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Dear Gender Duty Team,

**Response to ‘Advancing Equality for Men and Women’ (gender duty)**

We welcome these proposals for a gender equality duty that will commit public bodies to eliminating systematic discrimination against women by challenging institutional sexism. Addressing systematic discrimination will lead to better equality of opportunity for both women and men, by systematically addressing the practices and attitudes that continue to maintain the power imbalance by discriminating against women. We support the principles of the gender duty, and believe that, if led well by government, it could challenge deep-seated gender discrimination.

However, we have a number of concerns about these proposals. The specific duties stand the gender equality duty would fail to address systematic discrimination against women, there is no integrated approach to address the needs of all women, and there needs to be a greater focus on actions needed, to achieve the outcome of gender equality.

Rights of Women is an Industrial and Provident society, which was founded in 1975 to promote the interests of women in relation to the law. We specialise in advising in family law, especially domestic violence and Children Act matters. Rights of Women works to attain justice and equality by informing, educating and empowering women on their legal rights. We are a membership organisation and our activities include producing publications, organising conferences and training courses and undertaking policy and research work. We run a free national confidential telephone legal advice line for women, specialising in family law issues, including domestic violence.

**The women’s voluntary and community sector**

We note with concern the absence of the discussion over the women’s sector in the consultation document. Women’s organisations provide valuable, and often life-saving, services and support to thousands of women as well as lobbying for women’s rights and ending discrimination against women.

The success of the public sector gender duty will depend on a strong and thriving women's voluntary and community sector. Without the women's sector a huge amount of expertise in gender equality issues, and experience of delivering needs-based services to women.

We are deeply concerned about the future of the women's voluntary and community sector (VCS) which is increasingly being undermined by government policy on the voluntary sector and public services. Gender is no longer on the political agenda, some women's groups are experiencing a backlash to their women-only services and women's organisations struggle to secure adequate funding to keep their organisations open.

Recommendations:

- The government response to this consultation, and the Code of Practice, should include a definition of stakeholders. The women's voluntary and community sector (VCS) needs to be explicitly named by the Women and Equality Unit and the Equal Opportunities Commission as stakeholders, alongside other equalities VCS organisations that work with women.
- The women's sector needs to be adequately resourced and supported to participate in ongoing consultation, engagement and implementation of the gender duty, alongside other equalities VCS groups that work with women. Guidance on developing relationships with the voluntary and community sector should be included in the Code of Practice.

### **Procurement**

Public authorities are increasingly providing their funding to the voluntary and community sector through procurement or commissioning ("shopping" for services) rather than grant making ("giving" or "investing" in organisations) (see National Audit Office report [http://www.nao.org.uk/publications/nao\\_reports/05-06/050675.pdf](http://www.nao.org.uk/publications/nao_reports/05-06/050675.pdf)). Due to its prescriptive nature, procurement particularly disadvantages women's organisations, and other equalities organisations, because they often work on politically unpopular issues not yet accepted as important by mainstream organisations and policy makers.

Services provided by women's organisations will be essential to the successful implementation of the gender equality duty. Public bodies must ensure that their procurement practices target rather than exclude women's organisations. In addition, as increasing public functions are carried out by private and voluntary sector organisations on behalf of public bodies, it is essential that the gender equality duty applies to all organisations delivering public services. It is crucial that government continues to invest in the VCS, alongside the procurement of public services.

Recommendations:

- The Women and Equality Unit and the Office of Government Commerce should encourage public authorities to procure services from women's organisations, which have extensive expertise in gender equality, to assist their implementation of the gender duty.
- The Home Office, in conjunction with the Office of Government Commerce and the Equal Opportunities Commission, should produce guidance to help public bodies ensure that their policies and practices on procurement and funding of the voluntary sector do not unfairly exclude women's organisations and other marginalised groups.

- There needs to be a commitment to invest in the women’s sector, and other equalities VCS organisations working with women and not simply commit to only “buying” their services. Each public body and central government department should report regularly in their Gender Equality Scheme on funding for women’s organisations and other equalities groups.
- The specific duties should make it explicit that contracts for external bodies to carry out public functions must include a clause requiring contractors to demonstrate compliance with the gender equality duty (and race and disability duties). The Code of Practice will need to provide guidance on this.

### **Analysis of Systematic Discrimination against women**

One of the aims of the gender duty is to tackle systematic discrimination more effectively (Point 2.10 in the consultation document). Despite ample evidence of the disadvantage and discrimination women face in all areas, from poverty to political representation, and violence to mental health services, systematic discrimination and institutional sexism are not widely understood in the UK. Promoting ‘equality of opportunity between women and men’ (Point 1.1) must not be interpreted by public bodies as assuming there is currently a level playing field – *there is not*. Therefore the government needs to take the lead in providing a clear analysis and explanation of systematic discrimination against women.

- Recommendation: The Government response to this consultation, and the Code of Practice, should include an analysis of *systematic discrimination against women* and *institutional sexism*, to provide a greater context for why the gender duty is essential, and to spell out the commitment required by public bodies.

#### *Suggested wording:*

**Systematic discrimination** against women is the process of social, cultural and institutional practices that maintain and perpetuate the imbalance of power in gender relations. These practices are usually based upon strong social and cultural ideas of what it means to be male or female, and are often hidden or accepted as natural.

**Institutional sexism** is the collective failure of an organisation (including State agencies) to provide an appropriate and professional service to people because of their gender. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and sexist stereotyping which disadvantage and discriminate against women (adapted from Stephen Lawrence Inquiry definition).

