

## Annex 1

### Tonbridge & Malling Borough Council

#### Gender Equality Scheme

April 2007

## 1 Introduction

The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 comes into effect on 6 April 2007 and places a “general duty” on the borough council to:

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

As part of the duty, the Council is required to have due regard to the need to eliminate unlawful discrimination and harassment in employment and vocational training for people who intend to undergo, are undergoing or have undergone gender reassignment. For the purposes of this Scheme, the expression “transsexual people” is used to refer to those who are covered by these provisions.

To support progress in delivering the general duty, there is also a series of “specific duties” which sets out the steps the Council must take to help it meet the general duty. These specific duties are:

**To prepare and publish a gender equality scheme**, showing how it will meet its general and specific duties and setting out its gender equality objectives.

In formulating its overall objectives, **to consider the need to include objectives to address the causes of any gender pay gap.**

**To gather and use information** on how the Council’s policies and practices affect gender equality in the workforce and in the delivery of services.

**To consult stakeholders (i.e. employees, service users, trade unions) and take account of relevant information** in order to determine its gender equality objectives.

**To assess the impact of its current and proposed policies and practices** on gender equality.

**To implement the actions set out in the scheme within three years.**

**To report** on the Scheme every year and **review** the scheme at least every three years.

**To ensure that the Council has due regard to the need to eliminate unlawful discrimination and harassment in its employment practices and actively promotes gender equality within its workforce.** This includes discrimination and harassment of transsexual people on grounds of their gender reassignment.

## **2 How we involved people in the development of the Scheme.**

The Council has an established forum called The Joint Employee Consultative Committee which consists of trade union and staff representatives from all services within the Council. The Joint Employee Consultative Committee has been actively involved in the development of this Gender Equality Scheme and will monitor and review its progress.

Community groups and agencies in the Borough that are involved in the promotion of gender equality have been consulted during the development of this Scheme.

## **3 How we will make sure the Scheme is implemented**

The Borough Council has produced an Action Plan setting out how it intends to address its duties over the next three years. The Action Plan is included in section 12 of this Scheme.

The Council has established a Diversity Steering Group chaired by the Corporate Services Manager. The Group is comprised of senior representatives from each of the Borough Council's services and front line staff working in services which have been assessed as having high priority in terms of diversity issues. The Steering Group will research good practice, monitor and advise on the implementation of equality obligations. The Steering Group will report regularly on progress towards the implementation of the Gender Equality Scheme to the Management Team, Policy and Best Value Review Committee, Cabinet and full Council at least once a year.

The Borough Council will prepare an annual review of progress made in implementing the Gender Equality Scheme and will publish this review on the website and in hard copy.

## **4 Assessment of the impact of policies and functions on the promotion of disability equality**

The Diversity Steering Group has undertaken an "impact assessment" of all council strategies policies and functions. A list of the role and functions of the council is included in Annex 1 of this Scheme. Not all strategies, policies and functions have implications for gender equality. The Borough Council has reached a view that the following policies and functions do have implications for gender equality and we intend to undertake further investigations over the next three years to assess whether or not there are issues to address.

## ***Policies***

The Community Strategy  
The Crime & Disorder Reduction Strategy  
The Housing Strategy  
The Borough Leisure Strategy  
Housing and Council Tax Administration Strategy  
The Local Development Framework  
The Customer Contact Strategy  
The Communications Strategy  
The Capital Plan  
The Procurement Strategy  
The Anti Harassment Policy  
The Flexible Working and Time Off Policy  
The Homeworking Policy  
The Human Resources Strategy  
The Job Sharing Policy  
The Leave – Maternity/Maternity Support Policy  
The Leave – Parental policy  
The Leave – Adoption Policy  
The Management Development policy  
The Part timers Leave policy  
The Paternity Leave Policy  
The Retirement Policy  
The Training and Development Policy  
The Enforcement Concordat  
All Enforcement Policies

## ***Functions***

all housing and homelessness functions  
dealing with applications such as, Housing and Council Tax Benefit,  
discretionary housing payments, and applications under the Planning Acts  
all forms of customer services and communication with the public  
all licensing functions  
public health partnerships  
all leisure facilities/provision  
the Summer Playscheme and Activate  
the Personnel function  
the provision of grant aid.

## **5 Assessing and consulting on proposed policies**

The following criteria will be applied by the Diversity Steering Group when assessing the likely effects of policies:

Is there evidence of higher or lower uptake or participation by either gender ?

Is there any evidence that either gender has different needs, experiences, issues or priorities in relation to a particular policy?  
Is there an opportunity to promote equality by altering the policy?  
Have consultations with relevant groups, organisations or individuals indicated that particular strategies, policies, functions or duties create problems that are specific to them?

To help us establish the impact of a policy we will take the following into account as appropriate:

- existing research and statistics
- specially commissioned research
- consultation with individuals and special interest groups
- consultation with front-line staff that are part of the function which will be affected by the policy
- survey data.

The Council will consult with relevant groups on all future policies likely to have an impact on gender equality.

