

**EXPLANATORY MEMORANDUM TO  
THE SEX DISCRIMINATION ACT 1975 (PUBLIC AUTHORITIES) (STATUTORY  
DUTIES) ORDER 2006 No. 2930**

**AND**

**THE DRAFT GENDER EQUALITY DUTY CODE OF PRACTICE**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1. The Order would require the public authorities listed in Schedule 1 to the Order to carry out certain specific gender equality duties. In particular it would require each one to publish and periodically review a Gender Equality Scheme. This would set out how the authority intended to carry out its general gender equality duty set out in section 76A(1) of the Sex Discrimination Act 1975 (SDA).

2.2. The accompanying draft code of practice, which will provide assistance to public authorities in their compliance with the general gender equality duty set out in the SDA and the specific duties imposed by the Order, has been prepared by the Equal Opportunities Commission (EOC). It has been approved by the Secretary of State under section 56A(4)(a) of the SDA (as applied by section 76E(2)) and is laid before both Houses as required by that section.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1. None.

**4. Legislative background**

4.1. Part 4 of the Equality Act 2006 inserted new sections 76A to 76E into the SDA. Section 76A imposes a general duty on public authorities when carrying out their functions to have due regard to the need to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women.

4.2. Section 76B allows the Secretary of State to impose by order, specific gender equality duties on prescribed public authorities, which would assist them in carrying out their duty under section 76A. Section 76D sets out the enforcement mechanisms relating to the non-compliance with the specific duties set out in the Order. Enforcement will initially be carried out by the EOC through the issue of compliance notices, which are themselves enforceable through the County Court (Sheriff Court in Scotland). When the Commission for Equality and Human Rights becomes operational, it will take over that role.

4.3. Those public authorities to which this Order does not apply will, unless exempt under section 76A(3), be required to comply with the duty at section 76A(1).

- 4.4. Section 76E gives the EOC power to issue a code of practice about the performance of the general duty at section 76A(1) of the SDA and the specific duties imposed by the Order. A draft of the code is transmitted to the Secretary of State and if she approves it, the draft is laid before Parliament for 40 days. Either House may resolve that no further proceedings should be taken on the draft. If no such resolution is passed, the EOC is required to issue the draft and the code comes into effect on a date appointed by the Secretary of State by order.
- 4.5. Failure to observe a provision of the code will not lead to legal liability, but the code is admissible in evidence and courts and tribunals are to take account of any provision of the code which appears relevant to any question arising in the proceedings. (Section 56A(10) of the SDA, as applied by section 76E(2).)

## **5. Territorial Extent and Application**

- 5.1. The Order applies only to the public authorities listed in the Schedule to the Order. While some of these are English public authorities and some have public functions in both England and Wales, there is no corresponding Order relating to bodies all of whose public functions are exercisable only in Wales. The imposition of similar duties on Scottish public authorities, and in respect of the Scottish functions of cross-border authorities, is a devolved matter under the devolution settlement. The Scottish Parliament resolved to allow Westminster to legislate for Scotland in respect of the new section 76A duty. Scottish Ministers are given their own order-making powers under new section 76C to prescribe specific duties in relation to Scottish public authorities, and in relation to the Scottish functions of cross-border authorities.
- 5.2. In respect of the code of practice, those parts which deal with the general gender equality duty in section 76A of the SDA apply to all public authorities in England and Wales and to reserved functions of public authorities in Scotland. The parts of the code which deal with the specific duties imposed by the Order apply only to the public authorities listed in the Schedule to the Order. This does not include authorities all of whose functions are public functions in Wales. A similar but separate code applies to Scotland.

## **6. European Convention on Human Rights**

- 6.1. As the Order is subject to negative procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1. The Government, in its White Paper “Fairness for All: A new Commission for Equality and Human Rights” – published on 12 May 2004 - announced its intention to “take concrete steps to implement its longstanding commitment to introduce a duty on public bodies to promote equality of opportunity between women and men”. The longstanding commitment referred to was contained in the Government’s 1999

Equality Statement which was issued in light of the Macpherson Report following the Stephen Lawrence inquiry.

- 7.2. Following the Equality Statement, the Government introduced a public sector duty to promote race equality in 2003. Through the Disability Discrimination Act 2005, it is introducing a public sector duty on disability that will come into effect in December 2006.
- 7.3. The gender equality duty follows the recognition that public authorities can have a positive role in eliminating unlawful discrimination and harassment, and promoting equality of opportunity between men and women. Based on the experience of similar duties on public authorities in Northern Ireland, and those brought in by the Race Relations (Amendment) Act 2000, the Government has concluded that it is desirable to have a statutory obligation on public authorities in the field of gender equality.
- 7.4. In October 2005, the Government published “Advancing Equality for Men and Women”, a consultation inviting views on how the order making powers in what is now section 76B of the SDA should be exercised to ensure the better performance of the general duty in what is now section 76A. These centred around three main requirements, for public authorities to:
  - draw up and publish a gender equality scheme;
  - develop and publish a policy on their equal pay arrangements; and
  - ensure that they assess the impact of new legislation, policies, employment and service delivery changes.
- 7.5. The proposals were designed to mainstream gender equality considerations in policy-making and service provision, and allow for flexibility so that public authorities could comply with their gender equality duties while performing their functions as public authorities.
- 7.6. The consultation remained open for 15 weeks. Nearly 700 people participated in the consultation events and 169 written responses were received. Overall there was a very broad welcome for the Government’s proposals and especially for a statutory duty to take proactive steps in promoting gender equality with an emphasis on outcomes. A substantial number of public authorities used their response to confirm what action they were already taking in respect of gender equality or equalities in general.
- 7.7. After the consultation, Government has given further detailed consideration as to how to ensure that any requirements in respect of handling gender pay gap issues could be made workable, effective, outcome focussed and within the scope of the general gender equality duty. The Government also wanted to take account of the fact that many public authorities had, since 2003, undertaken pay reviews and are working on the findings arising from them. In particular, it considered how best to ensure that the specific duties require public authorities to address all the various causes of the gender pay gap and not just equal pay as covered by the Equal Pay Act 1970. This consideration has resulted in the wording that currently appears in Article 2(5) of the Order.

