

Women's Resource Centre (WRC)
Gender Equality Duty Audit: Methodology

PART 1: RATIONALE, CONTEXT AND METHODS

1. Introduction

The purpose of this Gender Equality Duty Audit is to examine key policy documents in order to monitor the progress of local public bodies on meeting their obligations under the Gender Equality Duty and to investigate the extent to which gender equality is incorporated into mainstream local policy making with particular reference to Local Strategic Partnerships, The Gender Equality Schemes of the partner organisations, Sustainable Community Strategies and Local Area Agreements. This Gender Equality Duty Audit Methodology is part of a wider action research project involving four women's voluntary organisations in England that is using participatory action methods developed by WRC. The aims of the project are to:

- Support the women's organisations who are active research participants to develop their own strategic plan of action for engagement and influence at a local level
- Learn from active research participants experiences of attempting specific local changes
- Better understand the barriers, challenges and opportunities facing women's organisations' ability to engage with their LSP, local authorities and related local partnerships and bodies and to influence their local priorities
- Better understand what kinds of tools / support women's groups need to enable them to engage with their LSP, local authorities and related local partnerships and bodies and to influence their local priorities
- Work with statutory local bodies (where possible) to support them to be more able to use specialist third sector expertise and develop better gender equality practices and policy

This methodology for the Gender Equality Audit could be adapted to cover the current public duties on Race and Disability, or to any other equality strand.

2. Background

There are massive changes happening at local government level, with more power being devolved to local government through LSPs. This is where local priorities and decision making happens, where local funding and service provision is allocated – yet we know from previous research¹ that very few women's organisations are engaging with their LSP in a formal way. Only 1.8% of the voluntary and community sector (VCS) representatives on LSPs in England in 2007 were from the women's sector, despite making up 7% of the VCS. The findings of the research suggest that not all women's groups have the capacity or desire to engage with their LSP or attempt to strategically influence local priorities. If this is the case, public bodies will encounter difficulties in fulfilling their statutory duties and there will be gaps in knowledge to inform policy and strategy decisions.

¹ Gudnadottir, E., Smith, S., et al. (2007) Where are the women in LSPs?: Women's representation in Local Strategic Partnerships. Urban Forum: London

The gender duty audit will be an invaluable part of this research, providing a clear baseline on how well local areas are doing on gender equality. Using legislative requirements as the measures will ensure we are exploring what is most useful for local government and other local public bodies. Yet doing this as part of a broader action research, led by local women's groups with particular expertise, means there is scope to follow up areas in some depth.

3. Policy Context

3.1 The Gender Equality Duty - was introduced into legislation in the Equality Act 2006, amending the Sex Discrimination Act and came into force in April 2007. It requires public authorities to promote equality of opportunity between women and men and eliminate unlawful sex discrimination and harassment. The duty covers all the functions of a public authority, such as policy-making, public services, and employment. The Duty places the legal responsibility on public authorities to demonstrate that they treat men and women fairly, which means they need to identify and prevent discrimination rather than react to problems when they occur. The Gender Equality Duty represents a change from previous legislation in that it requires public bodies to be pro-active in promoting gender equality. The legislation introduced a '**general duty**' to pay **due regard** to the need to:

- eliminate unlawful sex discrimination and harassment, and
- promote equality of opportunity for women and men;

'*Due regard*' means that the weight given to gender equality needs to be **in proportion to its relevance**, this means prioritising the significant areas of gender inequality and focusing efforts on the areas where public bodies can have the most impact. For example, women and men in deprived areas experience poverty differently, what responses are proportionate and relevant that could make the most difference? The following example of paying due regard is from the *Gender Equality Code of Practice England and Wales*, Equal Opportunities Commission, November 2006

Women make up the substantial majority of victims of domestic violence and rape. It would not be appropriate, therefore, for a local council to seek to fund refuge services on a numerically equal basis for men and for women. The promotion of equal opportunities between men and women requires public authorities to recognise that the two groups are not starting from an equal footing and identical treatment would not be appropriate.

