.

#### *Recruitment and retention*

Staff recruitment and retention is a key issue for many public sector employers, particularly in care services and education. The extent of the problem varies between different parts of the country. This is being addressed in some public sector organisations by the introduction of strategies around flexible working, improving work-life balance and increasing pay levels - all elements which have traditionally been considered as central to gender equality policies but not part of the mainstream.

A project undertaken by Birmingham City Council's Environment and Consumer Services involved holding local open days designed to recruit staff who would not normally consider applying for a city council job through the traditional channels. The aim of the project was to improve recruitment and retention in occupations such as cleaning, catering and social services. As a result, the council has successfully recruited larger numbers of women and black and ethnic minority staff to posts which have proved difficult to fill in the past.

One of the key gaps raised in Birmingham is the lack of childcare facilities; there is no service for employees and this is regarded as a problem which has not been sufficiently addressed by the city council.

#### *Timescales*

Over-reliance on mainstreaming may be unwise. Interviewees regarded mainstreaming to be a long-term 'project', with the full effects of the strategy not known for many years. The current debate among equalities experts is essentially about the degree of confidence in how effectively mainstreaming is implemented and in how widespread a way. If it can be demonstrated that gender mainstreaming will be successful, then there is less need for more legislation. However, if there are doubts about the effectiveness of mainstreaming (either in terms of the length of time to achieve change and/or the significance of change), then the case for additional legislation is fully justified.

### **3.5 Conclusions**

Many public organisations assume that gender mainstreaming is beneficial. In fact, mainstreaming strategies must be grounded in the structures and organisational culture for them to be of practical relevance. The research found that even in those public bodies where gender equality policies are advanced and the greatest progress is being made, gender mainstreaming is often applied in a piecemeal way. Major gaps continue to exist between corporate equalities statements and practical applications, and between mainstreaming in employment and the employer functions and mainstreaming in service delivery and policy implementation.

The research concludes that, based on the evidence from six public sector organisations, there is no coherent or strategic public sector approach to gender mainstreaming. Gender mainstreaming remains largely the province of equalities specialists, and has not become a core part of recent moves to improve public policy making.

Established structures are generally regarded as being more difficult to change. Good practice in service delivery, attuned to the needs of women and men at national and local level, is patchy and only evident where it is driven by commitment.

## 4. THE CASE FOR A PUBLIC SECTOR DUTY ON GENDER

This chapter sets out the case for the introduction of a public sector duty on gender. It begins by outlining the limitations of existing approaches, then considers the views of the case study respondents about such a duty and its perceived benefits and finally examines the details of what such a duty might include.

### 4.1 The limitations of alternative approaches

The research evidence outlined in the previous chapter revealed that whilst there are numerous examples of good practice in the public sector, many organisations pay only lip service to mainstreaming and in practice do little to carry it out. A public duty combined with political leadership has led to new commitments to mainstream equalities in public service delivery and employment. The significance of the Scottish, Welsh and Greater London examples is that they are new institutions (although in the case of Scotland and Wales they included existing civil service departments and agencies) with new powers. Equally powerful mechanisms are therefore needed to effect similar, if not greater, change in the large number of existing public sector organisations.

### 4.2 Case study views on the need for a public sector duty

Case study respondents were asked to indicate their views about the need for a public sector duty. As outlined below, opinions varied on this issue considerably.

#### *Greater London Authority*

Respondents argued that a public duty should be applied nationally, since it forms a clear 'driver', is an extra guarantee, and forms a statutory foundation underpinning the equality strategy.

#### *Scottish Executive*

The Scottish Executive Equality Unit and the Personnel Policy Unit emphasised the importance of changing organisational culture. The Scottish Executive will continue to promote diversity and seek to integrate it into all policies and procedures, irrespective of whether a public duty is implemented or not.

#### *Welsh Development Agency*

Two senior managers stated that the WDA's position was that if a public duty on gender/equalities would help the economic development of Wales, then the WDA would make it a key driver.