## **6 Provision of single-sex recreational facilities**

The Council acknowledges that it is generally unlawful to provide single-sex recreational facilities. However, the exception in section 35(1)(c) of the Equal Opportunities Act does allow such facilities to be provided where one sex would be “seriously embarrassed” at the presence of the opposite sex, or would be in a “state of undress”. A recent Council survey has confirmed that a significant number of participants at the Council’s Ladies Only Swim sessions at Tonbridge Pool would be unwilling to continue to swim in the presence of the opposite sex. The Council has therefore decided to continue to provide these sessions in line with its corporate priority of promoting healthy living for all.

## **7 Meeting the gender equality duty for equal pay**

The Council is required to comply with the Equal Pay Act 1970. This means that the Council needs to ensure that men and women are paid equally for work that is the same or broadly similar, or where the work done is different but considered to be of equal value or worth in terms of demands such as effort, skill and decision making.

In 2005 the Council engaged an independent consultant from the South East Employers Organisation to undertake an equal pay audit. This review scrutinised the Council’s pay structure to ensure that there was no gender bias.

## **8 Meeting the gender equality duty for transsexual people**

The gender equality duty is bound by existing UK law which protects transsexual people from discrimination in work and vocational training, but not in regards to goods, facilities and services.

The law defines transsexual people as those undergoing, intending to undergo, or having already undergone gender reassignment. It does not apply to those individuals who may identify themselves as transgender, androgynous or who cross dress.

It is anticipated that discrimination against transsexual people in the provision of goods, facilities and services will be prohibited from December 2007.

## **9 External Partnerships**

We have a complex web of partnerships within which we play an active role. These cover areas such as crime, economic regeneration and health. In all of our partnership working with other public, private or voluntary organisations we take account of our general duty to promote gender equality. In 2004 we established a West Kent Compact which aims to create a new approach to partnership with the neighbouring district and borough councils and primary care trusts and to provide a framework for an enhanced working relationship in the future.

## **10 Procurement**

We are required to ensure that public money is not spent on practices that lead to unlawful gender discrimination, but it is used instead to support and encourage equality of opportunity. Providers, and potential providers of goods and services need to be aware of this legal duty, since it has implications for them.

The council enters into many contracts with service providers ranging from national companies to small local voluntary organisations. Our aim is to assess the potential contractor's attitude and approach to equal opportunities.

Within the lifetime of this Scheme we will review the questions we ask potential contractors to assess their attitude and approach to gender equality.

## **11 Arrangements for training staff**

All staff should behave in a non-discriminatory way. All those responsible for recruiting and managing staff have been trained in diversity awareness. Further professional and technical training is provided for staff who need to acquire specific skills or knowledge to enable them to perform their role in respect of this Scheme.

Any incident considered to be discriminatory will be investigated via the Complaints Procedure (for members of the public), or the Grievance Procedure or Anti Harassment Policy (for staff). If there is evidence of deliberate discrimination by a Council employee, that employee will be subject to action under the Disciplinary Policy. Unintended discrimination will be regarded as a training or counselling issue.

## **12 Review of the Scheme**

The Council will conduct a comprehensive review of the Scheme within three years of its publication. The review will include an assessment of the outcomes of the Action plan summarised in the table in section 11 below.

## 13 Action Plan

Year 1, April 2007 – March 2008

Action	Lead	Target Date for Completion
1. Report and review the outcomes of gender monitoring of staff and applicants for posts, to Management Team and Members.	CSD	Reports to Management Team in May & October 2007.  Report to Members in August 2008.
2. Scrutinise gender equality best practice in other authorities (including those with Beacon Status) and adopt any appropriate practices.	All	Ongoing
3. Investigate all complaints of sex discrimination concerning the Council, an employee of the Council, or a contractor acting on behalf of the Council and develop strategies to address any imbalances.	CE Directors	Ongoing
4. Work with the Kent Police and other partners in the Crime and Disorder Reduction Partnership to identify differences in priorities for addressing crime and disorder and strategies for crime reduction.	CE	Ongoing
5. Undertake an Impact Assessment for all identified employment policies (including the identification of issues and barriers affecting transsexual staff and potential staff) and develop strategies to address any imbalances.	CSD	August 2007
6. Analyse the distribution of women and men in key decision-making bodies, including public appointments and if there is an imbalance consider whether this is due to discrimination.	CE	By March 2008

7. Analyse patterns for part time staff and those with caring responsibilities and consider strategies for addressing any imbalances.	CSD	April 2007
8. Analyse the return rates of women on maternity leave and identify whether they are returning to jobs at the same level of pay and responsibility.	CSD	April 2007
9. Undertake a review of the 2005 Equal Pay Audit to assess whether a further review is required.	CSD	By March 2008
<p>10. Review the outcomes of the General BVPI survey, the Benefits Survey and the Planning Survey to identify any gender differences in perception concerning the following:</p> <ul style="list-style-type: none"> <li>Anti-social behaviour</li> <li>Community cohesion</li> <li>Environmental Services</li> <li>Cultural &amp; recreational services</li> <li>Planning services</li> <li>Housing services</li> <li>Transport services</li> <li>The administration of Council Tax and Housing Benefits</li> <li>Information provided by the Council</li> <li>Methods of contacting the Council</li> <li>Local decision making</li> </ul>	CSD	By March 2008
11. Review the outcomes of the gender monitoring of the level of applicants for the Leisure Pass Scheme.	DL	December 2007
12. Review the gender distribution of participants in the Summer Playscheme and Activate.	DL	December 2007
13. Review the satisfaction levels, as expressed in customer satisfaction surveys, at : > Poult Wood Golf Centre	DL	By March 2008