### **An Integrated Approach to Equality**

Equalities need to be understood and addressed in terms of cross-cutting issues, not as artificially separated issues. Women are not a homogenous group, they come from many different cultures, races and faiths, they occupy different class and economic positions, they have different sexualities, they are able-bodied and disabled, and they are many different ages. Different equalities groups should not have to compete with each other for attention and subsequent resources to do their work.

However, public bodies cannot mainstream equalities without first focusing on the issues separately. At present, there is very little mainstream recognition of gender as an equalities issue, that women are systematically discriminated against *for being women*, or of the different needs that women from different equalities groups might face. A framework incorporating

a dual approach is needed – both an explicit focus on each equalities area, and ways of working successfully across the equalities strands.

Recommendations:

- The three existing equality commissions should provide joint guidance to assist public bodies in implementing the gender, race and disability duties with an integrated approach. Further, once the Commission on Equality and Human Rights (CEHR), it should also provide such guidance.
- The Code of Practice on the gender duty and the government response to this consultation should articulate a framework for an integrated approach to gender equality in order to ensure the needs of all women and men are met. This must incorporate both a focus on gender and a focus on how gender discrimination intersects with other forms of discrimination.

### **Implementation**

The current proposals provide public bodies with too much discretion to determine its own gender goals and schemes. Gender is not currently well understood. The experiences of many women's groups is that there is little analysis or understanding of the need for gender equality, and how to achieve it. Without clear direction from central government, we are concerned that public bodies will not understand how gender equality needs to be integrated into all policy and practice.

Recommendations:

- The government develop, fund and implement a cross-departmental Gender Equality Strategy which is integrated into current frameworks and policy levers. Public bodies would use the key national priorities in this Gender Equality Strategy as a basis to develop their Gender Equality Schemes.
- The inspectorate bodies (such as the National Audit Office, Audit Commission and Ofsted) should incorporate gender equality duty requirements (including disaggregated data and gendered analysis of data) into all their monitoring and auditing of public bodies. In addition, the Commission on Equality and Human Rights (CEHR) should have more defined and stronger powers to enforce the gender equality duty and impose sanctions on bodies that fail to comply with the duty. It is also important that the CEHR is properly resourced in order to carry out its work effectively.

### **Disaggregated data**

Sex disaggregated data breaks down gender alongside the other equalities factors, showing clearly what women, for example, how many black women, how many disabled women, how many young women, etc are service users. Without disaggregation of data it will be impossible for public authorities to measure how well they are meeting women's needs.

- Recommendation: The specific duties should include a requirement for public bodies to disaggregate all data on public services, employment and policy by gender, race, disability, sexuality, age, religion and income, and to do gendered analysis of all data.

### **Gender Impact Assessments and screening**

At present, Gender Impact Assessments (GIAs) are proposed only to cover new and major employment, policy or service delivery changes. There are many clear examples of where public bodies are currently not meeting the needs of women through current service provision, policies or employment practices.

Recommendations:

- The specific duties should require public bodies to carry out initial screening of their current policies and practices. Where there is indication of discrimination or unmet need, they then would need to do Gender Impact Assessments.
- The specific duties should include a commitment to *take action* to adjust either current or proposed policy or practice, where a Gender Impact Assessment has highlighted discrimination.

### **Violence Against Women**

We are concerned at the absence of violence against women in the consultation document, save for two minor references to domestic violence. The United Nations Declaration on the Elimination of Violence against Women, states that “‘violence against women” means 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 in private life’ (Article 1). Article 2 of the Declaration further states that violence against women encompasses, but is not limited to:

- ‘(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.’

The prevalence and impact of violence against women is one of the key factors contributing to women’s inequality. It is an outcome of discrimination against women, in much the same way as pay inequality is an outcome of discrimination against women.

Recommendations:

- The specific duties should include a requirement for public bodies to develop an action plan to monitor and take action to eliminate Violence Against Women (similar to the commitment to look at Equal Pay).
- The government should develop, fund and implement a cross-departmental Violence Against Women strategy. This strategy would be used by all public bodies as a basis to draw up their own Gender Equality Schemes, including their action plan to tackle violence against women.

### **Equal Pay**

In their current form the proposals will fail to make an impact on the gender pay gap in the public sector. Current statistics on the pay gap and the feminisation of poverty indicate that economic equality will not be reached without action. This part of the duty should also be extended to the private sector.

- Recommendation: The equal pay commitment in the specific duties should be amended to require public bodies to develop an action plan to monitor and take action to eliminate the pay gap.

### **Schools and other education facilities**

We welcome the government's inclusion of educational bodies under the specific duties.

Recommendations:

- The definition of schools and other educational bodies should explicitly refer to schools, colleges and universities under the specific gender duties.
- The Department of Education and Skills should ensure that gender training is included in vocational and other professional development training for teachers, to support the promotion of gender equality as part of the duty.
- The Department for Education and Skills should ensure that the school curriculum incorporates work on social and cultural construction of gender.

### **Other Recommendations**

- Gender Training Recommendation: Public bodies should develop or buy in expertise on gender, and deliver training to all staff. This is needed to ensure commitment to a culture change on gender equality. In addition, civil servants should receive mandatory training in understanding gender and the causes of inequality at basic levels and when advancing to higher grades.
- Resourcing Recommendation: The government needs to ensure substantial resources are set aside for training, development of guidance and support, developing and using the tools outlined to achieve gender equality. There must be adequate funds for both public bodies, and for the voluntary and community sector.

We hope that our comments are useful and that any concerns are addressed.

Yours sincerely,

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Director  
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