Page 13, 2.5 (2006)

Public authorities are required to provide evidence that they have exercised due regard in all areas. This includes their core functions of policy development, service design and delivery, decision-making and employment, the exercise of statutory discretion, enforcement and any services and functions which have been contracted out.² The legislation also introduced specific duties to assist in meeting the general duty which require that public bodies;

- Prepare and publish a **gender equality scheme** (by 30th April 2007) showing how it will meet its general and specific duties and setting out its gender equality objectives

² *Gender Equality Code of Practice England and Wales*, Equal Opportunities Commission, November 2006

- In formulating its overall objectives, consider the need to include objectives to address the causes of any **gender pay gap**
- **Gather and use information** on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services
- To **consult** stakeholders (i.e. employees, service users and other key stakeholders, such as trade unions and women's organisations) and take account of relevant information in order to determine its gender equality objectives
- To **assess the impact** of its current and proposed policies and practices on gender equality
- To **implement** the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so.
- **To report** against the scheme every year and **review** the scheme at least every three years

It is important to note that Local Strategic Partnerships are not statutory bodies in their own right; however the general duty applies to 'any person who has functions of a public nature':

Where those partnerships do not have a separate legal identity in their own right, they will not be bound collectively by the gender equality duty. Nevertheless, public authorities that are involved in partnership work with other public authorities, or with private or voluntary sector organisations, are still responsible for meeting their gender duty and any specific duties³.

The Gender Equality Duty Code of Practice makes it clear that public sector LSP partners must '*secure agreement from its partners to arrangements for planning, funding and managing joint work that will allow it to meet its statutory gender duty.*'⁴

3.2 The Duty to involve⁵ – is for local government and other public sector agencies. It is intended to ensure that local people have greater opportunities to have their say in local decision making. This duty came into force on 1 April 2009. The duty requires all best value authorities⁶ to 'inform, consult and involve' *local people* and *representative of local people* in decision making, these terms are defined as follows:

Statutory guidance⁷ defines the term '**local person**' as referring to those likely to be affected by, or interested in, a particular authority function and it is not simply a reference to local residents. It also covers those who work or study in the area, visitors; service users; local third sector groups (e.g. women's organisations and groups); and anyone else likely to be affected by, or interested in, the function. The term also covers children and young people.

³ *Gender Equality Code of Practice England and Wales*, Equal Opportunities Commission, November 2006

⁴ Ibid

⁵ The Local Government and Public Involvement in Health Act 2007

⁶ Local authorities; National Park Authorities; the Broads Authority; Fire & Rescue Authorities; Waste Disposal Authorities; Joint Waste Authorities; Passenger Transport authorities; Transport for London; Greater London Authority in so far as it exercises its functions through the mayor; and the London Development Agency, Jobcentre Plus, Youth Offending Teams, Regional Development Agencies, the Chief Officer of Police and Police Authorities, and the forthcoming Homes and Communities Agency.

⁷ *Creating Strong, Safe and Prosperous Communities, Statutory Guidance*, HM Government (July 2008)
<http://www.communities.gov.uk/documents/localgovernment/doc/930696.doc>

The phrase '**representatives of local persons**' is referred to in the statutory guidance as a mix of 'local persons'⁸, i.e. a balanced selection of the individuals, groups, businesses or organisations likely to be affected by, or have an interest in the authority function. The guidance says that authorities should consider the diverse groups within the community who might be affected by, or interested in, a particular authority function.

Statutory guidance⁹ states that **under represented groups** means, in relation to a local authority, those groups of local persons who in the opinion of the local authority are under represented in civic and political activity in the authority's area. This definition recognises that people may be under represented because they are part of a group within society which is under represented in civic and political activity or because their personal circumstances.

The Department of Health issued separate statutory guidance for the Duty to Involve¹⁰ in accordance with section 242(1B) of the NHS Act 2006 in October 2008, For National Health Services and Primary Care Trusts the Duty to Involve came into force on November 2008 and the statutory guidance specifies that the following individuals, groups and agencies are involved in '*Planning the provision of services, the development, consideration of proposals for changes in the way services are provided, and decisions to be made affecting the operation of services*':

- Members of the public
- Patients
- Carers
- Members of self-help and support groups with collective knowledge and experience of a range of services
- User groups could be active in developing local services and policies
- Representatives. i.e. people who are in a position to speak on behalf of other service users, the views they share are the views of the people they are representing, which may not be the same as their own

All public authorities are encouraged to go beyond local consultation and seek the active involvement of individuals groups and agencies. The guidance for *best value* authorities are following types of activity recommends the following:

- Influence or directly participate in decision making
- Provide feedback on decisions, services, policies and outcomes
- Co-design/work with the authority in designing policies and services (e.g. being involved in commissioning of services)
- Co-produce/carry out some aspects of services themselves
- Work with the authority in assessing services

Guidance for National Health Services and PCTs outlines the following¹¹:

⁸ Ibid

⁹ *Creating Strong, Safe and Prosperous Communities, Statutory Guidance*, HM Government (July 2008) (Page 61)

¹⁰ *Real Involvement, Working with people to improve health services*, Department of Health, October 2008
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089787

¹¹
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089787

- Hold forums for debate – find out people’s priorities and preferences
- Participation - hold co-design events and involve specialist teams.
- Participation – consider using a service reference group to involve users in the development of service specifications.
- Get information on patients’ experiences, including those who are ‘easy to overlook’.
- Participation – involve users in setting local standards
- Get information – use feedback from *PALS*¹², complaints, *LINks*.¹³

