

# **GENDER EQUALITY SCHEME**

## Gender Equality Elements of Scheme

### Introduction

New legislation in the form of the Equality Act 2006 aims to promote further equality in service delivery and employment and places new duties on the Highland and Western Isles Valuation Joint Board.

The new duties are an addition to existing obligations contained in legislation such as the Equal Pay Acts and the Sex Discrimination Act.

Whilst the Board is an independent statutory body, it operates in close association with the Highland Council which is its statutory 'lead authority'. In carrying out its new duties the Board will seek to utilise the scale and specialist expertise of the Highland Council to assist in establishing its policies and in meeting what will remain the Board's statutory duties. The Board will also seek to co-operate in this field with its other constituent authority Comhairle Nan Eilean Siar.

The Board will seek to ensure that its activities have a positive impact in the promotion of equality in service delivery and employment practices and that policies and practices are formulated with equalities issues in mind. While the Board in its oversight of the Assessor and Electoral Registration Officer has a narrow statutory remit and no general community development responsibilities such as those of a local authority, the responsibility for electoral registration is seen as being a critical matter, for unless people of all genders are fully involved in the democratic process they will not be included as equal members of society.

### Legislative Background

The Equality Act 2006 requires the Valuation Joint Board to ensure that it does not treat people of particular genders less favourably in the standard of services it provides, or in accessing employment. Reasonable adjustments must be made to ensure access to employment and services.

### The Equality Act 2006

The 2006 Act amends the Sex Discrimination Act 1975 to create for all public authorities a duty called the "general duty". This requires them, when carrying out their functions to have due regard to the need to:

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

"Due regard" has two elements, namely, proportionality and relevance.

To support the general duty the Act also creates "specific duties" which are, in summary:

- To prepare and publish a gender equality scheme showing how it will meet its general and specific duties.

- To consider the need to include objectives to address the causes of any gender pay gap.
- To gather and use information on how practices and policies affect gender equality in the workplace and in the delivery of services.
- To consult stakeholders and take account of relevant information in determining objectives.
- To assess the impact of current and proposed policies and practices on gender equality.
- To implement the actions in the plan within three years.
- To report against the scheme every year and review the scheme at least every three years.

The first scheme requires to be published by 29<sup>th</sup> June 2007.

Research papers concerned with gender equality and electoral matters are referenced in the appendix.

### **The Highlands and Islands Context Generally**

The Board is responsible for the oversight of the Assessor and Electoral Registration Officer who carries out valuation for rating and council tax purposes as well as electoral registration. The Board's area has a population of over 230,000, with around 120,000 households and extends to more than a third of the landmass of Scotland.

The Highland Council and Comhairle Nan Eilean Siar, the constituent authorities of the Board, are the largest employers in their respective areas and provide a wide range of services impacting on everyone who lives there ranging from refuse collection, education, community care, money advice, council tax and rates collection and many others. The two last mentioned activities lie downstream of the Assessor's valuation work and involve engagement with the same groups whereas electoral registration focuses on all potential electors over the age of sixteen.

The electoral registration function of the department interacts with the Returning Officers who are the Chief Executives of the constituent local authorities, but acting in a separate legal capacity.

The Board intends to take full advantage of the scale and scope of the constituent councils by drawing on their experience and that arising out of their participation in groups such as the Highland Wellbeing Alliance and the Western Isles Community Planning Partnership in which they are principal participants. The best vehicles for developing a more comprehensive and certain view of the current situation as an aide to policy development would appear to be the constituent authorities and their partnerships and the Board will look to adopt their findings rather than engage in its own research. This approach is consistent with the Guidance to Local Authorities which refers to the need to avoid "consultation fatigue" and marries with the approach taken by the Board in respect of the Disabilities Discrimination Act.

Never the less there is a need to reflect on the individual circumstances of the Board and to devise an approach that is relevant and proportionate to its specific remit and the circumstances that currently exist.

## Employment

Looking to the first half of the post war era, Assessors' departments generally tended to be highly segregated with males occupying professional and technical posts and females occupying secretarial, administrative and clerical posts. It was not uncommon for senior administrative posts to have male post holders.