#### *City of Birmingham Council*

The view of the Gender Equality manager was that a public duty on equality was required. Its remit should include gender, disability, sexual orientation and other

discrimination issues since if the duty were to be confined to gender equality, the outcome would be limited to the introduction of recruitment targets, and the broader issues affecting the local community would not be covered. She also stated that it was insufficient to rely on authorities adopting good practice; a legislative framework was required.

The respondent added that while a public duty would protect and enhance the equality function in local government, its success was dependent on the provision of proper resources. Moreover, a key requirement was to show authorities *how* to apply such a duty, since organisations are much better at providing statements of intent than they are at delivering the improvements. Finally, she noted that one way of promoting work on equalities would be for the Government to issue awards for initiatives, along the lines of the Beacon Councils.

The Head of Corporate Affairs and Equalities in the Environment and Consumer Affairs Department also supported the principle of a public sector duty to promote gender equality. However, one concern was that in competing with the private sector, the city council would be required to promote gender when its competitors were not so constrained. The applications of different rules for the public and private sectors could cause problems for the council, particularly with regard to competitiveness.

#### *West Midlands Police Authority*

Interviewees were not convinced that legislation would assist them, given that the organisation was already achieving high standards. However, they noted that it might be used as a stick to ensure progress and would be helpful in areas where work on gender equality is not considered important. It was felt that long-term change and improvements in attitudes and culture were more important than legislation, though the latter would focus minds and would ensure a more comprehensive and systematic monitoring of service delivery.

#### *North West Regional Assembly*

The respondents from the North West Regional Assembly (NWRA) were in favour of a public sector duty on gender/equalities. It was argued that the EOC should press for a public duty as part of its response to the forthcoming White Paper on Regional Government. This could help to ensure that the newly elected Regional Government and the newly established Civic Forum would have the powers to promote equal opportunity and diversity. Respondents argued this would provide Regional Governments with a powerful instrument to carry out regional planning functions, for example in terms of transport, thereby enabling them to require national, regional and other organisations to address equalities and diversity in the planning and delivery of public services.

### 4.3 Benefits of a public sector duty

The research findings from the case study organisations revealed that the main benefits of a public sector duty include:

- €# Providing a statutory foundation and framework which will ensure that public authorities meet their equality obligations.
- €# Ensuring that all public organisations are required by law directly to address inequality and tackle institutional discrimination through specific programmes, so that improvements in tackling inequality are achieved across the board.
- €# Enhancing existing best practice approaches by integrating equalities policies into public policy making and implementation, including into funding decisions, performance management, Best Value Performance Plans, Community Strategies and wider work on diversity.
- €# Strengthening mainstreaming, which some interviewees considered was insufficiently effective because of the length of time it took to achieve change and/or the significance of the change.
- €# Making equality impact assessments, which the Northern Ireland experience has shown offer substantial benefits, mandatory so that they are comprehensively applied across the public sector.
- €# Ensuring the universal implementation of the Equality Standard for Local Government, which applies to services and employment; the Gender Agenda in police services; and other similar framework documents designed to address inequality.
- €# Removing the distinction between those authorities which are currently obliged to meet a statutory duty on equality of which gender is a part and those which are not. This would allow a greater consistency between service providers.

Interviewees in the case study organisations suggested that the other benefits of a public sector duty included:

- €# The faster implementation of equalities work, i.e. the speeding up of the process of mainstreaming.

- €# Providing community and equalities groups with a more powerful tool by which effective external pressure could be applied on public sector bodies to mainstream equalities in service delivery and policy making.
- €# Imposing stronger and enforceable legal requirements to mainstream gender and equalities not only in the public sector, but also in private companies and third sector organisations (e.g. local authority arms length companies, quangos, trusts and voluntary bodies) which are involved in the delivery of public services. One of the key tests for a public sector duty will be its application to third sector organisations and the powers of public bodies to monitor and enforce it.
- €# Assisting public sector authorities to meet their obligations to promote social and economic well-being in their communities, as well as allowing them to recover their role as model employers who set the standards for the private sector.