Statutory guidance¹⁴ highlights the need to engage a diverse range of groups within the community and to take action to ensure that all groups within the area are engaged and clearly states that Gender Equality requirements apply to the duty to involve (p24:2.23)¹⁵ The guidance requires authorities to consider carefully who might be affected by, or interested in, a particular function and ensure any information provision, consultation or involvement opportunity effectively reaches the relevant parts of the community ‘including those who can often be marginalised or vulnerable people’ and should not be ‘limited to those with the loudest voice (p24:2.23).’ It is well documented that women are grossly under represented in all levels of civic and political activity and at the rate it is going women’s equality in some spheres of representation will take tens and hundreds of years.¹⁶ Moreover, recent research shows that in some aspects of political and public life women’s representation has declined.¹⁷ The ‘Duty to Involve’ is a tool to highlight why local public bodies must engage with groups of women and women’s organisations, given that this will be the primary mechanism by which they can feedback about the needs of local women¹⁸.

4. Methodology

This methodology draws upon some of the model developed in the *Women Take Part (WTP)* research¹⁹ in 2008. The Women Take Part (WTP) research was funded by the Government Equalities Office and Department for Communities and Local Government and examined the participation of women, in particular under represented women, in governance and decision-making, in both community and public life. *Women Take Part* collected information about two sides of the story: “what works” in terms of approaches, initiatives and learning models that encourage different groups of women to become more involved, and “what needs to happen” so that structures, policies and organisations work in ways that encourage the recruitment and support of more women. The overall aim of the research was for women who are currently underrepresented to become more active, both formally and informally, in governance structures and other aspects of both civic and civil

¹² Patient Advice Liaison Service <http://www.pals.nhs.uk/>

¹³ Local Involvement Networks <http://www.nhscentreforinvolvement.nhs.uk/index.cfm?Content=110>

¹⁴ *Creating Strong, Safe and Prosperous Communities, Statutory Guidance*, HM Government (July 2008) <http://www.communities.gov.uk/documents/localgovernment/doc/930696.doc>

¹⁵ *Creating Strong, Safe and Prosperous Communities, Statutory Guidance*, HM Government (July 2008) (page 24)

¹⁶ *Government Equalities Office, Closing the Gap: Women Take Part* (2008), all of the reports from this research can be found at <http://changesuk.net/resources/women-take-part/>

¹⁷ *Sex and Power: Who runs Britain?.*, EOC (2008)

http://www.equalityhumanrights.com/uploaded_files/sex_and_power_2008_word.doc

¹⁸ *Duty to Involve Briefing Paper*, Women’s Resource Centre (2009)

¹⁹ *Government Equalities Office, Closing the Gap: Women Take Part* (2008), all of the reports from this research can be found at <http://changesuk.net/resources/women-take-part/>

life. This is also reflected in Public Service Agreement 15²⁰ (the Equality PSA) this commits the government to the following equality priorities which they will aim to achieve by 2011:

- Greater participation in public life for disadvantaged groups
- A reduction in the pay gap for women
- Improved choice and control for disabled people
- A reduction in workplace discrimination
- A better understanding of and ability to measure fair treatment in the delivery of public services

The Women Take Part research developed a four point scale for assessing organisational journeys towards;

awareness of gender issues and how they impact on internal structures, policies and procedures;
and how they impact upon external factors, such as seeing gender as an issue in terms of service delivery and encouraging women's participation and involvement in decision making

The scale is as follows:

0. ***Our organisation treats everyone the same***, e.g. *the involvement of women and their role in the organisation is incidental*
1. ***We recognise that there is a disparity between women and men in our organisation***, e.g. *Organisations recognise that the general practice and styles of working can benefit women in the organisation*
2. ***We recognise issues of gender inequality in our organisation and are willing to do something about it***, e.g. *organisations work to increase women's employment in the organisation*
3. ***We are changing our policies to actively encourage women to take part***, e.g. *understand the constraints and take action on conditions to improve women's participation, including Black and minority ethnic women*

This scale correlates with four stages of women's journey to participation:

0. ***Not there*** - *Confident capable women feel frustrated with organisations. They feel blocked, not taken account of, unheard and patronised, excluded from decision making. If they question things they are labelled as being 'difficult'*
1. ***Getting there*** - *Women start to become involved and find it hard to do so – struggle with commitments, feel inadequate, blame themselves, lose confidence and end up doing the maintenance tasks rather than setting priorities*
2. ***Being there*** - *Confident, capable women who are able to challenge and create changes – feel valued and taken account of. Able to achieve potential and provide energy and ideas. Able to change the culture*
3. ***Staying there*** - *Women start to be more involved – feel that it is possible to contribute what they can, feel supported and welcomed. Information is offered and is not assumed. They are offered training and individual support to do new tasks*