In the 70's and 80's the number of females entering the profession and then qualifying as Chartered Surveyors increased and through time Assessors' departments engaged female Chartered Surveyors in increasing numbers. The first female Chartered Surveyor to hold the office of Assessor took up her post in 2006. Females comprise around 14% of the Chartered Surveyor profession in Scotland.

Locally, developments were somewhat slower, due particularly to the very long tenure of post holders in the authority. The first female valuer was appointed in 1997.

The same situation broadly held for technical staff, that is the technical assistants who gather property data in the field but are not qualified or qualifying valuers. The first female technician was appointed in 1999.

Further recruitments arising from turnover tend to suggest that the technical functions of the department are no longer single sex and it is anticipated that over time the number of female valuers is likely to increase as the number available increases and existing post holders retire or relocate.

So far as the clerical/administrative staff is concerned, the position remains unaltered over half a century. The entire staff is female; except the head of the function who is male (having succeeded a female principal administrator after serving as her depute for some years).

It is believed plausible that both internal and external barriers to the entry of female professional and technical staff lie in the past and that the only barrier to development of greater gender balance lies in the relative infrequency of posts becoming available. This will require to be monitored over time.

So far as the non departmental functionaries of the Board are concerned - The Clerk, Finance Officer, personnel advisors etc - these can be viewed as statutory and non statutory roles fulfilled via the "lead authority" approach on a contractual basis. It is recognised that these positions are no less subject to the equality duty.

Occupational segregation is an area of significant concern only in respect of clerical/admin posts. The first step to developing a solution to the difficulty is to audit the recruitment process for any bias; examine the possibility of adding material to promote male applicants and to look for departments/organisations where this difficulty has been overcome with a view to adopting successful practices.

There is no general reason to suppose that the department has major structural pay issues akin to those experienced in local authorities which can have significant legacy issues arising out of reorganisations. The Board is a separate employer from its constituent authorities, has no manual or care workers and operates no differential bonus schemes or separate terms and

conditions for particular groups of workers where gender appears to be an issue. Never the less it will be necessary as soon as resources become available to carry out a pay evaluation of staff in order to ensure that there is equal pay for work of equal value. It is intended that this work be undertaken using lead authority staff as soon as they are free of the more urgent priority of carrying out this work for the Highland Council.

Training is an area where in past decades little formal training was provide to staff other than trainee chartered surveyors. More recently however, with the advent of a suitable qualification in the field of electoral registration clerical/admin staff have been encouraged to take the Association of Electoral Administrators (AEA) certificate examination; and some staff have undertaken study for the diploma. It is intended further to develop this effort and seek to make qualification a natural part of the progress of staff working in the electoral registration function. This is likely to include certification via the AEA as well as local courses dealing with the other elements of the national occupational standard that is in course of preparation in the electoral field.

All staff are automatically put through the ECDL qualification in order to ensure that there is a minimum standard of IT competence across the department.

As matters stand there is not believed to be any general gender bias to training. It is acknowledged that access to training is conditioned by the occupational segregation found in the clerical/admin sections, however, recent developments are increasing training in that area.

In matters relating to pregnancy, maternity leave, return to work and paternity leave and flexible working, it is believed that the department's approach has been to exercise maximum discretion and to make it clear that the staff in question should exercise their rights to the full extent consistent with their needs and circumstances. Any cases where resignation has followed maternity are believed to have been at the free choice of the individual and conducted in a wholly amicable fashion. The proposition that the department deals with such matters in proper and flexible manner will be checked as part of a proposed staff consultation to cover all equalities issues.

### **Services**

The department is concerned with people and property: property for rating and council tax purposes, where the aim is to attribute value and band, and people for electoral purposes where the aim is to register qualifying persons. Names are entered in the valuation roll for rating purposes, but the council tax list is a bare list of addresses and bands. The electoral register is a combination of names and addresses.

The gender of a property occupier or an elector is a matter of indifference to the Assessor or ERO for the purposes of his functions and the gender of an occupier or an elector is encountered essentially at random via the address of the property in question.