#### **4.4 Proposed nature of the legislation**

Case study interviewees were asked to comment on whether a duty which promoted gender as a distinct legislative requirement or a general duty on equality (of which gender would be a part) was preferable. The majority favoured the adoption of a general duty, for a variety of reasons.

First, it was argued that gender could not be treated in isolation to race, disability etc. It was also noted that the response to the Race Relations Act had not been confined to race. Whilst authorities have prioritised race, their response to the Act has also covered gender and disability, and in some cases, has been broadened to include other equality groups. Some respondents felt that to have restricted their response to race would have been narrow and shortsighted. However, it was also argued that the gender dimension should be highlighted in relation to the promotion of equality. It was noted, for example, that many organisations now had race equality targets for employment, but few had targets aimed at women.

Secondly, it was argued that authorities have also had to respond to Article 13 and the requirements of the European Structural Funds, which also require work on a broader equality agenda.

Thirdly, interviewees considered that it was unlikely that a separate duty on gender would be achievable since:

- €# The government is unlikely to make Parliamentary time available for a single public duty - be it gender or disability.

- €# The Disability Rights Commission and other organisations are likely to campaign for a public duty for disability and/or equality, and the government could play one group off against another, thereby resulting in no additional legislation. This could also have the effect of delaying further legislation for a public duty for all equality groups.

Finally, some respondents recognised the danger that if there are separate public duties for race and gender, then there could be differential treatment between equality groups.

#### **4.5 Additional guidance and resources**

Several interviewees argued that a public duty alone would be insufficient, suggesting that progressive strategies and key projects to further gender equality were also essential. They also suggested that detailed guidance would be required to assist organisations to develop and implement accompanying gender equality strategies. The suggestions included that:

- €# The EOC Codes of Practice on eliminating sex discrimination and on equal pay should be made applicable to all public policies.
- €# A corporate gender equality scheme which applies to all services should be put in place.
- €# There should be a regular analysis and audit of the employment of men and women to reduce the pay gap and job segregation and to improve the position of part-time staff.
- €# Organisations should work to ensure that their workforces reflect the local population to whom the service is being provided.
- €# Evidence of effective public consultation with groups representing women's, as well as men's, interests should be acquired.
- €# Strategies should be put in place to address any adverse findings arising out of monitoring.
- €# Management competencies should include the addressing of gender equality targets.
- €# Equality should be a key element of compliance for contracts and partnerships.

- €# An organisation's criteria used for inspection and auditing should include gender equality.
- €# Gender equality should be mainstreamed into employment practices, policy development, service delivery and consultation with service users. This should be achieved through gender impact assessments; the incorporation of a gender equality dimension at all stages of monitoring and evaluation; and the inclusion of gender equality in performance appraisal and review.

Interviewees also suggested a range of other necessary developments including:

- €# Making resources available to finance policies which remedy existing inequalities and adverse impact.
- €# Establishing organisational structures which create internal capacity to develop and exchange best practice at the national, regional and local level.
- €# Building capacity within public bodies for training, skills development and consultation in order to carry out the requirements of legislation.
- €# Building capacity within the community and voluntary sectors to facilitate their involvement in consultation and participation.
- €# Improving data collection on the population size and other characteristics of equality groups and improved intelligence on the social and economic needs of equality groups.
- €# Monitoring compliance and evaluation of policies and practices. There are limitations to a public duty in the absence of monitoring and evaluation of compliance unless the equality agenda is firmly embedded in the public policy making agenda.
- €# Developing a performance management system which is underpinned by public service principles and values; it should set targets and assess progress, but not be dependent on an inspection regime.

#### **4.6 Conclusions**

The research found clear support for a general equality duty within the six case study organisations which would apply nationally. However, concerns were expressed about

the limitations of a purely legislative approach with respondents emphasising the need to have effective methods and systems of implementation which applied across all public services. Issues were raised about the coverage of a public sector duty including application to service delivery as well as employment and to contracted out services as well as direct service provision.