Government Equalities Office, *Closing the Gap: Women Take Part* (2008:P8)

²⁰ http://www.equalities.gov.uk/what_we_do/equality_psa.aspx

In this gender equality audit we have blended the typology used in the 'Women Take Part' research with the *Gender Equality Code of Practice England and Wales*²¹, to provide a scale of assessment which reflects how far local partners, service deliverers and decision-makers are implementing the general and specific duties of the Gender Equality Duty (2007). This scale is intended to assess how gender equality is framed and understood and draws upon actual statements from the Code of Practice:

0. Level zero shows that the Gender Equality Duty is not being met
1. Level one shows the legal requirements of the duty are being met
2. Level two shows that the recommendations in the Code of Practice for fulfilling the gender duty are being implemented
3. Level three shows that areas of good practice that go beyond the legal requirements of the duty are being implemented

The local areas covered by the four organisations that will be involved in the participatory action research, namely:

- Coventry Rape and Sexual Abuse Centre
- The Joint Forum women's group (Liverpool)
- Newham Action Against Domestic Violence
- Refuge, Information, Support and Education (specifically in West Sussex)

The research covers unitary and two-tier regions and as the methodology/ research develops we may need different recording mechanisms, to deal with different levels of local government. In line with action research methodology the development of this Audit is an iterative process and the research participants are involve in shaping the methods and tools used. WRC will ensure that all audits and data collected are consistent.

5. Methods

This will mainly be a desk-top research exercise, although there may be some additional follow-up contact with relevant local public body officers to clarify or find out further information. The following documents for each research project area will be analysed:

Section A: Covers Gender (or single) Equality Schemes: In each area, audit the latest schemes published by the Council and the Primary Care Trust (PCT), except Liverpool where the agency will be Mersey Care.

Section B: Covers Sustainable Community Strategies

Section C: Covers Local Area Agreements: Identifying the National Indicators which have been chosen and the targets

Section D: Covers the Comprehensive Community Engagement Strategies²²

Section E: Covers the quality of Gender Impact Assessment/ or Equality Impact Assessments of the Council and the PCT etc.

²¹ Equal Opportunities Commission, November 2006

²² Although Comprehensive Community Engagement Strategies are not a statutory requirement it makes sense for LSPs to develop one to fulfil partners obligations under the Duty to Involve and their shared commitments to LAA targets etc.

6. Storing data

Recording the data in survey monkey will allow for downloading data in excel tables, downloading summary reports and for filtering to compare across public bodies and regions. Data collected across public bodies and regions will be consistent. Any inconsistencies will be ironed out in the pilot audits.

7. Definitions

The following are the definitions and descriptions of the terms used in the gender equality audit. Some show examples and give evidence/ make the case for their use:

| Term/ Definition | Evidence/ case for |
|--|---|
| <p>Gender - The term 'sex' is used to describe biological differences between women and men. The term 'gender' refers to the wider social roles and relationships which structure men's and women's lives. Gender inequality exists in all aspects of society and refers to lasting and embedded patterns of advantage and disadvantage.²³</p> | <p>Gender roles and relationships structure men's and women's lives. Women are frequently disadvantaged by policies and practices that do not recognise their greater caring responsibilities, the different pattern of their working lives, their more limited access to resources and their greater vulnerability to domestic violence and sexual assault. The duty should help the public sector, and those working with it, to identify and respond to stereotyping, sex discrimination and sexism, resulting in improvements for all.²⁴</p> |
| <p>Gender analysis - the systematic effort to document and understand the different needs of women and men, their different ways of being and how gender impacts upon their life experience within a given context, through analysis of documents, policies, and plans to demonstrate how they should respond to the differences between men and women's lives.</p> | <p>Women's issues can include those understood to impact particularly on women, such as sexual or domestic violence, abortion, equal pay, gender representation in decision making. Or it can be any issue which explores the impact on women, e.g. transport, housing, education etc. Without a gendered lens, 'men's' experiences and needs often get taken to mean 'people's' experiences, making the needs and experiences of women hidden.</p> |

²³ *Gender Equality Code of Practice England and Wales*, Equal Opportunities Commission, November 2006