- 7.8. In accordance with the provisions of sections 76B(2), 76B(3)(a) and 76C(6), the Order is made following consultation with the EOC, the National Assembly for Wales and the Scottish Ministers respectively.
- 7.9. The EOC carried out a public consultation on a draft of the code of practice as required by section 56A(2) and (3) of the SDA (as applied by section 76E(2)). The consultation took place for over 13 weeks from 16 February to 23 May 2006. Around 680 people participated in consultation events and 524 registered online for the consultation. The EOC received 110 submissions. Many of the comments and specific suggestions regarding content and layout have been taken into account in the final version of the draft code produced following the consultation process. The Secretary of State approved the code of practice, and has laid it in draft in both Houses of Parliament as required by section 56A(4)(a) of the SDA (as applied by section 76E(2)). If no resolution is passed by either House, an order will be made appointing 6<sup>th</sup> April 2007 as the day on which the code will come into effect.

## **8. Impact**

- 8.1. The Regulatory Impact Assessment for the public sector duty on gender equality and the duties in the Order is annexed to this memorandum.
- 8.2. The impact for the public sector is estimated at: £21 - £36 million for one-off implementation costs, and £1.7 - £2.8 million per year for ongoing costs. In respect to costs to business, the figures are £0.8 - £1.7 million for one-off implementation costs, and £1.2 - £2.4 million per year for on-going costs.

## **9. Contact**

- 9.1. Ian Shaw, Department for Communities and Local Government - tel: 020 7215 6695 & emails either at: [Ian.Shaw@dti.gsi.gov.uk](mailto:Ian.Shaw@dti.gsi.gov.uk) or [Ian.Shaw@communities.gsi.gov.uk](mailto:Ian.Shaw@communities.gsi.gov.uk), can answer any queries regarding the Order and the draft code.

# Regulatory Impact Assessment

## Public sector duty to promote gender equality

November 2006

### 1. Purpose and intended effect of measure

#### ***The objective***

1.1 The Government's overall objective is to have all public authorities (PAs), as employers and/or service providers, meeting the different needs of women and men more efficiently and effectively.

#### ***Legal context***

1.2 The Government introduced, through the Equality Act 2006, a general duty on PAs in Great Britain to promote gender equality so that when exercising their functions, they are to have due regard to: the need to eliminate unlawful discrimination and harassment; and the need to promote equality of opportunity between women and men. Those PAs, listed in the relevant secondary legislation accompanying this RIA, will be subject to specific duties which, in turn, will assist them in complying with the general duty.

1.3 In October 2006, DCLG Ministers and Welsh Ministers agreed to exclude from the list in the secondary legislation those PAs operating wholly and exclusively in Wales. Those remaining in the list are therefore English and English/Welsh PAs. It has not been possible to make the necessary adjustments in the costs contained in this RIA. The costs are therefore based on 43,000 PAs in England and Wales.

#### ***Purpose of this final Regulatory Impact Assessment (RIA)***

1.4 This RIA builds on the partial RIA published in the Government's consultation document<sup>1</sup> on the proposals underpinning the specific duties. The partial RIA explained the Government's rationale for proceeding down the public sector duty route to achieve its aim of achieving gender equality and considered three options: (i) non-intervention; (ii) an outcome-focused duty - gender equality schemes, pay policy<sup>2</sup> and gender impact assessments; (iii) a more process-oriented duty - similar to the current one on race equality. Ministers agreed in September 2005 that the Government should consult on proposals supporting the outcome-focussed duty. Unless specified to the contrary, we have based our estimated costs in this RIA on figures provided by PAs who, since 2002, have been complying with the current public sector duty on race equality.

#### ***Actions since 2005 consultation exercise***

1.5 The proposals to underpin the specific duties supporting the outcome-focussed option were the subject of an Government-led public consultation

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<sup>1</sup> Advancing Equality for Men and Women: Government proposals to introduce a public sector duty on gender equality" – October 2004 - URN 05/1610

<sup>2</sup> Prior to the publication of the partial RIA, there was not enough time to include an assessment on the proposal for PAs to develop and publish an equal pay policy statement.

exercise (see footnote 1) between 4 October 2005 and 20 January 2006. They focused around 3 main components:

- drawing up and publishing, in consultation with employees and stakeholders, a gender equality scheme (GES) which should identify gender equality goals and show the steps that authority will take to implement them;
- developing and publishing a policy - in consultation with employees - on their equal pay arrangements - including measures to ensure fair promotion and development opportunities and tackle occupational segregation;
- assessing the impact of new legislation, policies, employment and service delivery changes. These assessments must also be published.

1.6 The Government received 169 responses very nearly all of which were favourable to the Government's proposals. A Government response<sup>3</sup> will be placed on the following website [www.womenandequality.gov.uk](http://www.womenandequality.gov.uk) in November 2006. A vast majority of respondents welcomed a statutory gender equality duty which would ensure the PAs would proactively take steps to promote equality of opportunity and also one where less time would be spent on processes and procedures and more effort was geared towards securing the outcomes.

## **2. Specific duties : Outcome-focussed model**

2.1 As highlighted in the partial RIA, this approach has some similarities with the current race and prospective disability public duties but couched to focus mainly on outcomes. PAs would be required to identify areas of their policies and practices that require improvement in relation to gender and set specific objectives. They would be encouraged, but not obliged, to take account of relevant targets set at national or sectoral level (either by the Government, (until October 2007) the Equal Opportunities Commission (EOC), (from October 2007) the Commission for Equality and Human Rights (CEHR)), when seeking to comply with the duty.

2.2 Under this duty, PAs would be required to undertake the following in order to be compliant with specific duties:

- a. draw up and publish a scheme identifying specific gender equality objectives and targeted outcomes in relation to service users, employees and showing how it will implement them. PAs will also need to consider the need to have an objective to address the causes of any gender pay gap;
- b. take positive action to achieve these objectives and make annual reports on progress on their outcomes (this could be part of a general annual report);
- c. review and update their gender equality schemes every three years;
- d. conduct gender impact assessments on legislation and initially screen major, relevant employment/policy/service developments (to see if a full gender impact assessment is necessary) and have due regard to their outcomes.

2.3 Repeating the rationale in the partial RIA, this duty is broadly similar in procedural terms to the race and disability duties (i.e. general & specific duties), which PAs are already familiar with. They may be encouraged to align the various schemes (race, disability, gender) with greater ease and at less cost. PAs would also have greater freedom and flexibility in identifying areas or issues that need to be addressed to improve equality of opportunity between men and women.

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<sup>3</sup> Government Response - Advancing equality for men and women: government proposals to introduce a public sector duty to promote gender equality

### 3. Costs and benefits

3.1 In estimating the costs associated with the public sector gender equality duty for the partial RIA, we drew on the experiences of the Commission for Racial Equality (CRE) in drawing up the Race Equality Duty, the Greater London Authority (GLA) in implementing their gender equality scheme, and feedback from stakeholders complying with the Race Duty. This final RIA draws on the cost / benefits established in the partial RIA, updated to reflect the costs to schools in complying with (a) to (d) above.