The benefits of a public sector duty include providing a statutory foundation and a mechanism for tackling inequality. It also enables gender to be mainstreamed through the service modernisation programme and applied to third party organisations as part of a strategy to prevent the discrimination which, in many cases, has been found in the contracting out of services.

Clear guidance and associated resources would be required to support a public sector duty including codes of practice, systematic data collection, model equality schemes and monitoring systems.

## 5. POLICY IMPLICATIONS AND RECOMMENDATIONS

The Centre for Public Services considers that a number of policy implications emerge from the research. Some are concerned with the need for, and nature of, a public sector duty on gender and some relate to areas which require further investigation. We suggest that:

### *Need for a public sector duty*

- €# The EOC should campaign for a public duty to promote gender equality. We found considerable support for new powers from the majority of interviewees in the six case study authorities. It should be applied to regional and sub-regional bodies.
- €# Ideally, this duty should be part of a public duty for all equality groups. There are strategic and tactical decisions to be made by the EOC and other equality organisations concerning the most appropriate methods of obtaining this legislation.
- €# The form of the public duty requires further detailed consideration. We consider that it would be unwise simply to duplicate the requirements of the Race Relations Amendment Act, or to accept that these powers are effective or adequate for addressing gender equality. The reasons for this are that whilst the implementation of the legislation is in its early days:
  - €# Issues were raised in the case study organisations about the effectiveness of the application of the legislation across the public sector. This is combined with increasing evidence that public bodies overall are taking an inconsistent approach to the new statutory duties, while many authorities have been hard pressed to meet the requirement to produce a Race Equality Scheme by 31 May 2002 (Audit Commission, 2002b).
  - €# The powers of monitoring and intervention where the legislation is not being implemented may be insufficiently strong, with methods for monitoring largely left up to individual organisations.
  - €# The legislation applies only to public sector bodies and does not apply to third sector or private companies providing services funded by the public sector such as housing, social services and education. The legislation does apply to private and voluntary organisations who are providing outsourced services and functions from public bodies, but this requires transferring responsibility via contracts. This is considered to be a key weakness in the legislation and

whilst attempts are being made to apply the legislation through the procurement process, its effectiveness is yet to be tested.

- €# The existing legislation may be insufficiently prescriptive. For example, whilst public bodies have a duty to assess the impact on racial equality of proposed policies, the legislation allows the voluntary application of impact assessment and other methods of mainstreaming.

#### *Further research needs*

This study has identified that there is need for further research in a number of areas. It is necessary to:

- €# Investigate the most appropriate form of monitoring organisational compliance with a public duty. Other research carried out by CPS on public sector modernisation and related areas suggests that this should include the powers and rights of civil society organisations to initiate reviews and impact studies, and to be involved in public policy making and target setting.
- €# Assess the public management, resources, internal and external capacity building, organisational structures, data collection and monitoring arrangements which will be required to fulfil the requirements of a new public duty.
- €# Identify the specific problems and opportunities in the application of a public duty to third, non-profit or voluntary sector organisations (e.g. local authority arms length companies, quangos, trusts and voluntary bodies).
- €# Examine both the scope and limitations for mainstreaming and the application of a duty on gender equality in the public sector procurement process. This research could, for example, examine the effectiveness of the different approaches adopted by the Welsh Assembly, the GLA and best practice local authorities (most authorities have been rewriting their procurement policies). This must take account of the restrictions imposed by European procurement legislation and World Trade Organisation regulations. The World Trade Organisation is currently negotiating new global regulations on government procurement, which may impose restrictions on the responsibilities which can be included in service and partnership contracts.
- €# Assess the strengths and weaknesses, opportunities and barriers in equalities mainstreaming in the service delivery process. This should cover a wide range of public sector organisations including the civil service, health, regional bodies, police, education, local and central government.

- €# Explore how new public bodies, such as Primary Care Trusts and the proposed new tier of regional government (and related changes in local government structures such as the abolition of County Councils) should incorporate a public duty and equalities mainstreaming from the start.
  