²⁴ Ibid

| Term/ Definition | Evidence/ case for |
|---|---|
| <p>Gender disaggregated data – Data that is segregated into the categories of women and men, using gender as a starting point; then applying gendered data across other equalities fields in order to determine which women and which men are being talked about.²⁵</p> | <p>In order to understand which of its functions have the greatest relevance to gender equality, a public authority will need to gather and use information on how women and men are affected by its activities. A public authority may already have this information, disaggregated by gender. This information will have a crucial role in helping the public authority to determine its gender equality priorities, conduct effective gender impact assessments of policies and practices, and monitor progress towards its gender equality objectives.²⁶</p> |
| <p>Intersectionality - Intersectionality is about personal identity, social group membership; and how people experience or react to the “isms” such as racism, sexism, heterosexism, disablism, ageism etc. based upon their personal identities and social group membership. At the broader level, intersectionality speaks to the way in which the “isms” interconnect or interlock to act as systems of oppression that support the domination of one group over another. Understanding and applying intersectionality is a crucial step in the pursuit of social justice, equality and fairness in the formation of any analysis or strategies. Intersectionality helps us to understand how different sets of personal and group identity impact on women and men’s access to rights and opportunities.</p> | <p>Coming together for identity similarities is the basis of identity politics, which has been affirming for many. However, the problem with ID politics is that it can often eludes differences or create the impression that gender identity groups such as women, men or transgendered persons are homogenous. Simply put, intersectionality recognises that women and men experience discrimination for many reasons. It is not always possible to examine a situation and say with certainty that there is only one cause of discrimination, it could be a mixture of the woman or man’s race or ethnicity, age, or sexual orientation in addition to gender that cause her or his discrimination.</p> |

²⁵ Some issues can be masked by gender disaggregated data (e.g. female unemployment)

²⁶ *Gender Equality Code of Practice England and Wales*, Equal Opportunities Commission, November 2006

| Term/ Definition | Evidence/ case for |
|--|---|
| <p>Women's inequality/ equality</p> <p><i>'Existing economic, social, cultural and institutional practices mean that women's inequality is persistent and widespread...The gender equality duty has been introduced to address this reality. It is intended to be a powerful tool for tackling systematic discrimination against women and men' (p5: 2007a)²⁷</i></p> <p><i>Women's equality and human rights are also significantly held back by the persistence and prevalence of all forms of violence against women.²⁸</i></p> <p>A substantive model of equality as defined by the United Nations Convention on and the Elimination of All Forms of Discrimination against Women²⁹. This model is based upon the principle that discrimination is socially constructed and is not a natural principle of human interaction and recognises the need for concerted action against inequality and the institutional mechanisms that perpetuate it. Substantive equality promotes:</p> <ul style="list-style-type: none"> • Equality of opportunity through law, policy programme and institutional arrangements • Equality of access by eliminating all obstacles that prevent access to the opportunities and taking positive steps to ensure the goal of equality is achieved • Equality of results | <p>Women are disproportionately disadvantaged compared to men, across a wide range of indicators:</p> <ul style="list-style-type: none"> • Fewer women than men study or work in the Science Engineering and Technology (SET) sectors. In 2006/7, only 2.6% of engineering apprentices were women. The limited number of women entering SET exacerbates skills shortages in these sectors, reducing the productivity of SET organisations and making it harder for them to compete on the international stage.³⁰ • Gender differences in gross weekly earnings reduced over the period 1996/96 to 2004.05. However, given that women's educational levels increased more than men's, their earnings levels became relatively worse over the period and they did not see the same returns to their education.³¹ • The gender pay gap in the UK is one of the highest in Europe: women who work full-time earn 17% less per hour than men and women working part-time earn 39% less per hour than men working full-time.³² • The services sector accounted for 74 per cent of male employee jobs and 92 per cent of female employee jobs in March 2008.³³ • More than two thirds of working-age women with dependent children (68 per cent) were in employment in the second quarter of 2008. But women without children were more likely to be in employment, at 73 per cent over the same period. Conversely, men with dependent children are more likely than those without to be in employment.³⁴ |

²⁷ *Guidance on the gender equality duty for the voluntary and community sector (England)*, Equal Opportunities Commission (March 2007) http://www.pfc.org.uk/files/Voluntary_and_community_sector.pdf

²⁸ *Our Strategic Plan 2009 – 2012*, Equality and Human rights (p29)

²⁹ <http://www2.ohchr.org/english/bodies/cedaw/index.htm>

³⁰ February 2009. http://www.policyconnect.org.uk/docs/content/closing_the_gender_skills_gap-1.pdf

Equality group inequalities in education, employment and earnings:

³¹ *A research review and analysis of trends over time*, Yaojun Li et al. University of Manchester, University of Oxford, Equality and Human Rights Commission, Autumn 2008.

