



**Women. Men. Different. Equal.**  
Equal Opportunities Commission

**Developing gender equality objectives and a gender  
equality scheme**

**Guidance for GB public authorities**

**gender**  
equality duty

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The gender equality duty is a new legal requirement on all GB public authorities to pay due regard in all their functions to the need to:

- eliminate unlawful discrimination and harassment on the grounds of sex and
- promote equality of opportunity between women and men in all of its functions.

This 'general duty' is supported by a set of 'specific duties', which set out steps to meet the general duty. These specific duties, which apply to public bodies listed in the Codes of Practice for the duty, include a requirement to develop gender equality objectives and to publish a scheme containing those objectives, along with various other information.

This short piece of guidance discusses how to develop effective gender equality objectives and a comprehensive gender equality scheme, in order to meet the gender equality duty. It includes a suggested step-by-step guide to identifying objectives and producing a scheme.

This guidance is based on the specific duties set by both the UK and Scottish parliaments, which cover listed public bodies in England and Scotland. The 'English' duties also cover GB bodies in Scotland and Wales with non-devolved functions. This guidance and the EOC's statutory Code of Practice on the gender duty for England and Wales should also be of use for public bodies in Wales, pending the finalisation of their specific duties by the Welsh Assembly.

For a simple introduction to the different specific duties and which bodies are subject to them, see the EOC guidance 'An overview of the gender equality duty', and our sector-by-sector list of those public bodies which are subject to the English specific duties. For more detail on how to meet the English specific duties, see the England and Wales Code of Practice. All of these are available on the EOC website ([www.eoc.org.uk/genderduty](http://www.eoc.org.uk/genderduty)).

This guidance has been developed to supplement the two gender duty Codes of Practice, for England and Wales, and for Scotland. In order to ensure you are meeting the legal requirements of the duty, you should use the Codes of Practice as your primary source of guidance. The Scottish Code is not yet published. In the interim, Scottish public authorities are advised to follow the Code for England and Wales where applicable. Paragraph references throughout this document are to the England and Wales Code of Practice. References to the equivalent paragraphs in the Scottish Code of Practice will be inserted once that Code has been published.

## **1. GENDER EQUALITY OBJECTIVES**

### **The importance of gender equality objectives in the gender duty**

The development and implementation of gender equality objectives is at the heart of the gender equality duty. This is in order to ensure that, when you implement the duty, you focus on taking action to achieve specific outcomes in gender equality.

The specific duties for England, Scotland and GB bodies require listed public bodies to set out the overall objectives which they identify as necessary for them to meet the general and the specific duties and publish them in a scheme. Those objectives must be informed by information collection and chosen in consultation with stakeholders. They must then be implemented within three years.

Most public authorities are likely to find that they have a range of issues in gender equality which could be prioritised for action. The requirement to set specific objectives, however, means that you will have to make it very clear in your scheme what your priorities are, and precisely what action you intend to take to achieve them. This is a more exact requirement than under the race or disability duties, and if you are developing an equality scheme to meet all three duties, you will need to take particular care that the gender equality objectives are clearly identifiable.

### **Making sure your objectives meet the full legal obligations of the duty**

The over-riding legal requirement of the duty across Britain is that, in all your functions, you should pay 'due regard' to the need to:

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

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

The England and Wales Code of Practice gives suggested outcomes for the duty and some guidance on significant gender equality issues (paragraphs 1.18-1.22), as well as an overview of discrimination and harassment (2.7-2.11) and of the promotion of equality (2.12 –2.16). In order to choose your priorities, you will have to ensure that you address all three elements of the duty across all of your functions. This means looking at issues of harassment, discrimination and the promotion of gender equality across all of your policy, service delivery and employment functions, including any functions that are contracted out, and in the exercise of any public functions.

Do not forget that this includes the elimination of discrimination and harassment for transsexual people, in employment and vocational training (including further and higher education). From December 2007, the duty will also require you to eliminate harassment and discrimination against transsexual service users. It would also be good practice to promote equality between transsexual people and non-transsexual people, although that is not a legal requirement under the duty.