- €# Consider the achievements of gender mainstreaming in those sectors not represented in the first research phase. This would include examining the potential for applying a duty in selected civil service, health and education bodies. This should also include an examination of how equality targets can be linked to funding arrangements, including Public Service Agreements and the budget process.
  
- €# Examine the potential role of equality impact assessment in mainstreaming, the public policy making process and in a public duty. Although we found references to gender/equality impact assessment, there was very little hard evidence of it being carried out in a comprehensive and systematic way. The promotion of gender/equality impact assessment could be an important interim measure prior to legislation for a public duty.

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## APPENDIX: THE CASE STUDY ORGANISATIONS

### Greater London Authority

The strategy for gender equality in this new organisation was clearly set out from the start, having been established with a high level of political and managerial commitment. The GLA is moving into new territory for a public authority in the UK, and although initiatives are in their early days the key lessons of the process are already being evaluated. The GLA is exceptional in that the organisation itself does not have the history or problems of disadvantage found in the majority of public sector bodies, and can therefore progress work on gender equality without the traditional constraints.

The public duty on gender equality in London is broad, and requires the Mayor and the assembly to make appropriate arrangements with regard to the principle that there should be equality of access for all.

The authority established an Equalities Commission to guide the early work, and since then the GLA has undertaken a Best Value review of equalities. The GLA's strategy for women seeks to ensure that the organisation itself fully reflects the local community at all levels. The mainstreaming of gender equality has been found to be considerably easier in a newly created public body with equalities as a dimension of officer responsibilities.

The GLA's Equalities Commission recommended:

- €# A common approach for performance indicators on equalities.
- €# Clear equalities targets to measure performance.
- €# Equalities indicators integrated into the Best Value process.
- €# Equalities indicators used to influence the activities and strategies beyond the GLA 'family'.

The work of the Mayor's adviser on women, who was appointed 18 months ago, has included ensuring that:

- €# The GLA is an exemplary employer which reflects the population of London.
- €# The policies and practice of the functional bodies reflect the equalities agenda. This includes the Metropolitan Police, London Transport, the Fire Service and the London Development Agency. Problems have already emerged, for example, the low level of women at particular grades in the Metropolitan Police and the lack of women transport planners, and are being tackled.
- €# Key projects and work with community and voluntary organisations, such as the work on Domestic Violence, are undertaken.

### *Next steps for the GLA*

These include:

- €# Implementing the outcomes of the Best Value review of equalities.
- €# Improving the performance management structures, particularly around service delivery.
- €# Improving the budget process and learning from the experience of the first two years.
- €# Improving the impact assessment and evaluation including devolving responsibilities to service providers.

### *London Development Agency*

The influence of the GLA and the public duty on equality is already apparent in the work of the London Development Agency, though it is too early to conduct a detailed assessment of the success or otherwise of particular strategies. Interviewees stated that the recent history of regeneration in London had failed satisfactorily to address equality issues; the organisational structure of the London Development Agency, one of the GLA 'family', has been designed to confront these problems. Its economic development remit involves working with a wide range of external organisations and funding groups. The appointment of the Director of Equality and Diversity as one of the five LDA directors reflects the importance of equality principles within the LDA.

### **Scottish Executive**

The Scottish Executive's Diversity Strategy was launched in November 2000, following the launch of the Executive's Equality Strategy a few weeks earlier. The two strategies are intended to dovetail. The Equality Strategy commits the Executive to mainstreaming equality in public policy making whereas the Diversity Strategy is to ensure that the staff delivering services and implementing policies are representative in terms of gender, race, disability and other equality groups.

The Equality Unit stressed that they were in the very early stages of mainstreaming. The emphasis is on developing mechanisms 'to make it happen' internally and using the Race Relations Amendment Act as an entry point for mainstreaming gender and other equality issues. Little work has been done to date with other public bodies. The Unit also reported that no gender or equality impact assessments had been undertaken but some of the preparation work, such as data collection and training, was underway.

