

Lothian & Borders Community Justice Authority

GENDER EQUALITY SCHEME

2007-10

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1. Background

The Gender Equality Scheme has been developed as a result of the Equality Act 2006 and the Gender Equality Duty, which amends the Sex Discrimination Act 1975. The legislation places a general duty on all public authorities, including Community Justice Authorities, when carrying out their functions, to have due regard to:

- Eliminate unlawful discrimination and harassment
- Promote equality of opportunity between men and women

These two elements are referred to as the ‘general duty’.

It should be noted that Scottish Borders Council acts as the host authority for Lothian & Borders Community Justice Authority (L&B CJA) employees in terms of their contract and other HR related functions and this Council’s Gender Equality Scheme addresses the general and specific duties relating to unlawful discrimination and harassment in employment and vocational training.

In addition to this general duty, L&B CJA is subject to specific duties, which are laid down in the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007). The Regulations requires L&B CJA to identify how it will assist public authorities to fulfil the general duty.

Lothian & Borders Community Justice Authority will consider the functions and policies, or proposed policies that are considered relevant to issues of gender equality.

2. Lothian & Borders Community Justice Authority

L&B CJA duties are:

- To prepare and publish this Gender Equality Scheme with annual reporting and review of progress, every 3 years
- To consider the need to include objectives to address the causes of any gender pay gap
- To gather and use information on how the work of L&B CJA, its policies and practices affect and impact men and women
- Consult Members, Partners and other agencies that work with L&B CJA to take account of relevant information in order to determine gender equality objectives
- Plan and take action to achieve gender equality objectives

Lothian & Borders Community Justice Authority is committed to the promotion of gender equality as an integral part of its operation. L&B CJA will ensure that its policies and practices do not adversely impact upon people as a result of their gender and that its workforce is fully aware of gender equality issues.

Lothian & Borders Community Justice Authority does not provide any direct services to the public but it is involved in the planning, co-ordination, monitoring and reporting on the delivery of offender services across Lothian & Borders. L&B CJA will therefore ensure that all services provided by partner organisations are underpinned by a Gender Equality Scheme.

3. Process for assessing gender equality

Lothian & Borders Community Justice Authority is required to have and identify arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of gender equality. L&B CJA recognises that this will vary depending on the nature of the policy and the surrounding circumstances. From the introduction of this Scheme all reports presented by L&B CJA that have any significant relevance to gender equality will include:

- A gender impact assessment (see Appendix 1)
- Report on the consultation that has been undertaken
- Any action and monitoring that may be identified as consequence of the consultation process

Lothian & Borders Community Justice Authority must also monitor all policies on a regular basis to identify any adverse impact on gender equality. It is proposed that all policies will be subject to regular scrutiny as part of the annual review process.

4. Action Plan

The following Gender Equality Action Plan will be reviewed annually with a full report completed at the end of three years. This Action Plan is published on L&B CJA website www.cjalb.co.uk and is available to the public for download or as a hard copy/disc on request.

Action	Due Date	By Whom
1. Conduct an audit of all existing policies to ensure they comply – each policy will be informed and influenced by the people who are most likely to be affected by them.	End of 2008	Administrator
2. Carry out a gender assessment on all new policies	As required	Administrator
3. Include Diversity awareness and training in the Performance and Personal Development Plan for each employee. Arrange in-house diversity training as required for current and new employees and Members	Ongoing	Administrator/ Chief Officer/ Convenor
4. Carry out an annual review of the scheme and report progress to CJA members	April 2009	Administrator/ Chief Officer
5. Carry out a 3 year review	Sept 2010	Administrator/ Chief Officer
6. Review all new developments at the planning stage to ensure they comply with the Gender Equality Scheme and are underpinned by Gender Equality Schemes within the agencies providing the service to the public.	Ongoing	Chief Officer

Appendix 1

Gender Impact Assessment

1. Identify all aims of the policy
2. Consider all available data and research findings relating to the policy
3. Assess the likely impact on people of different genders based on available evidence
4. Consider the options to mitigate any adverse gender impact
5. Consult on the policy and legislation and consider possible options
6. Decide whether to adopt or modify the policy
7. If/once adopted ensure the policy is monitored at least 3 x monthly for the first year
8. Publish the results of the impact assessment through publication of both policy and impact assessment on www.cjalb.co.uk

Appendix 2

Legislation Summary

Since the 1970's there have been laws to outlaw sex discrimination and ensure equal pay for women and men as described below:

SEX DISCRIMINATION ACT 1975 & EQUAL PAY ACT 1970

The Sex Discrimination Act defines unlawful discrimination as:

- Direct and indirect discrimination on grounds of sex
- Discrimination on grounds of pregnancy and maternity leave
- Discrimination on the grounds of gender re-assignment
- Direct and indirect discrimination against married persons and civil partners
- Victimisation and sexual harassment

THE EQUAL PAY ACT

Gives a person a right to the same contractual pay and benefits as a person of the opposite sex in the same or connected employment, where the man and the woman are doing

- The same or broadly similar work
- Work which has been rated as equivalent under an analytical job evaluation scheme
- Work that is of equal value, that is where the work done is different but considered to be equal value or worth in terms of demands such as effort, skill and decision-making.

EQUALITY ACT 2006 AND THE GENDER EQUALITY DUTY

The Equality Act 2006 amended the Sex Discrimination Act 1975 to place the statutory duty on public authorities when carrying their functions to have due regard to the need to do:

Eliminate unlawful discrimination and harassment

Promote equality of opportunity between men and women

This is the general gender equality duty which is supported by specific duties that cover among other things equal pay occupational segregation and education.

To have due regard, means that the weight given to the need to promote gender equality is proportionate to its relevance to a particular function. It will mean giving more consideration and resources to functions or policies that have most effect on the public, or the CJAs employees, or on a section of the public or on a section of the CJAs employees, for example, transsexual employees.

The gender equality duty incorporates a statutory duty to pay due regard to the need to eliminate discrimination and harassment towards transsexual staff. This applies at present to employment and vocational training.

The Article 13 Gender Directive, effective from December 2007, extends the European Commission sex discrimination law to cover goods and services. Transsexual people will be protected against discrimination in service provision. The directive will extend the scope of the gender equality duty to include discrimination and harassment against transsexual people in goods and services.

The term transsexual is used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment. Such reassignment may or may not involve hormone therapy or surgery. Transgender is a term used to describe people who do not conform to commonly held ideas on gender roles, including transsexual and transvestite people.