³²

http://edit.equalityhumanrights.com/en/publicationsandresources/Documents/Equalities/Inequalities_in_education_employment_earnings.doc

³³ Office of National Statistics website <http://www.statistics.gov.uk/cci/nugget.asp?id=1654>

³⁴ Office of National Statistics website <http://www.statistics.gov.uk/cci/nugget.asp?id=1655>

| Term/ Definition | Evidence/ case for |
|---|---|
| <p>Women’s participation – the means for women to directly participate in political, economic, cultural or social decisions. Whereas representation implies having the authority to be a delegate on behalf of a particular agency or community group, participation infers a level of proportionate decision making power, i.e. having a say in decisions directly proportional to the degree that particular decision affects her.</p> | <p>Two pilot projects carried out by Oxfam specifically demonstrate that while women’s representation is important, it does not necessarily equate with women’s participation, in particular in women’s issues being raised. They show that even when women do occupy key positions on LSPs, they do not necessarily bring women’s issues to the agenda or ensure that action planning is taking account of the different needs of women and men</p> |
| <p>Women’s representation Political representation is defined as the activity of making citizens' voices, opinions, and perspectives “present” in the public policy making processes. Political representation occurs when political actors speak, advocate, and act on the behalf of others in the political arena.³⁵</p> | <ul style="list-style-type: none"> • The annual index of women in positions of authority and influence in Britain was in its fifth year in 2008, yet the trend that is emerging is one of reversal or stalled progress. In 2008 12 of the 25 categories for which figures are available, there are fewer women holding top posts: Westminster MPs, Cabinet members, Members of the Scottish Parliament and Welsh Assembly, editors of national newspapers, people in public appointments, senior police officers and judges, health service chief executives, local authority chief executives, trade union general secretaries and heads of professional bodies.³⁶ • The glass ceiling is much lower for ethnic minority women.³⁷ • In June 2006, 3,3,% of non-executive of national health related bodies were women from ethnic minority backgrounds and in June 2007, 36% of chairs of local NHS boards were women and 3.8% of these were from ethnic minority backgrounds.³⁸ |

³⁵ <http://encyclopedia.thefreedictionary.com/Political+Representation>

³⁶ All references in this section are from Sex and Power: Who runs Britain?, EOC (2008). Unless otherwise stated http://www.equalityhumanrights.com/uploaded_files/sex_and_power_2008_word.doc

³⁷ In 2008, it was reported that there were; 15 ethnic minority MPs, including two women, 28 ethnic minority peers, including eight women, 1 ethnic minority member of the National Assembly for Wales, who is male, 1 ethnic minority member of the Scottish Parliament, also male

³⁸ Source data from the Appointments Commission which is the independent public appointments agency sponsored by the Department of Health

| Term/ Definition | Evidence/ case for |
|---|---|
| <p>Women only services The Sex Discrimination Act (1975) S21A(9) (8-13) states the discrimination in the exercise of public functions is lawful for:</p> <ul style="list-style-type: none"> • the provision of a service for women where only women require the service • the provision of separate services for women where a joint service would or might be less effective • the provision of a service to women only where: it is also provided jointly, and if it were provided jointly only it would or might be insufficiently effective • the provision of a service for women where: if the service were provided for women and men jointly it would or might be less effective and the extent to which the service is required by women makes it not reasonably practicable to provide separate services for men • the provision of separate services for women and men in different ways or to different extents where: if it were provided for women and men jointly it would or might be less effective, and the extent to which the service is required by women makes it not reasonably practicable to provide the service for women in the same way or to the same extent as for the men • action taken for the purpose of assisting women to overcome: a disadvantage (as compared with men) or the effects of discrimination. | <p>Research by the Women’s Resource Centre in 2006³⁹ found: that women from all walks of life prefer to use women-only services within a range of different contexts. Some women in the research stated they would not go to mixed services. Their needs would not be met at all if women-only services did not exist. A random poll of 1,000 women found that:</p> <ul style="list-style-type: none"> • 97% stated that a woman should have the choice of accessing a women-only support service if they had been the victim of a sexual assault • 56% of women would choose a women-only gym over a mixed gym, 28% of women would choose to go to a mixed gym (16% didn’t know) • Of the 560 women that would choose a women-only gym, they cited reasons such as feeling more comfortable, less self-conscious and less intimidated. Respondents stated that they didn’t want men watching them, looking at their bodies or sexually harassing them. • 90% believed it was important to have the right to report sexual or domestic violence to a woman (such as a woman Police officer) • 87% thought it was important to be able to see a female health professional about sexual or reproductive health matters; and 78% thought it was important to have the choice of a woman professional for counselling and personal support needs |

³⁹ [Why women-only? The value and benefits of by women, for women services](#), Women’s Resource Centre, October 2007

Specific circumstances when it is lawful to discriminate in providing health and social care.

Single-sex hospital accommodation

NHS hospitals are required to provide single-sex accommodation for hospital inpatients. Today, around 97 per cent of NHS trusts meet the single-sex accommodation standards expected by the Department of Health.