The question that appears to require to be answered is whether in carrying out the work of compiling the roll, list and register there are any discriminatory practices that have been introduced or whether the way in which the service is delivered omits to address a need that arises in a way that is discriminatory. While eliminating discrimination is an essential goal, meeting unrecognised service need, where this is possible, is also important. It follows that work in equalities matters is likely to be useful for more general purposes.

In the field of electoral registration it has been noted that for historical reasons the householder to whom the annual canvass Form A is sent is predominantly male. Householders have the opportunity to change the name should they so wish. It is not considered that a randomising exercise is feasible as there is no general way of distinguishing children from their parents. It is anticipated that this artefact of past bias will be eliminated in the years ahead given that the Electoral Commission is strongly promoting the concept of individual registration.

In the electoral field, the general duty to promote participation in the electoral process that lies with the ERO has already been seen as having a particular pertinence to disability. It is considered that, in principle, it is no less relevant to gender issues.

Very generally, it would not appear that gender is a significant issue in registration. Research by the Electoral Commission suggests that disability, ethnicity, age, location and tenure type appear to be prior areas of potential difficulty.

Indeed the evidence of voting turnout suggests that since the late 1970s women have been more likely to vote than men and in the underlying area of registration, which is the entry point into the process and of greatest pertinence to the ERO, the evidence suggests that registration is higher amongst females across all ages

This is not to dispute the research finding of an ‘activism gap’ between men and women but to use the very research used to draw that conclusion to demonstrate that in the department’s area of activity there is no cause for concern that the registration system acts to discriminate against women. The factors which give rise to the ‘gap’ appear not to be areas into which it is possible for a highly specialised registration officer to venture; they may well be areas of interest and concern to the more broadly based community related interests of a local authority.

The reverse question then falls to be asked, namely, whether the process discriminates against males. As the order of difference in voting is suggested not to be statistically significant this is not a major concern. However when looking to registration levels, the superficial difference does appear to be significant. It seems likely that this can be tackled simultaneously with targeting the ‘headline’ groupings such as youth, ethnicity, mobility etc. In other words by targeting in a gender neutral fashion under-registered groups, one automatically targets under-registered males.

The ERO remains open to the possibility that there could be a case of gender related targeting in specialised cases. That this might be appropriate can be exemplified from the one group where there appears to be a difficulty of female under-registration - the case of black females where turnout is markedly lower than for black males. This also serves to highlight that there is need to cross reference policies on race and gender; to consider and to proceed in isolation may miss the opportunity to leverage effort.

The research carried out by the Electoral Commission on which the foregoing comments are based seems to be a suitable general resource and guide, however local consultation will clearly be required to ensure that specifically Highlands and Islands circumstances are taken into account. It is notable too that the research focuses entirely on ‘male’ and ‘female’ and does not include transsexual or transgender persons as categories; it is plain that as a matter of

law, and equity, that this group should not be excluded from consideration. As with race and disability policies, it is intended to utilise the specialist skills and the wide networks established by the Highland Council for such consultation. A similar approach will be adopted in the Western Isles.

In relation to the council tax and rating work of the department, individuals are encountered via the medium of the property in a manner that does not appear to permit gender discrimination. No complaint has ever been received on this subject and it is not immediately obvious that there is a need for action in this area. The fact that the technical staff is now both male and female means that should a female member of the public be uncomfortable with a male carrying out an inspection of their home or business premises, an alternative can be offered. In practice no such request has ever been received.

Never the less it will be necessary going forward to monitor complaints activity for any sign of gender issues and it is proposed to adapt the complaint and suggestions arrangements to improve the invitation to capture such issues.

It is considered therefore that the two main areas for attention should be those of employment and electoral registration. Any lessons from the electoral service can be examined for their utility in the other service areas.

### **Review of Policies**

It is recognised that it will be necessary on a one off basis and thereafter as an integral part of policy making, to assess the impact of policies from the perspective of gender. As the Board has no general duty of wellbeing or the like and operates within narrow legislative limits it is considered that this duty is less onerous than those relating to a local authority. It remains that all policies, particularly in the employment field, and all practices, whether formally adopted or the product of habit and routine, will require to be reviewed for adverse gender impact and to be converted, where possible, to a positive promotional posture. Much of this work will be carried out in co-operation with the lead authority specialist and be designed to cover all equalities matters in order to leverage effort.