> Racecourse Sportsground		
14. Consider any specific health issues arising from joint working with health partners.	CE DHH	Ongoing
15. Update the Council's Procurement Strategy in the light of guidance from the Equal Opportunities Commission, and/or the Commission for Equality and Human Rights.	CSD	March 2008
16. Update the Diversity Policy Action Plan to incorporate the actions listed in this Gender Equality Scheme Action Plan.	CE	May 2007
17. Ensure that the Customer Contact Strategy reflects the principles of gender equality.	CE	May 2007
18. Scrutinise all service provision to ensure compliance with any legislative changes introduced to protect transsexual people against discrimination in the provision of goods, facilities and services.	All	By March 2008
19. Incorporate gender equality issues into the Diversity Awareness training programme.	CSD	By March 2008

**Year 2, April 2008 – March 2009**

<b>Action</b>	<b>Lead</b>	<b>Target Date for Completion</b>
20. Report and review the outcomes of gender monitoring of staff and applicants for posts, to Management Team and Members.	CSD	Reports to Management Team in May & October 2008.  Report to Members in August 2008.
21. Scrutinise gender equality best practice in other authorities (including those with Beacon Status) and adopt any appropriate practices.	All	Ongoing
22. Investigate all complaints of sex discrimination concerning the Council, an employee of the Council or a contractor acting on behalf of the Council, and develop strategies to address any imbalances.	CE Directors	Ongoing
23. Implement any improvement actions identified within the previous years Impact Assessments and monitoring of key functions.	All	By March 2009
24. Review the outcomes of the monitoring of the level of applicants for the Leisure Pass Scheme.	DL	December 2008
25. Review the gender distribution of participants in the Summer Playscheme and Activate.	DL	December 2008
26. Consider any specific health issues for arising from joint working with health partners.	CE DHH	Ongoing

**Year 3, April 2009 to March 2010**

<b>Action</b>	<b>Lead</b>	<b>Target Date for Completion</b>
27. Report and review the outcomes of gender monitoring of staff and applicants for posts, to Management Team and Members.	CSD	Reports to Management Team in May & October 2009.  Report to Members in August 2009 .
28. Scrutinise gender equality best practice in other authorities (including those with Beacon Status) and adopt any appropriate practices.	All	Ongoing
29. Investigate all complaints of gender discrimination concerning the Council, an employee of the Council or a contractor acting on behalf of the Council.	CE Directors	Ongoing
30. Review all forms of customer services and communication with the public and businesses.	CSM	By March 2010
31. Implement any improvement actions resulting from the previous years monitoring of key functions.	All	By March 2010
32. Review the outcomes of the monitoring of the level of applicants with a disability for the Leisure Pass Scheme.	DL	December 2009
33. Review the gender distribution of participants in the Summer Playscheme and Activate.	DL	December 2009
34. Consider any specific health issues arising from joint working with health partners.	CE DHH	Ongoing

## **Annex 1**

### **The Borough Council – its role and functions**

The Borough Council performs six principal roles within its local area:

- the direct provision of a number of services and facilities,
- the promotion of the arts, tourism, community and economic development,
- the regulation and licensing of certain activities including planning control, alcohol and entertainments, environmental health, housing, building regulations, and public safety,
- a client management role in respect of certain activities such as waste collection,
- a representative role on certain partnerships including the Crime & Disorder Reduction Partnership,
- a consultative role in respect of the activities of other bodies and agencies.

In the performance of the above roles the borough council carries out functions in the following areas:

- the provision of facilities for recreational, social and cultural activities including leisure centres, parks, open spaces, a golf course, sports grounds, play grounds and places for community events,
- the provision of a cemetery,
- street cleansing, refuse collection, recycling and public conveniences,
- the administration and regulation of certain matters relating to the environment, public health and public safety including building control, food safety, dangerous buildings, air pollution, noise pollution, dog control, forward planning, conservation and listed buildings, land charges searches, and health & safety,
- the administration and regulation of social housing, private sector housing, homelessness and housing advice, renovation grants, energy efficiency advice, and a home improvements agency,
- the administration and regulation of Council Tax, Business Rates, Housing & Council Tax Benefits, Benefit fraud prevention and elected Members' allowances,
- the management of car parks,

the development of projects in respect of traffic management and calming, environmental enhancements, and CCTV development,

the provision of grant aid to support sports and the arts, community development and the promotion of economic development,

the licensing and regulation of taxis and mini cabs, street trading, alcohol and places of entertainment, and societies lotteries.