The Equality Unit works alongside the Social Justice Division to take forward the Scottish Executive's Social Justice Agenda. This includes mainstreaming and integrating equalities in the social inclusion agenda which is focused on the elimination of child poverty, full employment by providing opportunities for all, securing dignity in old age and building strong, inclusive communities. The Social Inclusion Division has established a Social Inclusion Network which includes Equality Unit representation. The Division's Social Justice Action Note No 3 (November 2001) focused on mainstreaming equality and the Social Justice Annual Report 2001 included several articles on gender mainstreaming and inequalities in health and education.

**Table A.1 Progress of Scottish Executive against diversity targets**

Grade	August 1998	October 2001	October 2005 (Target)
<b>Women</b>			
All SCS	15.8	24.6	30.0
Band C	25.3	34.2	43.0
Band B	36.3	42.6	48.0
Band A	No target set	No target set	No target set
<b>Ethnicity</b>			
All SCS	*	0	1.7
Band C	*	0.9	1.7
Band B	0.3	0.4	1.7
Band A	*	0.6	1.7
<b>Disability</b>			
All SCS	*	1.0	3.0
Band C	1.1	1.1	1.4
Band B	1.5	2.2	3.2
Band A	3.3	4.1	5.0

*Note:* \* Information to be treated as confidential to preserve anonymity.

*Source:* The Scottish Executive.

### **Welsh Development Agency**

The Welsh Development Agency (WDA) is the lead agency implementing the Welsh Assembly's economic development policies. The WDA has four key programmes which range from developing new indigenous businesses and securing inward investment to assisting existing business in Wales to expand markets and turnover. It also provides strategic sites for development, supports regeneration and encourages investment in information and communications technology. It also works to support sustainable local economies and reduce disadvantage. The WDA's sources of funding include the Welsh Assembly, the European Union, private sector finance and self-generated receipts.

The WDA adopted an equal opportunities policy in 2000, and an Equal Opportunities Group (EQOG) was established with a cross-agency group of staff to oversee its introduction. The WDA does not have an equalities unit. The EQOG is chaired by a member of the management executive team and includes two trade union representatives. It reports to the Management Executive Team and then to the WDA Board.

The WDA has not adopted the mainstreaming approach adopted by the civil service in the Assembly; the agency has instead 'adopted a more subtle approach'. For example, it has not organised equality training for all staff, nor does it have an integrated approach, although it has taken a number of initiatives on recruitment, flexible working, and training.

#### *The Welsh Assembly framework*

As an Assembly Sponsored Public Body (ASPB), the WDA is subject to quinquennial reviews by the Assembly to determine whether it is contributing to its wider objectives

and conducting its business in accordance with Assembly principles and values, including equal opportunities.

A cross party Standing Committee on Equality of Opportunity oversees legislative compliance on equalities. The EOC and other bodies have a standing invitation to attend Committee meetings as advisers. The Assembly has an Equality Unit (15 staff) with a smaller Equality Unit in the Personnel Department.

The mainstreaming of equalities in ASPBs is reinforced via the relevant division of the Welsh Assembly civil service, the annual remit letter to ASPBs, the approval of corporate and operational plans, Ministerial meetings and reviews of the equalities agenda.

The Equality Unit reported that they recognised the need to review the audit process and to 'raise the game' by tightening the process, requiring more detailed evidence and to take the process below the civil service to ASPBs.

An evaluation of the Welsh Assembly's statutory equality duty by Chaney and Fevre (2002: xxx-xxxi) identified that change had been prompted in the following areas:

- €# The Assembly acting to promote equality in its role as regulator and funder of public services.
- €# Measures to make the National Assembly an exemplar of good equality practice.
- €# A developing role for the Assembly as provider of public information and raiser of awareness on equality matters.
- €# Assembly-led initiatives to improve equality of opportunity data.
- €# New specialist units to promote equality in government and in the public sector.
- €# Reforms to promote equality in the conduct of Assembly business.
- €# A developing role for the Assembly in promoting Welsh equality issues to other tiers of government.
- €# A developing role for the Assembly as a co-ordinator of multi-agency working to promote equality.
- €# The Assembly requiring greater monitoring of equality practices in the public sector.
- €# Attempts to mainstream equality in the Assembly's policy process.

