

EXECUTIVE NOTE

The Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 SSI/2007/32

The above instrument was made in exercise of powers conferred by section 76C(3) and (4) and section 81(4) of the Sex Discrimination Act 1975. The instrument is subject to negative resolution procedure.

Policy Objectives

This Order imposes specific duties on the public authorities listed in the Schedule to the Order (“listed authorities”). The purpose of the specific duties is to ensure better performance by listed authorities of their duty to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women in carrying out their functions under section 76A(1) of the Sex Discrimination Act 1975 (as inserted by section 84 of the Equality Act 2006).

Article 2 requires listed authorities to prepare and publish a Gender Equality Scheme (a “Scheme”) by 29th June 2007. This article also prescribes the various components of such a Scheme.

Article 3 requires listed authorities to implement certain components of each Scheme they have published pursuant to Article 2 or Article 4. They should do this within three years beginning with the date on which they published the relevant Scheme.

Article 4 requires listed authorities to prepare and publish a revised Scheme within three years after the publication of their first Scheme at the latest, and to continue to publish a revised Scheme every three years thereafter.,

Article 5 requires listed authorities to report annually summarising actions taken towards achieving objectives identified in its Scheme. These reports can be published as part of another document.

Article 6 requires a listed authority with at least 150 full time staff to publish an equal pay statement which states that authority’s policy on equal pay between men and women.

Article 7 requires those public authorities required to publish an equal pay statement under article 6 to review its equal pay statement and to publish a report on its equal pay policy. They should do this within three years beginning with the date on which they published their first equal pay policy statement and subsequently not later than every three years from the date of the last review.

Article 8 provides that a listed authority’s Scheme or equal pay statement can be published as part of another document.

Article 9 requires the Scottish Ministers to publish a report setting out the priority areas across the functions and activities of relevant Scottish authorities that they have identified for the advancement of equality of opportunity between men and women, and provide a summary of progress in those priority areas. The first report should be published no later than 1st July 2010, with subsequent reports no later than the end of each successive 3 year period after 1st July 2010.

Article 10 requires each listed body that is responsible for management of schools to gather information on the effect of its policies, to the extent to which they promote equality between male and female pupils, to assess the impact of its policies and practices on equality between male and female pupils, and to provide an annual report on these matters.

Consultation

The following body has been consulted during the preparation of the instrument in accordance with section 76C(5) of the Sex Discrimination Act 1975.

Equal Opportunities Commission

Financial Effects

The instrument is likely to have an estimated one off cost to Scottish business of between £80,000 and £170,000 and ongoing annual costs of between £120,000 and £240,000. The Regulatory Impact Assessment (attached) provides more detailed information and details likely costs to the Scottish Executive and local government.

Scottish Executive: Development Department
January 2007