3.2 The Race Relations (Amendment) Act 2000 placed a general duty on approximately 43,000 public authorities to promote race equality.<sup>4</sup> We have used this figure to inform our estimate of the total cost to the public sector of a gender equality duty. Where we have more detailed information on the type of authority, we have used it to form more accurate estimates of the cost implications of a gender equality duty.

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#### 1. Detailed breakdown of public authorities

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<sup>5</sup> Central government	70
Local authorities	410
Schools	23,000
Higher education/ further education institutions	531
Strategic health authorities	46
Secondary care trusts	289
Primary Care organisations	327
Unitary trusts	28
Others	18,299
Total	43,000

Sources: Office of National Statistics, the Employers' Organisation for Local Government, the Department for Education and Skills and the Institute of Healthcare Management

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3.3 When estimating costs to the public sector we have assumed that all PAs will have to be compliant with the statutory gender equality duty. Non-compliance will be breaking the law (e.g. general duty breaches may lead to judicial review, although none have been taken to date in relation to the race duty).

3.4 The general duty of the gender equality duty will apply to those bodies undertaking functions of a definite public nature. While this will largely capture PAs it may also apply to certain functions of private bodies if they are of an express public nature. Specific duties will not apply to private bodies. The impact upon business is assessed later in this document.

#### ***Benefits***

3.5 The duty could help public authorities make more rapid and steady progress in achieving gender equality, contributing to more informed decision making and ensuring that policies are properly targeted.

3.6 The duty should also encourage more openness and transparency in policy-making, for example by requiring authorities to produce gender impact assessments for key policy areas. This requirement, in conjunction with specific duties to develop action plans to meet gender equality obligations and report on progress,

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<sup>4</sup> <http://www.homeoffice.gov.uk/comrace/race/raceact/dutyfaq.html>

<sup>5</sup> Race duty legislation suggests that there are approximately 50 bodies which could be considered central government, and 20 Ministers of the Crown.

would help raise the profile of gender equality issues in terms of employment practices and service delivery, which is likely to lead to more rapid progress towards gender equality.

3.7 The public will benefit from improved access to high-quality, modern services which better meet their needs. For example, one of the outcomes of the Greater London Authority (GLA) Gender Equality Scheme was an increase in the number of night buses and improved security on public transport. Other examples would be improved access to public services outside the hours of 9-5pm, and improved childcare facilities in terms of affordability and accessibility.

3.8 The requirement to meet gender equality obligations in the workplace will benefit employers in terms of a more balanced workforce, attracting and retaining more able staff. By also meeting the different needs of women and men in the workplace, employers will also benefit from a better use of those resources who will be valued and respected. Better job matching using an increased pool of talent, accompanied by management practices that ensure that employee skills are properly developed and effectively deployed, will raise productivity.

3.9 More flexible work practices for men and women will also improve performance by raising staff morale and, home-working could reduce the amount of office space required. Flexible working may enable the authority to offer public services outside of "typical" working hours, a diverse staff mix could help the public sector to better meet the needs of its customers, and more content staff could raise customer satisfaction. For example, the Borough of Telford and Wrekin recognised the difficulties that many parents and carers face and therefore designed policies to support people with caring responsibilities. Their innovations have reduced staff turnover (3% compared to an average of 10% of councils across England), created a loyal workforce and reduced recruitment costs.<sup>6</sup> Costs of recruiting new staff are around £4,200.<sup>7</sup>

3.10 There would also be benefits to the economy in terms of encouraging more women to remain in the workplace, and to progress to senior posts, raising the aspirations of other women. By monitoring human resource data by gender, and making managers more informed of their gender equality duty obligations, this should help to narrow the pay-gap in the wider public sector.<sup>8</sup> A lower turnover amongst women would help rectify perceptions that women are less committed to employment. Such perceptions contribute to occurrence of "statistical discrimination"<sup>9</sup> against women, and prolonged participation will help generate long-term corrective feedback.

3.11 Improving gender equality in education and access to apprenticeships and training will help to correct skill shortages in the economy which will also assist in narrowing the pay gap. The National Employers Skills Survey 2003 (NESS) found that at any one time, there are over a quarter of a million job vacancies that are hard-to-fill, and 135,000 which cannot be filled because of skill-shortages in the labour market. It reported that the major impact of skills vacancies on businesses are;

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<sup>6</sup> EOC Research.

<sup>7</sup> Source: CIPD; average over three years

<sup>8</sup> Since the former DTI made gender equality a key objective, the proportion of women in the former DTI senior civil service posts has increased from 21.6% in April 2000 to 31% in June 2004, relative to a 2005 target of 35%

<sup>9</sup> Statistical discrimination describes the practice of ascribing different population subgroups with varying beliefs concerning their productivity (whether empirically justified or based on societal presumptions).



increased workload for current employees, customer service difficulties, and loss of business due to sector skill vacancies.

3.12 Attempts have been made to consider the economic value of improved equality generally, and of greater female workforce participation in particular. The Women and Work Commission's Report estimates that increasing women's employment could be worth between £15 billion and £23 billion or 1.3 to 2.0 per cent of GDP<sup>10</sup>. Figures from the Equalities Review suggest substantial macroeconomic gains from improved social welfare as a result of greater equality. A more even distribution of resources could result in gains of around 6 per cent of GDP<sup>11</sup>. There is no suggestion here that the implementation of the gender equality duty alone would result in gains anywhere near the order of magnitude of these figures. However, such evidence gives an impression of the benefits that are derived by creation of a more equitable society, of which the gender equality duty will be an important contributor.

### *Costs*

#### **Summary table of costs**

<b>2. Summary table of costs</b>	<b>Low range (£m)</b>	<b>High range (£m)</b>
<b>General Duty</b>		
One-off implementation: public sector	0.28	0.29
One-off implementation: private sector	0.8	1.7
Ongoing implementation: private sector	1.2	2.4
<b>Specific Duty and CEHR cost</b>		
One-off implementation: CEHR	0.42	0.66
One-off implementation: public sector (excluding CEHR)	20.5	35.3
Ongoing implementation: public sector	2.6	3.7
<b>Total one-off Implementation</b>	<b>22</b>	<b>37.92</b>
<b>Total ongoing implementation</b>	<b>3.8</b>	<b>6.1</b>

#### **One-off implementation costs**

##### Cost to Commission for Equality and Human Rights (CEHR) or EOC

3.13 Developing the duty would require the proposed CEHR (or EOC) to consult widely, determine obligations and possibly targets, and produce guidance, training advice, and monitoring toolkits for public authorities. The CRE spent 18 months on preparing for implementing the statutory race equality duty, including a six-month consultation period. Based on their staffing requirements during this 18-month period, and feedback from the GLA in implementing their GES, we estimate that the one-off implementation costs for the CEHR would be between £415,000 and £655,000<sup>12</sup>. Over 85 per cent of this total will comprise of staffing costs,<sup>13</sup> the

<sup>10</sup> Shaping a Fairer Future, Chapter 1, para 35

<sup>11</sup> The Equalities Review: Interim Report for Consultation, March 2006, page 69.