### **City of Birmingham Council**

The City Council is the largest local authority in the country with about 50,000 employees. The case study focussed on the work of the Gender Equality Manager in the Equalities Division and the initiatives undertaken by the Environment and Consumer

Services Department, which employs around 2,500 people and provides a wide range of services.

Much of the work of the Gender Equality Manager is with groups in the city. For example, the Division's work on Domestic Violence culminated in a publication. Since then a corporate training strategy has been developed along with policy statements. The council has worked with neighbourhood advice and information services to develop the work at a local level.

The authority's work on gender mainstreaming is at an early stage; the proposed strategy is designed to ensure that departments assess their employment practices and service design and delivery in terms of gender and other equality criteria. Targets may be introduced, but issues need to be resolved about what is quantifiable and deliverable.

One of the departments leading the council's work on gender equality is Environment and Consumer Services. The department has benefited from the increasing recruitment of female environmental health officers since the mid 1980s as well as the introduction of training and development programmes which have positively encouraged women into senior posts. The result is that more women are in decision making roles (two out of the four directors are women) and gender is actively mainstreamed through the department's employment policies. In contrast, black and ethnic minority staff tend to remain in lower graded posts in the department.

The departmental delivery plan specifically aims to address gender equality. Key initiatives include Environment and Consumer Services as the lead department in implementing council policies to improve work/life balance. The department has submitted a bid to the Department of Trade and Industry Challenge Fund to develop a guide to assist managers and staff.

## **West Midlands Police Authority**

### *National context*

The Gender Agenda is a national framework which has been developed by an executive group representing a range of police organisations, including the British Association of Women Police, the Police Federation, the ACPO Women's Group and the Metropolitan Association of Senior Women Officers. It focuses on the specific needs of women officers in the police service, who comprise 16 per cent of the workforce. The group has been successful in starting to change the culture of the police service and has campaigned for key changes, for example, in training, the selection and competency framework and employment conditions.

Work has also been conducted through the Home Office Equalities Unit, which has its own gender mainstreaming team and is developing targets for the recruitment, retention and progression of women in the Home Office and its services - police, fire, prisons, probation and immigration. For example, the proposals to extend part-time working across the police service have recently been agreed. The unit is also responsible for ensuring gender equality is mainstreamed into planning, policy and service delivery.

In the West Midlands, the Gender Agenda framework has been adopted as a way of furthering the work of the police authority on the position of women in the force. The

regional framework has gone further than the national framework, since it has included assessing the position of support staff as well as officers. The national strategic framework is regarded as essential and more likely to influence senior staff than locally generated initiatives. The authority is developing a local action plan in the context of the national action plan, for example, the local action plan will consolidate work being done around part-timers.

The agenda seeks to:

- €# Maintain a focus on the issues for women officers.
- €# Challenge tradition, myth and discrimination.
- €# Identify potential solutions for every identified issue/obstacle/problem.
- €# Ensure all arguments are evidence based.
- €# Create an understanding within and outside the service of the challenge facing women officers.
- €# Endeavour to make sure beneficial changes happen.

As outlined in the *Gender Agenda* (2001), the long-term aims are for the police service:

- €# To demonstrate consistently that it values women officers.
- €# To achieve a gender, ethnicity and sexual orientation balance across the rank structure and specialisms consistent with the proportion of women in the economically active population.
- €# To have a women's voice in influential policy fora focusing on both internal and external service delivery.
- €# To develop an understanding of the competing demands in achieving a work/life balance and a successful police career, and generate action to make this a reality.
- €# To have a working environment and equipment of the right quality and standards to enable women officers to do their jobs professionally.

These aims have been broken down into practical activities, examples of positive initiatives, and examples of bad practice.

For example, one of the barriers to the second aim listed above is the long hours culture and work life balance. It is recognised that action is required to break down the barriers. This includes:

- €# Acknowledging and tackling the macho culture.
- €# Providing imaginative and positive support for part-time working and job sharing.