### **What makes a good gender equality objective?**

Like any objective, gender equality objectives should be specific, measurable, achievable, realistic and time-bound. The specific duties require public authorities to set objectives for a (maximum) three-year period (with the option to review earlier), although you may also wish to set interim objectives for each year to allow you to measure progress. They should be focussed on achieving gender equality outcomes – specific identifiable improvements in policies, in the way services are delivered, in the exercise of public functions, and in outcomes for employees and service users.

In order for an objective to be measurable, it does not necessarily need to contain a numerical target. You could aim for 'a significant improvement' in an area, measured by service user

feedback or other qualitative means. Even if hard quantitative data is available, you do not have to predict a precise number by which take-up will improve. You do need to think, however, when you set your objectives, how you will track progress during the three years and establish whether you have met the objective at the end of that time.

### **How many objectives should you have?**

There is no set number of objectives which an organisation should have. The processes of information collection, stakeholder consultation and gender impact assessment of policies and practices will have to cover the full range of your functions. This should then give you clear evidence of where the major issues are. Public authorities will need to have a good evidence base, to demonstrate that their prioritisation process has been strategic and well-informed. Based on that evidence base, you should develop objectives to address the most significant issues, ensuring that you take proportionate action to implement them and that you have covered the full range of the three parts of the general duty.

### **Considering objectives to close the gender pay gap**

The duty to consider having an objective to address the causes of any gender pay gap is unique to the gender equality duty and applies across England and Scotland. Full details on its requirements are available in Chapter 3 of the Codes of Practice. The key points to remember, however, are:

- Public authorities have a duty, when formulating their overall gender equality objectives, to consider the need to have objectives to address the causes of any gender pay gap.
- In order to meet this duty, you have to undertake a process of finding out whether you have a gender pay gap in your workforce.
- You also need to find out whether your policies as an organisation are contributing to the gender pay gap in the GB workforce as a whole, or whether they could be amended to help close that pay gap.
- Possible causes of the gender pay gap include pay discrimination, but also the impact of women's disproportionate share of caring responsibilities and the concentration of women in particular lower-paid sectors of the workforce and the economy.
- If you do not include a gender pay gap objective in your objectives, you should give a reason in your scheme.

The Scottish specific duties also include a duty to produce an equal pay policy. This is in addition to the duty to consider gender pay objectives, not instead of it.

### **Process objectives v. outcome objectives**

In the course of developing your objectives, you may find that your existing systems and staff capacity need to be developed. You might therefore wish to set 'process objectives' such as developing better information systems, developing a sexual harassment policy, or training staff to undertake gender impact assessments. While these objectives may be necessary steps towards the duty, particularly in the first year, they will not in themselves be sufficient to have an impact on gender equality outcomes for service users or employees. Process objectives alone would not demonstrate that a public body was taking action to meet the duty.

The duty requires you to set out objectives on how you will meet the general duty – outcome-focussed objectives. The precise formulation of your objectives will obviously depend on the situation in your organisation, but the following are some examples of possible broad aims of an outcome-focussed objective:

- to increase representation of women on decision-making bodies
- to increase numbers of girls and boys opting for non-traditional work placements
- to increase numbers of women taking up small business loans and support services
- to increase numbers of men using primary care services
- to increase numbers of single fathers taking up family support services
- to reduce repeat offending rates for domestic violence
- to increase numbers of male and female staff taking up flexible working options
- to ensure transsexual staff have confidence in your procedures and feel supported

### **How can you decide what will promote gender equality?**

You might find it useful to test your three-year objectives on equality between women and men against longer-term visionary criteria, such as enabling:

- Equal access to decision-making
- Economic independence
- An equal distribution of unpaid care and household work
- An end to gender-based violence

The Swedish government national objectives, set out below, provide an example of a comprehensive approach. There may be other gender equality policies in your sector or region which provide a similar framework. Generalised equality policies are, however, unlikely to be sufficiently specific about the particular factors which underly gender inequality. If your general equality policy does not deal adequately with the specifics of gender equality, it would be appropriate under the duty to revisit and revise it.