Example

A sexual health clinic is set up to cater for women only, because appropriate provision already exists for men with sexual health problems in that area. This is lawful discrimination.

<http://www.equalityhumanrights.com/your-rights/rights-in-different-settings/health-and-social-care/what-the-law-says/when-discrimination-is-lawful/>

| Term/ Definition | Evidence/ case for |
|--|---|
| <p>Women’s voluntary and community organisations (The Women’s Sector) Organisations that are led by women, provide women only services and campaign for women’s equality.</p> <p>The women’s sector is the legacy of the Women’s Liberation Movement. It has been responsible for bringing about significant gender equality changes in legislation, policy and public perceptions. Advocating and campaigning on behalf of the women they work with remains an important role of women’s organisations.⁴⁰</p> | <p>There are tens of thousands of women’s organisations working across England, They have expertise and experience in identifying and meeting local women’s needs. They work with some of the most marginalised and forgotten communities of women who do not engage with statutory services e.g. to tackle ‘women’s’ issues, as well as challenging discrimination against women. They are a crucial way to effectively support women’s ‘voice’ at a local level.</p> <p>Because women’s inequality is widespread, women’s organisations cover a wide range of issues including: health; violence against women; employment; education; rights and equality; the criminal justice system; and the environment.</p> <p>The government’s own figures showed that only 1.2% of central government funding to the voluntary and community sector went to women’s organisations (Mocroft et al, 2004). In 2006, a ‘snapshot’ audit conducted by the Women’s Resource Centre (WRC) of 26 different central government funding streams found that one in three gave no grants to women organisations. On average, only 2.28% of funding went to women’s organisations.⁴¹</p> |

⁴⁰ *Not just bread, but roses, too: Funding to the women’s voluntary and community sector in England 2004* 07, Women’s Resource Centre, March 2009
http://www.wrc.org.uk/includes/documents/cm_docs/2009/f/final_report_version1.pdf

⁴¹ Ibid

| Term/ Definition | Evidence/ case for |
|---|---|
| <p>Violence Against Women Violence against women is defined throughout this report in accordance with the internationally recognised wording from the United Nations (UN). In the 1995 Beijing Platform for Action it is described as:</p> <p><i>any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life</i> (United Nations 2001)</p> <p>The UN Secretary General recently reiterated the useful clarification used in the 1993 UN Declaration on VAW:</p> <p><i>... the term “violence against women” is understood to mean any act of gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately</i> (UN 2006: 12).</p> <p>This does not mean that men are never victims of, for example, rape, forced marriage, or domestic violence, or even that women are not sometimes perpetrators. What it alerts us to is disproportionality, and that the distribution of victimisation and offending both reflects and reproduces the gender order.</p> <p>VAW is, thus, in the words of the UN, both a cause and a consequence of gender inequality, and remains a fundamental barrier to achieving equality between women and men.</p> | <ul style="list-style-type: none"> • A 2005 report found that two women are killed every week by current or former partners⁴² • The 2008 British Crime Survey found that the majority of incidents of domestic violence the victims were women (85%)⁴³ • Over 30 million women live in Britain. Each year, 3 million women in Britain experience rape, domestic violence, stalking or other violence, yet one in four local authority areas leave women who experience violence without any support.⁴⁴ • A 2009 report found ‘<i>understanding the needs of ethnic minority women who experience violence and appropriate support to be lacking;</i>’ only one in ten local authorities have a specialised service for BME women⁴⁵ • In 2009, the Fawcett Society found that rape victims face a ‘postcode lottery’ when seeking justice has worsened despite huge government efforts, with women in some areas 11 times more likely to see assailants found guilty than in others.⁴⁶ • Girls and young women are almost twice as likely to be on the child protection register for sexual abuse as boys and young men (2000).⁴⁷ • A study on women in refuge accommodation in 2007 found that, on average, BME women stayed forty-four more days in specialist refuges than women who accessed mainstream refuges. Furthermore, twenty-one refuges turned away 2300 women who requested support, because they were full. This rejection figure was much higher for BME women who attempted to access specialist refuges.⁴⁸ • Research in 2007 found that a woman victim of domestic violence has on average 11 contacts with agencies before getting the help she needs - this rises to 17 if she is Black⁴⁹ • In 2008, the cost of violence against women to the state was estimated to be forty billion pounds per year.⁵⁰ |

⁴² Department of Health (2005) *Responding to Domestic Abuse*, (DoH, London)

8. Useful references and guidance

8.1 Statutory Guidance

Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 19 (11th session, 1992) *Violence against women*
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