- €# Reviewing role/rank responsibilities and relevant job descriptions.
- €# Providing adequate support structures.

Positive initiatives identified by the national framework document include:

- €# The formation of professional networking associations which are focussed on positively promoting the interests of female officers.
- €# The banking of hours of part-time workers, enabling long-term planning.
- €# Allowing term-time working where appropriate.
- €# Introducing time management and flexible resource management as competencies in selection processes.

Examples of bad practice in the police service include:

- €# Specifying a willingness to work long hours as a selection criterion.
- €# Overloading some roles/ranks with disproportionate responsibilities.
- €# Specifying, without clearly evidenced reasons, that some roles/posts are not suitable for part-time working.
- €# Holding planned meetings at inappropriate times.

#### *West Midlands Police initiatives*

Equalities policies are clearly promoted in the authority, which has over 11,100 employees. It employs 7,500 police officers of whom 24 per cent are female, the highest proportion of any police authority in the country. Less than 3 per cent of police officers work part-time, and of those that do, 97 per cent are women. In addition the force has over 3,100 support staff of whom 69 per cent are women and 22 per cent work part-time overall.

Considerable work has been done to ensure employment practices promote the position of women in the force through, for example, flexible working, part-time working, job sharing and career breaks. Those responsible are keen to ensure that the organisation operates effectively, therefore the gender equalities work has centred on improving the employment practices of the police authority.

West Midlands Police Authority is considering a greater degree of positive action through recruitment procedures, familiarisation days aimed at women, mentoring and support.

## North West Region

The government's Financial Memorandum to Regional Development Agencies (RDAs) requires them 'to develop and implement an equal opportunities policy covering all aspects of their work and be committed to and promote equality of opportunity'. RDAs are also required to ensure fair treatment for all in the exercise of their duties, regardless of race, ethnic or national origin, age, religion, gender, marital status, disability or sexual orientation.

The government's supplementary guidance to RDAs in April 1999 also required them to use the Policy Appraisal and Equal Treatment framework across all their functions, including the development, implementation and evaluation of strategies and delivery of programmes. As employers, the RDAs were also subject to sex, race and disability legislation. Merseyside is a European Union Objective 1 area and hence the European agenda and perspective has been a major driving force in the approach taken by the North West Development Agency (NWDA).

The NWDA established an Equality and Diversity Taskforce which has been working with Equality North West to develop a self-assessment toolkit for use by the NWDA staff. This has involved a staff survey and benchmarking and developing NWDA policy in three areas - leadership and partnership, programme delivery and employer responsibilities. The report on the toolkit was expected to go to the March NWDA board meeting.

The North West Regional Assembly (NWRA) began its equalities work with a focus on disability in the North West. The focus on disability was agreed because it was perceived as having been given less emphasis than gender and race. The objectives of the project focused on identifying the issues faced by disabled people in the region that must be addressed during the implementation of the Regional Strategy and Regional Planning Guidance. The project included the establishment of task groups (between 8-12 members) covering six themes: housing; education, skills and training; economic development; health and social care; and transport and infrastructure.

A report of findings, *Committed to Inclusion, Accepting the Challenge: The North West and Disability*, was published last year. A Disability Strategy group has been formed to co-ordinate the project. The NWRA has obtained some resources to commence the implementation phase. A similar approach will be adopted for gender and race, starting in 2003, although this is likely to be more of a stocktaking process to identify gaps. The NWRA is concerned not to repeat or overlap with work already being undertaken by other agencies and organisations.

### *Learning and Skills Councils*

There are five Learning and Skills Councils in the North West region. A North West LSC Equal Opportunities group has been formed. The approach to equalities amongst LSCs is reported to vary widely in the region. The LSCs' lack of focus on equalities has been heavily criticised (Boyer, 2001a, b) and although recent documents such as the corporate plan and LSC guidance 'Equality in practice' have addressed many of these shortcomings, there remain reservations about the ability of LSCs to deliver on gender mainstreaming and equal opportunities in general. Further work is required in this sector covering LSCs, Connexions and Careers Services.