'Overall objective: The main objective of the [Swedish] government's policy is that "women and men shall have equal power to shape society and their own lives". A prerequisite to accomplish this is that women and men enjoy the same opportunities, rights and obligations in all spheres of life.

Equal distribution of power and influence: women and men shall have the same rights and opportunities to be active citizens and to shape the conditions of decision-making.

Economic equality between women and men: women and men shall have the same opportunities and conditions with regards to education and paid work that provide life-long economic independence.

An equal distribution of unpaid care and household work: women and men shall take the same responsibility for household work and have the same opportunities to give and receive care on equal terms.

Men's violence against women shall come to an end: women and men, girls and boys, shall have equal rights and opportunities to physical integrity.'

Proposed by the Swedish government in its Bill "Power to shape society and your life – towards new gender equality policy objectives", adopted by the Swedish parliament May 2006.

Clearly the above criteria do not allow you to assess your long-term aims in eliminating discrimination and harassment against transsexual employees and service users. You should ensure that your overall organisational equality policy clearly includes a position on eliminating discrimination and harassment against transsexual people. A useful policy standard would be whether your overall policies and your GED objectives are supporting and enabling transsexual people to live and work with dignity, privacy and freedom from harassment and discrimination.

### **How ambitious should the objectives be?**

The EOC would encourage you to set challenging but achievable objectives. Obviously many gender inequalities are deep-seated and it may take many years to achieve major changes. Within your initial time-frame of three years, you will have to make a judgement on what is achievable.

If you fail to meet your objectives, you will not be in breach of the duty if 'it would be unreasonable or impracticable to do so'. This part of the regulations on the specific duties is, however, only intended to refer to difficulties which could not have been foreseen, or where costs *unexpectedly* escalate. In those circumstances, you are expected to consider other solutions to address the original problem which you identified as needing action.

If you set objectives which are too narrow in scope, and do not address the most significant gender equality issues within your organisation and remit, you are likely to be in breach of the duty. Your information collection exercise and consultation exercise, if adequately conducted, should have given you evidence on which to set your objectives. If these processes flag up major issues which you do not address, or if those processes have been inadequate to allow you to identify the relevant issues, you are unlikely to be meeting your obligations under the duty.

Remember that public authorities are under a statutory duty to meet their objectives within three years, and to report publicly on progress each year.

### **What about resource implications?**

Some gender equality issues may take significant resources to address. The duty requires proportionate action, however, and this is likely to include reprioritising resources to deliver on the duty. If you have a major gender equality issue in your remit but fail to take action on it, you could be laying yourself open to enforcement action through the courts by the EOC, CEHR or other interested parties.

## **2. GENDER EQUALITY SCHEMES**

### **What is a gender equality scheme?**

All organisations subject to the specific duties are required to produce a gender equality scheme. A gender equality scheme sets out your gender equality objectives and lays out an

action plan describing how your organisation will meet them, and by when. It may form part of another document such as a general equality scheme or a business plan.

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

### **Single equality schemes**

CRE, DRC and EOC have all stated that, legally, one scheme can be produced for all three duties, provided that it clearly meets the different requirements of each duty. The EOC has produced a briefing paper which outlines the differences between the three duties in England, available on the GED guidance section of our website. In Scotland, the EOC, CRE and DRC have produced joint guidance on single equality schemes, which is also available on our website. If you do choose to go down that route, you will need to take particular care that any single scheme contains clear evidence of how you have met the requirements of the gender duty specific duties. In particular, you should ensure that:

- your gender equality objectives are clearly visible, specific to gender equality and backed by clearly identifiable action

and that you demonstrate that you:

- consulted stakeholders specifically on gender equality
- collected and used information at a local and national level which is specific to gender
- considered the need to have objectives on the gender pay gap
- undertook and are undertaking impact assessments which address gender equality.