Comprehensive Area Assessment Framework Document, Audit Commission (April 2009)
<http://www.audit-commission.gov.uk/caa/framework.asp>

Creating Strong, Safe and Prosperous Communities, Statutory Guidance, HM Government (July 2008) <http://www.communities.gov.uk/documents/localgovernment/doc/930696.doc>

Equality scheme assessment templates, Equality and Human Rights Commission
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/enforcement/assessment-templates/>

Gender Equality Code of Practice England and Wales, Equal Opportunities Commission, November 2006
http://equalityhumanrights.com/uploaded_files/gender_equality_duty_code_of_practice_england_and_wales.pdf

Guidance on the gender equality duty for the voluntary and community sector (England), Equal Opportunities Commission (March 2007a)
http://www.pfc.org.uk/files/Voluntary_and_community_sector.pdf

The gender equality duty and local government: Guidance for public authorities in England, Equal Opportunities Commission (March 2007b)
http://www.equalityhumanrights.com/uploaded_files/PSD/32_english_code_of_practice_for_local_government_guidance.doc

Real Involvement, Working with people to improve health services, Department of Health, October 2008
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089787

⁴³ Home Office Statistical Bulletin, *Crime in England and Wales 2007/2008* (July 2008)
<http://www.homeoffice.gov.uk/rds/pdfs08/hosb0708.pdf>

⁴⁴ *Maps of Gaps*, Equality and Human Rights Commission <http://www.mapofgaps.org/>

⁴⁵ *Engendering Justice – from policy to practice: Final report of the commission on Women and the Criminal Justice System*, Fawcett Society (May 2009)

<http://www.fawcettsociety.org.uk/documents/Commission%20report%20May%2009.pdf>

⁴⁶ <http://www.fawcettsociety.org.uk/index.asp?PageID=964>

⁴⁷ Coleman, J. and Dennison, C. (2000). *Young People and Gender: A Review of Research*, Women and Equalities Unit: London, <http://www.womenandequalityunit.gov.uk/research/factsheets/yggsumm.htm>

⁴⁸ Black, minority ethnic and refugee women, domestic violence and access to housing, London: [GILL Aisha](#); [BANGA Baljit](#) Race Equality Foundation, 2008

⁴⁹ <http://www.raceequalityfoundation.org.uk/housing/files/housing-brief9.pdf>

⁵⁰ *Violence against women: Hard knock life*, Justine Järvinen, Angela Kail & Iona Miller, New philanthropy Capital (April 2008)

<http://www.philanthropycapital.org/download/default.aspx?id=871>

Sectoral Guidance for England: Health: The Gender Equality Duty, Equal Opportunities Commission, March 2007
http://www.equalityhumanrights.com/uploaded_files/PSD/64_health_guidance_english.doc

8.2 Legislation

The Duty to Involve - The Local Government and Public Involvement in Health Act, 2007
http://www.opsi.gov.uk/acts/acts2007/ukpga_20070028_en_1 and section 242(1B) of the NHS Act 2006 http://www.opsi.gov.uk/acts/acts2006/ukpga_20060041_en_18

The Gender Equality Duty – The Equality, Act 2006
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/introduction-to-the-public-sector-duties/gender-equality-duty/>

8.3 Other research and guides

[*Developing Your Comprehensive Community Engagement Strategy – A Practical Guide for Local Strategic Partnerships*](#), published by Urban Forum, 33 Corsham Street, London N1 6DR © Urban Forum and NAVCA First published March 2009

Duty to Involve Briefing Paper, Women's Resource Centre (2009)
http://www.wrc.org.uk/resources/help_for_your_organisation/working_locally/factsheets.asp

Gender Equality Scheme template from WRC
http://www.wrc.org.uk/includes/documents/cm_docs/2008/g/1_geslocaltemplate08.pdf

Map of Gaps 2: The Postcode lottery of Violence Against Women support services in Britain. End Violence Against Women in partnership with the Equality and Human Rights Commission, Maddy Coy, Liz Kelly and Jo Foord (2009)
http://www.endviolenceagainstwomen.org.uk/data/files/map_of_gaps2.pdf

Not just bread, but roses, too: Funding to the women's voluntary and community sector in England 2004 07, Women's Resource Centre, March 2009
http://www.wrc.org.uk/includes/documents/cm_docs/2009/f/final_report_version1.pdf

Sex and Power: Who runs Britain?, EOC (2008)
http://www.equalityhumanrights.com/uploaded_files/sex_and_power_2008_word.doc

[*Where are the women in LSPs?: Women's representation in Local Strategic Partnerships*](#). Gudnadottir, E., Smith, S., et al. (2007) Urban Forum: London

[*Why women-only? The value and benefits of by women, for women services*](#), Women's Resource Centre, October 2007