
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 32

**The Sex Discrimination (Public Authorities)
(Statutory Duties) (Scotland) Order 2007**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 and shall come into force on 9th April 2007.

(2) In this Order—

“education authority”, “grant-aided school”, “independent school”, “pupil”, “school age” and “school education” have the meanings respectively given by section 135 of the Education (Scotland) Act 1980⁽¹⁾;

“listed authority” means a public authority listed in either of Parts I or II of the Schedule to this Order;

references to “150 full-time staff” are references to such number of staff as would, if the hours they work were aggregated, amount to 150 staff working on a full-time basis;

“relevant Scottish authority” has the meaning contained in section 76C(9) of the Sex Discrimination Act 1975;

“Scheme” means a gender equality scheme prepared in accordance with article 2;

“school” has the meaning given by section 135 of the Education (Scotland) Act 1980, and includes a place (other than a school as so defined) at which an education authority provides school education for pupils who are under school age, but excluding—

- (a) any independent school; and
- (b) such a place (other than a school as so defined) at which school education is being provided by a person with whom that authority has, by virtue of section 35 of the Standards in Scotland’s Schools etc. Act 2000⁽²⁾ entered into arrangements for the provision of that education; and

“section 76A(1) duty”, in relation to a public authority, means its duty under section 76A(1) of the Sex Discrimination Act 1975 (public authorities: general statutory duty);

“staff” includes any person treated as an employee for the purposes of Part 2 of the Sex Discrimination Act 1975 (Employment Field).

Preparation and publication of a gender equality scheme

2.—(1) A listed authority shall, on or before 29th June 2007, prepare and publish a Scheme which shows how it intends to fulfil its section 76A(1) duty and its duties under this Order.

(2) In preparing a Scheme, a listed authority shall consult staff, service users and others (including trade unions), who appear to that authority to have an interest in the way the authority carries out its functions.

(1) 1980 c. 44.
(2) 2000 asp 6.

(3) In preparing a Scheme, a listed authority shall take into account any information it has gathered of the kind described in paragraph (6)(a) and any other information the authority considers to be relevant to the performance of its section 76A(1) duty and its duties under this Order.

(4) A listed authority shall ensure that its Scheme sets out the overall objectives which that authority has identified as being necessary for it to perform its section 76A(1) duty and its duties under this Order.

(5) A listed authority shall, when formulating its objectives for the purposes of paragraph (4), consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex.

(6) A listed authority shall ensure that its Scheme sets out the actions which that authority has taken or intends to take to—

- (a) gather information on the effect of its policies and practices on men and women and in particular—
 - (i) the extent to which they promote equality between male and female staff, and
 - (ii) the extent to which the services it provides and the functions it performs take account of the needs of men and women;
- (b) make use of such information, and any other information the authority considers to be relevant, to assist it in the performance of its section 76A(1) duty, its duties under this Order and in particular its regular review of—
 - (i) the effectiveness of the actions identified for the purposes of sub-paragraph (e), and
 - (ii) its arrangements for the preparation of subsequent Schemes;
- (c) assess the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality between women and men and (so far as reasonable and practicable to do so) to have due regard to the results of such assessments of impact;
- (d) consult relevant staff, service users and others (including trade unions); and
- (e) achieve the fulfilment of the objectives set out for the purposes of paragraph (4).

Implementation of the gender equality scheme

3.—(1) A listed authority shall within the period of three years beginning with the date when a Scheme or a revised Scheme is prepared and published for the purposes of articles 2 or 4 put into effect the actions identified for the purposes of article 2(6)(a), (b) and (e).

(2) Nothing in this article imposes any requirement on a listed authority where, in all the circumstances, it would be unreasonable or impracticable for it to perform the requirement.

Review of a gender equality scheme

4. A listed authority shall review its Scheme and prepare and publish a revised Scheme—
- (a) not later than the end of the period of three years beginning with the date of publication of its first Scheme; and
 - (b) subsequently at intervals of not more than three years beginning with the date of publication of the last revision of a Scheme.

Annual reporting

5.—(1) A listed authority shall publish reports summarising the actions that the authority has taken towards the achievement of the objectives identified for the purposes of article 2(4)—

- (a) not later than the end of the period of one year beginning with the date of publication of its first Scheme; and
 - (b) subsequently at intervals of not more than one year beginning with the date of publication of the last report.
- (2) Such an authority may comply with the duty to publish under paragraph (1) by setting out its report within another published document.

Preparation and publication of an equal pay statement

6. A listed authority which has at least 150 full time staff in total shall, on or before 28th September 2007, prepare and publish an equal pay statement which states that authority's policy on equal pay between men and women.

Review of an equal pay statement

7. Where a listed authority is required to publish an equal pay statement in terms of article 6, the authority shall review its equal pay statement and publish a report on its equal pay policy—
- (a) not later than the end of the period of 3 years beginning with the date of publication of its first equal pay statement; and
 - (b) subsequently at intervals of not more than 3 years beginning with the date of publication of the last revision of the equal pay statement.

Publication of a gender equality scheme and equal pay statement

8. A listed authority may comply with the duties to publish under articles 2, 4, 6 and 7 by setting out its Scheme or equal pay statement as part of another published document or within a number of other published documents.

Duty on the Scottish Ministers

- 9.—(1) The Scottish Ministers shall publish reports—
- (a) not later than 1st July 2010; and
 - (b) subsequently not later than the end of each successive period of 3 years beginning with 1st July 2010.
- (2) These reports shall—
- (a) set out the priority areas across the functions and activities of relevant Scottish authorities that the Scottish Ministers have identified for the advancement of equality of opportunity between men and women in Scotland; and
 - (b) provide an overview of progress in those priority areas toward equality of opportunity between men and women.

School education bodies and persons

10. A body or person specified in Part II of the Schedule shall make arrangements for each school under its management to—
- (a) gather information on the effect of its policies and practices in relation to the extent to which they promote equality between male and female pupils;
 - (b) assess the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality between male and female pupils;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) provide such a body or person with an annual report in respect of the matters contained in paragraphs (a) and (b);
- (d) carry out such steps which that body or person proposes to take toward the fulfilment of its section 76A(1) duty; and
- (e) maintain a copy of the Scheme.

St Andrew's House,
Edinburgh
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RHONA BRANKIN
A member of the Scottish Executive