### **What should be in my scheme?**

In order to meet the specific duties, you need to publish a scheme which sets out how you intend to meet the general and the specific duties. The specific duties require you to include clear information on the following areas:

- What your gender equality objectives are, including any pay objectives
- A rationale for the choice of your objectives, including:
  - a) an overview of your remit and functions (including those delivered in partnerships or contracted out to external organisations)
  - b) The major findings of your information gathering exercise
  - c) The major findings of your consultation exercise
  - d) How you have considered the need to have objectives to close the gender pay gap (and the reason why you haven't included one if that is the case)

You also have to set out:

- How you have collected information on gender equality
- How you have used, and will use, this information to set your objectives and meet the duty overall
- How you will take the information into account to conduct a regular review of progress against your objectives

- How you intend to assess the impact of existing and new policies on gender equality
- How you have consulted stakeholders including employees, service users and trade unions.
- How you will implement the objectives in your scheme
- How you will use your information to assess progress on implementation and to develop later schemes

The EOC also recommends that you include:

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

Within these requirements and recommendations, the degree of detail you go into will obviously depend on the size and complexity of your organisation.

### **3. STEP-BY-STEP GUIDE TO DEVELOPING YOUR OBJECTIVES AND SCHEME**

Although many organisations will have experience of developing equality schemes on race and disability, setting gender equality objectives and producing a gender equality scheme will be a new task for many public bodies. To help you begin this work, a number of steps for identifying objectives and producing a scheme have been set out below. Please note that this is a suggested approach rather than a prescribed method.

#### **STEP 1: Understand the gender equality issues for your organisation**

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

- Consult with your stakeholders
- Look at the in-house and local information that you have available
- Review national sectoral information on key gender issues
- Start the process of gender impact assessment of your policies and practices

Consultation, information and impact assessments should underpin this process. For further information on these areas please refer to our guidance on consulting with stakeholders, gathering and using information, and undertaking gender impact assessments for the gender equality duty.

## **STEP 2: Develop possible objectives**

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

- in **policy**, you could set an objective to ensure that, during the development of a named major forthcoming policy, you will fully analyse and incorporate the different needs of women and men.
- In **services**, you could aim to promote gender equality in school careers services, or work to promote better service provision to victims of domestic violence and rape.
- In **representation**, you could aim to promote gender equality on your board, or work to improve the working arrangements of local councillors to increase gender equality.
- in **employment**, you could set an objective of delivering equal pay, improving access to part-time working, tackling pregnancy discrimination or sexual harassment or harassment of transsexual staff.

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

## **STEP 3: Prioritise and select objectives**

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

We strongly recommend that you engage senior leaders at this point in the process, to ensure that the final priorities you select have their support and engagement. It will also be important to ensure that your final objectives are more than just a 'cut-and-paste' of ideas contributed by colleagues in different parts of your organisation. The objectives should reflect a strategic overview of the most significant priorities for your organisation as a whole.

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

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

- Does national level information tell you this is a significant issue?

In making your final selection of objectives:

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

Remember that the duty requires you to choose priorities based on the principles of proportionality and relevance. This means that you should choose areas that address the most significant gender inequalities and have the most potential to promote gender equality. You should also bear in mind that any discriminatory practices which you identify expose you to the risk of individual legal cases, as well as enforcement of the duty by the EOC, CEHR or other interested parties, if you do not take action to address them.

Once you have your list of draft objectives, the EOC would strongly recommend that you consult again, simply by circulating your draft objectives to representatives of a reference group. This would help ensure that your stakeholders feel that the earlier consultation has informed your objectives, and give them a chance to comment and suggest amendments.

#### **STEP 4: Action planning and mainstreaming**

You are required to include in your scheme evidence of action being taken in your organisation, and we recommend you include in the scheme named individuals or postholders against specific actions, in order to ensure accountability and action. We also recommend that organisations set up a small steering committee to track and co-ordinate progress, and to integrate action on the duty into the mainstream planning and implementation mechanisms of their organisation. Even in a very small organisation, a steering group will develop ownership and help drive forward progress.

Examples of this could include:

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

## **STEP 5: Publication**

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

In order to maximise staff and stakeholder knowledge of and commitment to the gender duty, we recommend that you ensure that your gender equality objectives are also publicised to staff and stakeholders, through mainstream organisational documents such as the Annual Report, integration into press work and major announcements from senior staff.

## **STEP 6: Reporting**

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

## **STEP 7: Reviewing and revising the scheme**

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

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