<sup>12</sup> However, if the duty was to come into effect before the CEHR starts its business, these costs would fall to the EOC.

<sup>13</sup> Staff costs are based on information provided by the CRE in terms of the number of staff of varying grades working on implementing the duty for race equality. We have assumed two executive officers and 2 higher executive officers work on the duty over a period of 18 months, on a salary of £21,940 and £26,378 respectively. Between two thirds and all of one middle manager's time, on a salary of £45,800, and between one third and two thirds of an HEO level lawyer and a Range 10 lawyer's time, on respective salaries of £26,378 and £45,800. We have assumed that two communications staff of the same range as the legal staff mentioned above work on the duty, with the HEO spending half, to all of their time on the duty, and the Range 10 spending between a third

remainder reflects the approximate cost of consultation and publishing information.<sup>14</sup>

#### Costs to public authorities in general

3.14 Costs would be incurred in reading the guidelines for those authorities to which only the general duty applies. Based on 15 minutes of a personnel manager's/equality co-ordinator's time to read the new guidelines,<sup>15</sup> we estimate that the general duty will cost these authorities between £279,000 and £285,000.

3.15 For PAs covered by specific duties there will be some one-off up-front costs. The amount of a personnel manager's/equality co-ordinator's time and designated member of staff's time spent on reading the legislation, consultation, and drawing up a scheme, varies according to the type of authority, with smaller authorities spending relatively less time. For example, central government spend 6-7 months, and local authorities spend 4-6 months. In calculating these staff costs we have taken the average earnings per hour of such an individual, assumed they work an 8-hour day, and multiplied this by 1.3 to take into account non-wage costs.<sup>16</sup>

3.16 We have used ranges to estimate the time spent and associated cost, utilising anecdotal evidence associated with the implementation of the race duty. Below we estimate costs to a range of authorities of complying with the gender equality duty.

#### Costs to smaller authorities

3.17 Education Institutions: In the case of schools we have assumed that it would take such an individual between 2 and 4 days<sup>17</sup> to produce an action plan, allowing for reading the guidelines, meeting with staff and stakeholders, and producing an action plan, at a cost of between £10 million and £21 million.<sup>18</sup>

3.18 In the case of Higher Education (HE) and Further Education (FE) institutions, we have adopted the same approach but allowed 8.5-12<sup>19</sup> days of such a manager's time to review the guidelines, liaise, and draw up a scheme, at a cost of between £1.0 million and £1.4 million.

3.19 Health Authorities: (primary care organisations, unitary trusts, and secondary care trusts.) We have assumed that health authorities (excluding Strategic Health Authorities which are included under local authorities) will spend

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and two thirds of their time on the duty. We have also allowed for one Grade 5/6 on a salary of £54,000 spending 25-50% of their time on the duty. All salaries have been increased by 30% to allow for non-wage costs.

<sup>14</sup> Greater London Authority spent approximately £3000 on consultation when developing their Gender Equality Scheme. We estimate that approximately £30,000-£75,000 would be spent by CEHR on consultation and £10,000-£20,000 on producing guidance.

<sup>15</sup> The average hourly earnings of a Personnel, training and industrial relations manager, excluding overtime, are £21.75, New Earnings Survey 2003. We have increased this by 30% to take into account the non-wage costs = £28.28. Based on 15 minutes reading time for schools, and 90-95% of 'other public authorities' ie. 39,469 to 40,384 public authorities;  $(39,469 * (28.28/4)) = £279,000$ , and  $(40,384 * (28.28/4)) = £285,000$ .

<sup>16</sup> The average hourly earnings of a Personnel/equality co-ordinator, training and industrial relations manager, excluding overtime, are £21.75, New Earnings Survey 2003. We have increased this by 30% to take into account the non-wage costs = £28.28.

<sup>17</sup> This is based on DfES estimates of implementing the race duty, which have been reduced to take into account that the gender equality duty will be less bureaucratic.

<sup>18</sup> Cost per day is £28.28 x 8 hours = £226. The total cost for all schools, is therefore £226 x 2 x 23,000 to £226 x 4 x 23,000 = £10,405,200 to £ 20,810,400.

<sup>19</sup> Again these are based on DfES estimates of implementing the race duty; see footnote 11

a similar amount of time to Higher Education and Further Education institutions on implementation. The one-off implementation cost is estimated at £0.6-£1 million.<sup>20</sup>

3.20 Other Authorities: we have assumed that 5-10% of authorities in this category (915 to 1830 authorities) will have to comply with specific duties. We expect a personnel manager/equality co-ordinator to spend 2.5 days on reading legislation and putting a scheme in place.<sup>21</sup>

Larger authorities

3.21 We have used a slightly different approach for local and central government. Feedback suggests that local authorities had one senior coordinator on an annual salary of approximately £45,500 allowing for non-wage costs<sup>22</sup>, working on drawing up the race scheme for six months.

3.22 Local authorities: costs are based on a senior coordinator spending 5 months reading legislation, consulting, and drawing up a gender equality scheme.<sup>23</sup> Ranges have also been adopted to reflect the fact that some local authorities may already meet some of the specific duties or have some of the necessary processes already underway; we assume that between 10-33% of local authorities already have the essentials for a gender equality plan in place.<sup>24</sup> Scaling these costs up across 410 local authorities and 46 Strategic Health Authorities, implies a one-off implementation cost of £6.5 million to £9.2 million.<sup>25</sup>

3.23 Central government: costs are based on a senior coordinator spending 6 months reading legislation, consulting, and drawing up a gender equality scheme.<sup>26</sup> Ranges have also been adopted to reflect the fact that some central government organisations may already meet some of the specific duties or have some of the necessary processes already underway. While we believe the majority of central government bodies will be considering gender equality at some level we assume that 10-25%<sup>27</sup> would have the essentials for a gender equality scheme in place and

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<sup>20</sup> A local authority said they had an Equalities Officer on a salary of £35,000, which adjusted for non-wage costs amounts to £45,500.  $((45,500/12)*0.25)*644$  authorities) = £0.6 million,  $((45,500/12)*0.4)*644$  = £1 million.