### **Action Plan**

The Board's action plan, which is attached in tabulated form, will be reported on annually and revised as necessary to take account of developments over the preceeding year. A formal review will take place every three years.

The Action Plan has the following key aims :

- To ensure that the Board meets its statutory obligations.
- To review all policies to ensure that the way in which the Board operates is sympathetic to the need for gender equality.
- To ensure that employment practices are non-discriminatory and encourage gender equality.
- To train staff with a view to improving awareness of the positive, promotional agenda as well as the need to eliminate negative, discriminatory practices.

## **APPENDIX**

- To co-operate with the constituent authorities and others to improve knowledge and understanding of gender discrimination, to take account of the views of stakeholders on policy development and to address issues that come to light in the course of consultation.
- To take particular care to promote participation in the democratic process in a manner that is gender neutral.

**References:**

1. A Gender Audit of Statistics: Comparing the Position of Men and Women in Scotland. Scottish Executive Social Research 2007
2. Gender Equality Duty Draft Code of Practice Scotland. Equal Opportunities Commission, Laid before both Houses of Parliament, March 2007
3. Gender Equality Duty: Guidance on the duty for Local Government in Scotland Equal Opportunities Commission, March 2007
4. Gender and political participation. Electoral Commission, April 2004
5. Understanding electoral registration. Electoral Commission, September 2005

**Relevant Primary Legislation:**

1. The Equality Act 2006
2. The Sex Discrimination Act 1975

**APPENDIX**

Action	Elements	Responsibility	Due Date	Comment
<b>Employment</b>	<p>a) Carry out general review of recruitment and employment policies with particular emphasis on occupational segregation in clerical/admin sector.</p> <p>b) Endeavour to identify locations and practices that have succeeded in areas of concern and adopt procedures where possible.</p> <p>c) Review training opportunities to that ensure there is no gender bias.</p> <p>d) Conduct a staff survey covering all equalities issues and feed into policies review.</p> <p>e) Devise training programme for staff covering all equalities issues.</p> <p>f) Carry out necessary job evaluation when resources become available.</p>	<p>Assessor with assistance of lead authority HR staff.</p> <p>ditto</p> <p>Assessor &amp; Office Manager</p> <p>Ditto</p> <p>Assessor and lead authority specialist</p> <p>Assessor and lead authority HR staff</p>	<p>April 2009</p> <p>ditto</p> <p>December 2008</p> <p>July 2008</p> <p>April 2008</p> <p>March 2010</p>	<p>Work will commence as soon as practical and in concert with disabilities review</p> <p>If an early change that would assist de-segregation can be identified, this will be fast tracked.</p> <p>Programme to cover all equalities issues</p>
<b>Policies</b>	<p>Review all existing policies for signs of gender bias</p> <p>Review policies in light of ongoing feedback through consultation process</p>	<p>Assessor and Office Manager with help of specialist lead authority staff</p> <p>ditto</p>	<p>2007-2009</p>	<p>Will be conducted as element of similar review re Disability Discrimination Act</p>

Action	Elements	Responsibility	Due Date	Comment
<b>Services</b>	<p>Review operational procedures along with policies to establish whether at implementation level there are any areas of concern.</p>	Assessor and Office Manager	2009	
	<p>Emphasis on viewing issue through electoral prism as the most significant area within departmental control where an impact can be made.</p>	Assessor and Office Manager with specialist input where required	Continuous activity	
	<p>Cross weave electoral initiatives with race and disability work in recognition of close interactions and to leverage effort. Marry to statutory advice from the Electoral Commission.</p>		Ditto	
	<p>Monitor lead authority consultation work and Electoral Commission research supplemented by departmental findings as to areas of concern and changes in external environment requiring revision of approach.</p>	Assessor and Office Manager	Continuous	
	<p>Redesign complaints procedure to offer opportunity to capture equalities related issues.</p>	Assessor and Office Manager with specialist input as to design.	End 2007	