<sup>21</sup> Cost per day is £28.28 x 8 hours=£226. The total cost these authorities is therefore;  $(£226 \times 2.5 \times 915)$  to  $(£226 \times 2.5 \times 1830)$  £0.5-£1 million.

<sup>22</sup> Senior coordinator salary of £35,000, increased by 30% to allow for non-wage costs.

<sup>23</sup> The Greater London Authority spent approximately £3000 consulting with four focus groups when drawing up their Gender Equality Scheme. We have used this as the upper limit of our range (£1500-£3000).

<sup>24</sup> The Improvement and Development Agency Best Value Database: indicated that 44% of local authorities take gender considerations into account in consultation, though those with a scheme in place is likely to be lower, and we are including Strategic Health Authorities, thus we assume 33% as our upper range. 12% of authorities took gender considerations into account with regard to contract or partnership arrangements, adding in Strategic Health Authorities, we have adopted 10% as our lower range.

<sup>25</sup> If 5 months of a senior coordinator's time is taken;  $((45,500/12)*5)*(456*0.66)$ =£5.8 million to  $((45,500/12)*5)*(456*0.9)$ =£7.8 million. In addition there is a consultation cost of £0.7 to £1.4 million. We are assuming that all authorities will have to conduct a specific consultation prior to drawing up their gender equality scheme.

<sup>26</sup> The Greater London Authority spent approximately £3000 consulting with four focus groups when drawing up their Gender Equality Scheme. We have adopted a range of £2,000-£5000.

<sup>27</sup> Improvement and Development Agency: Best Value Database suggests 22% of local authorities are considering gender when setting improvement targets and plans, and 12% consider gender equality in contract and partnership arrangements. We have assumed a range of 10-25% for central government bodies.

comply with the specific duties. Scaling these costs up across 70 central government bodies produces a one-off implementation cost of £1.5-£1.9 million.<sup>28</sup>

Table 3 shows that the total one-off implementation cost to public authorities is expected to be between £21 million and £36 million.

**3. Total one-off implementation costs to public authorities (£ million)**

	Low range (£)	High range (£)
CEHR	0.4	0.7
General Duty	0.28	0.29
Specific Duty		
HE/FE Institutions	1.0	1.4
Schools	10.4	20.8
Local Authorities	6.5	9.2
Health Authorities	0.6	1.0
Central Government	1.5	1.9
Others	0.5	1.0
<b>Total</b>	<b>21.2</b>	<b>36.3</b>

3.24 There will also be a one-off cost to business of adapting to the gender equality duty, which has been estimated at between £0.8 million and £1.7 million (see cost to business section, paragraph 3.49).

**Ongoing implementation costs (including ongoing policy costs)**

3.25 There will be ongoing implementation costs to public authorities subject to additional requirements such as the requirement to produce equality schemes every three years and to report on progress against the plan on an annual basis. This will necessitate the ongoing collection and monitoring of gender data in terms of employment, training, and service delivery. We also anticipate that some of central government and some local authorities will commission research/surveys to inform the equality scheme. Central government and local authorities (the latter includes Local Education Authorities and Strategic Health Authorities) will also be required to produce gender impact assessments for key policy changes that could impact upon gender equality.

**Producing equality schemes**

3.26 Authorities will identify their own gender equality priorities, through ongoing monitoring activity and analysis of this data against targets outlined in the equality scheme. Progress against targets is reported on an annual basis, and the equality scheme itself is revised every 3 years. We anticipate that the annual reporting back will involve reporting data from the past year, which is required to assess progress against the existing equality scheme and inform the revised version. We therefore spread our cost estimates associated with the plan over three years.

**Costs to smaller authorities**

<sup>28</sup> If 6 months of a senior coordinator’s time is taken; (((45,500/12)\*6)\*(70\*0.85))=£1.4million to (((45,500/12)\*6)\*70)=£1.6 million. In addition there is a consultation cost of £0.1 to £0.3 million. We are assuming that all authorities will have to conduct a specific consultation prior to drawing up their gender equality scheme.

3.27 Education Institutions: In the case of schools we estimate that drawing up an action plan will occupy 1 day of a teacher or administrator's time. Using the same methodology as above, the annual cost to schools will therefore be about £1.4 million. For HE/FE institutions, we estimate that drawing up the action plan will occupy 1-3 days of a personnel, training, or industrial relations manager's time, 1.5 days of a researcher's or teaching professional's time, and 1.5 days of an administrative assistant's time.<sup>29</sup> The total annual cost to HE/FE institutions will therefore be between £0.1 million and £0.2 million

3.28 Health Authorities: we have assumed that these authorities (primary care organisations, unitary trusts, and secondary care trusts) will have the same staff time requirements as Higher Education and Further Education institutions associated with the equality scheme. The one-off implementation cost is estimated at £0.1 million.<sup>30</sup>

3.29 Other Authorities: we have assumed that 5-10% of authorities in this category (915 to 1830 authorities) will have to comply with specific duties. We assume the same staff requirements as for health authorities; namely 1 day of personnel manager/equality co-ordinator time, 1.5 days of administrative office time and 1.5 days of research officer time. The annual implementation costs are estimated at £0.18-£0.35 million.<sup>31</sup>

Costs to larger authorities

3.30 Local authorities: we anticipate that local authorities would have a personnel, training, or industrial relations manager drawing up the scheme and coordinating input from a statistician/researcher and an administrative assistant over a period of 2 days. We have estimated that 2 days of an administrative assistant's time, and two days of a statistician or researcher's time are required. We assume that 0-20% of local authorities are already gathering and monitoring gender data, or could easily incorporate this into processes set up as a result of the race duty. Indeed some may already set gender equality targets and monitor progress towards these goals.<sup>32</sup>

3.31 We also anticipate that that 25-50% of local authorities commission research for the purpose of developing their equality scheme at a cost of £15000, or spread over 3 years £5000 per annum. Combining research costs with staffing costs associated with the equality scheme (applying the same methodology as in footnote<sup>41</sup>, but for a range of 0-20% of 456 local authorities) produces an annual cost which rounds to £0.6 million-£1.2 million.

3.32 Local authorities will also be required to produce gender impact assessments for major changes that are likely to have a gender impact. We assume there will be 3 changes a year requiring a gender impact assessment, with the researcher spending

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<sup>29</sup> The average hourly earnings of teaching professional are only marginally lower than those of a researcher, and those of an administrative assistant are broadly the same, hence the same average hourly earnings as in the previous footnote have been used. DfES input in relation to the Race Duty has informed our estimate of the time taken for schools to draw up an action plan.

<sup>30</sup> (1 day of a personnel manager's/equality co-ordinator's time: (£28.28\*8\*644) + 1.5 days of an administrative officer's time (£11.06\*8\*1.5\*644) + 1.5 days of researcher's time (£18.15\*8\*1.5\*644))/3 = £0.1 million.

<sup>31</sup> (1 day of a personnel manager's/equality co-ordinator's time: (£28.28\*8\*515) to (£28.28\*8\*1030) + 1.5 days of an administrative officer's time (£11.06\*8\*1.5\*515) to (£11.06\*8\*1.5\*1030) + 1.5 days of researcher's time (£18.15\*8\*1.5\*515) to (£18.15\*8\*1.5\*1030))/3 = £0.1-£0.2 million.

<sup>32</sup> Improvement and Development Agency: Best Value Database suggests 22% of local authorities are considering gender when setting improvement targets and plans.

between half a day to a full day on each. In both instances we assume that the researcher is able to draw on the existing gender evidence base.<sup>33</sup> We estimate that this will cost local authorities between £0.1 and £0.2 million, which when combined with the annual cost stated above, produces an annual implementation cost for local authorities of between £0.7 million and £1.4 million.

3.33 Central government: we anticipate that central government would have a personnel, training, or industrial relations manager drawing up the scheme and coordinating input from a statistician/researcher and an administrative assistant over a period of 2 days. We have estimated that 2 days of an administrative assistant's time, and two days of a statistician or researcher's time are required. We assume that 10-25% of central government bodies either already have an action plan in place, or are already setting gender equality targets and monitoring progress towards these goals; several central government authorities are already gathering and monitoring gender data, or could easily incorporate this into processes set up as a result of the race duty.<sup>34</sup>

3.34 We also anticipate that that 25-50% of central government bodies commission research for the purposes of developing their equality scheme a cost of £15000, or spread over 3 years £5000 per annum. Combining research costs with staffing costs associated with the equality scheme (applying the same methodology as in footnote 41, but for a range of 75-90% of 70 central government bodies) produces an annual cost which rounds to £0.1 million-£0.2 million. Here we assume that 10-25% of central government bodies are already gathering and monitoring gender data, or could easily incorporate this into processes set up as a result of the race duty. Indeed some may already set gender equality targets and monitor progress towards these goals.

3.35 Central government will also be required to produce gender impact assessments for major policy changes that are likely to have a gender impact. Equality considerations already form part of the Regulatory Impact Assessments that accompany policy proposals. Gender Impact Assessments will only be necessary where a major change is being considered which would have an obvious gender impact. We estimate that each central government authority could have 1-3 such cases a year, with a researcher spending approximately a day on each. We assume that the researcher is able to draw on the existing gender evidence base. We estimate that this will cost central government authorities between £0.01 and £0.03 million<sup>35</sup>, which when combined with the annual cost stated above, produces an annual implementation cost for central government of between £0.1 million and £0.2 million.

3.36 Table 4 shows that the annual implementation cost to public authorities subject to specific duties is expected to be between around £2.6 million and £3.7 million.

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<sup>33</sup> The average hourly earnings of a researcher, excluding overtime, are £13.96, New Earnings Survey 2003. We have increased this by 30% to take into account the non-wage costs = £18.15.  $(£18.15 * 4 * 456) * 3$  to  $(£18.15 * 8 * 456) * 3 = £0.1$  million to £0.2 million.

<sup>34</sup> Improvement and Development Agency: Best Value Database suggests 22% of local authorities are considering gender when setting improvement targets and plans, and 12% consider gender equality in contract and partnership arrangements. We have assumed a range of 10-25% for central government bodies.

<sup>35</sup> The average hourly earnings of a researcher, excluding overtime, are £13.96, New Earnings Survey 2003. We have increased this by 30% to take into account the non-wage costs = £18.15.  $(£18.15 * 8 * 70)$  to  $(£18.15 * 8 * 70) * 3 = £0.01$  million to £0.03 million.

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#### 4. Total ongoing implementation costs to public authorities subject to specific duties

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Action plans: and associated monitoring and reporting back	Low range (£)	High range (£)
HE/FE Institutions	0.1	0.2
Schools	1.4	1.4
Local Authorities	0.7	1.4
Health authorities	0.1	0.1
Central Government	0.09	0.21
Others	0.18	0.35
<b>Total</b>	<b>2.6</b>	<b>3.7</b>

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3.37 The total ongoing implementation cost to business has been estimated at between £1.2 million and £2.4 million per year (see costs to business section, paragraph 3.51).

#### ***Ongoing policy costs***

##### Cost to CEHR

3.38 The CEHR would have to incur the cost of providing information and guidance on an ongoing basis - including giving hands-on guidance. We estimate that this will cost CEHR between £10,000 and £12,000 per annum, which includes some telephone guidance.<sup>36</sup>

3.39 CEHR would also need to monitor compliance. The CRE have 25 staff involved in visiting local authorities to aid compliance. We assume that a similar number will be needed to monitor the gender equality duty. If annual staff wages are about £35,000 for each member of staff,<sup>37</sup> £45,500 after allowing for non-wage costs. We estimate that 8-10 officials will be required to monitor compliance with the gender equality duty, at a cost of £0.36 million-£0.46 million.<sup>38</sup> We assume there are some efficiency gains from combining compliance-monitoring activities across equality strands.

##### Cost to public authorities

3.40 The coordinating public authorities receiving information from the CEHR are expected to disseminate this information to authorities within their remit at an arbitrary cost of £500 per annum. When applied to the 526 authorities receiving such information<sup>39</sup> this produces an annual cost of £263,000.

3.41 Public authorities will also have to undergo some regular training activities. Feedback suggests that this can be done at fairly low cost, by incorporating gender equality into a section of the authority's website or employee handbook. This could

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<sup>36</sup> Evidence provided from the local government equality standard has informed this estimate, which has been scaled up by 25%-50% to cover all local authorities, strategic health authorities, central government authorities.

<sup>37</sup> Equivalent salary to that of a senior coordinator or a quality assurance manager, increased by 30% to reflect non-wage costs = £45,500.

<sup>38</sup> We estimate that 8-10 such officials would have responsibility for monitoring compliance with the gender equality duty: (8\*45500) to (10\*45500) = £0.36 million to £0.46 million. We are still allowing for some efficiency gains from monitoring compliance across equality strands, relative to CRE staff requirement.

<sup>39</sup> Central government (70) + local authorities (410) + Strategic Health Authorities (46) = 526

also be done at a centralised level and filtered down where appropriate. There may be a small amount of specific training for managers in terms of employment practices, and also front-line staff, which is carried out through a series of meetings. This would build on the processes already created in response to the introduction of the public duty to promote race equality. Table 5 shows that the annual policy cost to public authorities is expected to be between £0.6 million and £0.7 million.

**5. Total ongoing policy costs to public authorities**

	Low range (£)	High range (£)
CEHR provision of guidance	0.01	0.01
Central and local government disseminating information	0.26	0.26
CEHR checking compliance	0.36	0.46
<b>Total</b>	<b>0.6</b>	<b>0.7</b>

**Costs to business**

3.42 The general duty of the gender equality duty will apply to those bodies undertaking functions of a definite public nature. While this will largely capture public authorities it may also apply to certain functions of private bodies if they are of an express public nature. Private bodies of this kind will not be subject to specific duties.

3.43 Gender equality requirements on private contractors would most likely be clearly set out in the contractual arrangements with the public body concerned. This would include a condition that they meet certain gender equality standards either when working on the public authority's premises or when coming into contact with the authority's staff or the public. If certain gender equality service requirements have been agreed with the contractor as part of the project, contractual clauses will reinforce agreed obligations and contributions from both parties (as would always be the case with regard to specific deliverables included in a contract.)

3.44 In addition where gender equality is deemed a core requirement (usually when contractors come into direct contact with the public) of the procurement, the public body could ask the contractor for additional supporting evidence of good practice, and they would ensure that their requirements in terms of evidence were proportionate to the scale of contract and its relevance to gender equality, and to the size and experience of contractor.

3.45 There would therefore be a cost to contractors, which would generally be proportionate to their size, with additional costs for the small proportion of contractors coming into direct contact with the public. Where gender equality is a core requirement of the contract (i.e. where the function is of an express public nature), one would expect this to be built into the contract from the outset, as with any other contractual deliverable.

3.46 We have identified the industry sectors that typically have a heavy concentration of contractors within them, and also estimated the number of small firms (10-49 employees) that could be affected. Only some of these would be contractors to the public sector, and equally there will be some contractors to the public sector in other industry sectors. We have made the cautious assumption that 25%-50% of these firms are contractors to the public sector, and to allow for the



existence of contractors in sectors that we haven't considered. On this basis, we estimate that approximately 5,000-10,000 small firms will be affected.

## 6. Estimate of businesses affected.

Industry Sector	Employers with 10+ employees	Employers with 50+ employees
Canteens and catering	665	140
Computer hardware consultancy	150	25
Computer software consultancy	3,165	650
Maintenance: office, accounting and computing equipment	220	55
Cleaning	2350	750
Construction (exc. Equipment rental)	16,005	1,975
Investigation and Security Services	920	285
Sewage and refuse disposal, sanitation and similar activities	465	85
Total	23,940	3,965
<b>Number of small firms (10-50 employees) in these sectors</b>		<b>19,975</b>
<b>Assume 25-50% small firms are contracting to public sector</b>		<b>4,994-9,988</b>

Source: Small Business Service – small and medium enterprise statistics 2003

### *One-off implementation costs.*

3.47 We assume that each of these small firms will spend 15 minutes reading the guidance<sup>40</sup> at a cost of between £35,000 and £71,000.

3.48 On the basis that the employers with 50 or more employees within these sectors (991-1983 employers) are more likely to be contractors to the public sector, we assume that 25% of these firms already have gender equality measures in place, or can easily adapt practices put in place as a result of the race duty. These firms are estimated to spend 3 days reviewing the necessary procedures and practices and gender equality guidelines at a cost of between £0.5 million and £1 million.<sup>41</sup>

3.49 Requirements on contractors coming into direct contact with the public will be greater. We assume that 3% of the 5,000-10,000 firms identified in the table above may come into direct contact with the public. We anticipate that these firms will need to amend any leaflets or information they make available to the public to reflect gender equality values. On the basis that this costs each firm in the region of £2000, these firms will incur a one-off implementation cost of £0.3 to £0.6 million.<sup>42</sup>

The total one-off cost to business of adapting to the gender equality duty has been estimated at between £0.8 million and £1.7 million.<sup>43</sup>

### *Ongoing implementation costs*

<sup>40</sup> The average hourly earnings of a Personnel, training and industrial relations manager, excluding overtime, are £21.75, New Earnings Survey 2003. We have increased this by 30% to take into account the non-wage costs = £28.28. Based on 15 minutes reading time for 5000-1000 firms;  $(4994 * (28.28/4)) = £35,300$ , and  $(9988 * (28.28/4)) = £70,600$ .

<sup>41</sup> The average hourly earnings of a Personnel, training and industrial relations manager, excluding overtime, are £21.75, New Earnings Survey 2003. We have increased this by 30% to take into account the non-wage costs = £28.28. Assuming each firm spends 3 days on introducing the necessary gender equality monitoring procedures and guidelines on gender equality for HR, we estimate this will cost between;  $(£28.28 * 8 * 3) * (0.75 * 991) = £504,497$  and  $(£28.28 * 8 * 3) * (0.75 * 1983) = £1$  million.

<sup>42</sup>  $(0.03 * 4994) * 2000 = £299,625$  and  $(0.03 * 9988) * 2000 = £599,250$

<sup>43</sup> Transitional cost for all contractors = £35,000-£7000. Transitional cost for 75% of medium and large firms = £0.5-£1 million. Transitional cost for firms coming into direct contact with the public = £0.3-£0.6 million.

3.50 Of the medium to large firms discussed in paragraph 3.45, we again assume that 25% already have gender equality monitoring in place. The remainder are expected to spend 1.5 days each year on monitoring and assessing gender equality data. We estimate that this will cost between £0.25 million and £0.5 million.<sup>44</sup> In addition we anticipate that these firms will spend in the region of £250 updating their website and annual report with the latest data and assessment at a total cost of between £186,000 and £372,000.<sup>45</sup>

3.51 We estimate that the 3% of firms coming into direct contact with the public (150-300 firms) will need to complete an annual customer satisfaction questionnaire at an estimated cost of £5000. This produces an ongoing cost of between £0.75 million and £1.5 million.

The total ongoing cost to business has been estimated at between £1.2 million and £2.4 million per year.<sup>46</sup>

#### 4. Other relevant issues

##### ***Small Firms' Impact Test***

4.1 As is the case for the current Welsh Assembly's Equality Duty, guidance would make clear that public authorities should not impose unnecessary barriers to public sector markets. This suggests costs to contractors would generally be proportionate to their size.

4.2 Small Business Service (SBS) SME statistics show that there are a total of 19,975 firms with 10-49 employees in the industry sectors identified in the table above as typically having a large concentration of contractors.

4.3 Only some of these would be contractors to the public sector, and equally there will be some contractors to the public sector in other industry sectors. We have assumed a generous range of 25-50% to be applied to this total, to reflect the uncertainty over the number of contractors in the sectors we have considered, and to allow for the existence of contractors in sectors that we haven't considered. This has informed the overall estimated costs to business under paragraphs 3.49 and 3.51.

##### ***Equity and Fairness***

4.4 There is evidence that women are most likely to suffer gender discrimination; 92% of sex discrimination cases promulgated in the year to March 2003 involved women, women will therefore benefit disproportionately from the legislation. However, there will be benefits for men who have caring responsibilities, and men taking advantage of more flexible working practices, or more accessible services. Both males and females will benefit from gender equality

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<sup>44</sup> 991 firms\*0.75= 743, 1983 firms\*0.75= 1487. Based on a personnel managers earnings, allowing for non-wage costs, of £28.28, spending 12 hours, (12\*28.28)\*743 = £252,248. Apply this to 1487 firms produces a total cost of £504,497.

<sup>45</sup> (£200\*743) = £185,859. (£200\*1487) = £371,719.

<sup>46</sup> Ongoing cost for all contractors: 1.5 days management time at £23.21 for 4,994-9,988 businesses = £1.4-£2.8 million; Ongoing cost for medium and large firms disseminating information on a website and in annual report: £186,000-£372,000; Ongoing for firms coming into direct contact with the public – annual customer satisfaction survey : £0.75-£1.5 million.

improvements in education and equal access to training/ apprenticeship opportunities.

### ***Effects on other areas of Equality***

4.5 It is difficult to envisage how the introduction of a public sector duty to promote gender equality could have an adverse effect on other areas of equality. Any individual who at least partially defines themselves as belonging to a particularly equality strand (race, disability, age, sexual orientation or faith/belief) will also have an aspect of their identity that is male or female, and they would stand to benefit from this measure.

4.6 The proposals covered in this RIA have been considered in accordance with the duties contained in the Race Relations (Amendment) Act 2000. It is not anticipated that they will have any discriminatory or adverse effects on minority ethnic communities.

4.7 There is an opportunity through PAs aligning their approaches to the existing public duties (race, disability and now gender) and other equality measures, to tackle problems that are unique to particular groups e.g. getting some Muslim women more engaged in civic life, or encouraging older men to make more use of health services. The proposed CEHR is expected to encourage public bodies to adopt such a cross-cutting approach and indeed this is something that is already encouraged in some areas of the sector by initiatives such as the Equality Standard. Truly modern, high quality public services can only be achieved if public bodies acknowledge all the aspects of individuals identities and their associated needs.

### ***Competition Assessment***

4.8 The legislation, if fully implemented, is likely to lead to an increase over time in female participation rates through such measures as the provision of more flexible work practices and reducing gender discrimination in career progression and pay decisions. This should enhance overall competition in the labour market because gender would no longer act as a filter in terms of access to training, apprenticeships or promotion opportunities. We have applied the filter test and have not identified any sectors where competition between private sector firms would be adversely affected by the duty, once the fixed cost of implementing a gender equality scheme has been accounted for. Private sector firms without a gender equality scheme in place may lose out to those who already have a scheme in place. But the costs involved to ensure basic compliance are not such that they would act as a barrier to entry for private contractors.

### ***Enforcement and Sanctions***

4.9 The CEHR would be able to issue a compliance notice against any public authority that it is satisfied has failed to comply with its specific duties. This would require the public authority to comply with the duty concerned and also to provide information to the Commission within 28 days of the steps that have been taken. It would also require the public authority to give the CEHR other information to verify that the duty has been complied with. The CEHR will be able to apply for a court order requiring a public authority to comply with a requirement of a compliance notice where the CEHR considers that the public authority has not complied with it after three months of the compliance notice being served.

4.10 There will be no provision for individuals to bring a challenge in a County or Sheriff Court, however judicial review would be available where appropriate in respect of the general duty.

### *Consultation on the development of the gender equality duty*

4.11 The following have been consulted: Department for Work and Pensions; HM Treasury; Number 10; the Scottish Executive; Department for Transport, Cabinet Office, Department for Education and Skills, Department of Health, National Assembly of Wales, Ministry of Defence, Home Office, Department for Constitutional Affairs and Department for Communities and Local Government (formerly the Office of the Deputy Prime Minister), The Greater London Authority, Croydon Council, the CRE, the EOC, the Employers' Organisation, and the Department for Trade and Industry.

4.12 A full public consultation on the specific duties was held from 4 October 2005 to 20 January 2006.

### *Monitoring and Review*

4.13 The CEHR will take overall responsibility for monitoring the uptake and effect of the public duty to promote gender equality, and will produce a comprehensive review of the duty every three years. We envisage that this would be a high level review, involving for instance an assessment of changes in employment patterns, and satisfaction with services.

4.14 Inspectorates would be expected to monitor compliance with the duty. There will be no express duty on them to do so, but as the inspectorates themselves are subject to the duty they would be expected to incorporate monitoring compliance with the duty into their general inspection regimes. However as inspection regimes are set to become lighter and more targeted much of the monitoring of compliance is likely to stem from the self-assessment conducted by public authorities. Monitoring would probably initially be limited to whether an authority has produced an equality scheme showing its equality goals and how it will implement them (if subject to this specific duty) but would gradually become more focussed on the assessment of the outcomes.

### *Implementation*

4.15 The gender equality duty will come into effect on 6 April 2007. Those PAs listed in the secondary legislation will have until 30 April to publish their gender equality schemes to cover a period of upto three years. During that period, PAs will be expected to have implemented their actions, reported progress on them, and begun their review of the gender equality scheme.

4.16 The Department for Communities and Local Government is giving further consideration as to how the gender equality duty can bring about systematic change in public sector employment practice and service delivery, ensuring that gender equality becomes a reality, over and above the goals set by individual public authorities, and how Government can ensure that appropriate leadership and coordination is forthcoming.

**Contact Point**

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I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

.....*Meg Munn*.....Date..... 7th November 2006.....  
Meg Munn MP, Deputy Minister for Women and Equality