



Red Tape, Red Line: five reasons why government should not “drop its duty” to tackle women’s inequality

About Fawcett

The Fawcett Society is the UK’s leading campaigning organisation for women’s equality and rights at home, at work and in public life. Our vision is of a society where women and our rights and freedoms are equally valued and respected and where we have equal power and influence in shaping our own lives and our wider world.

We affect change by combining direct lobbying within the political system with campaigns that increase and demonstrate public support for action. We use independent research and evidence to understand better key issues and generate reports and briefings that both increase awareness and put pressure on powerful policy and decision-makers to act. We also work with other leading thinkers not just to make the case for greater gender equality but to develop new ideas on how to get there.

If you have enquiries about this report, please call the Fawcett Society offices on 020 7253 2598. For more information on the Fawcett Society and our work visit www.fawcettsociety.org.uk

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Introduction

The Coalition Government is currently undertaking a review of the Public Sector Equality Duty (referred to in this paper as the ‘Equality Duty’), which requires public bodies, to pay *due regard* to the need to tackle discrimination against women and promote equality between women and men.

In practice, paying due regard to the need to advance equality means that public bodies must remove or minimise disadvantages that women face, take steps to meet the different needs of women, and encourage women to participate in public life or any other activity in which they are under-represented.¹

The review is considering “*what changes, if any, would ensure better equality outcomes (legislative, administrative and/or enforcement changes, for example)*”.² However, the review follows a series of previous actions by government that have weakened legal and institutional measures concerned with women’s equality, and the UK’s ‘gender equality architecture’.³ Given this context, this reports sets out five reasons why government should not “drop their duty” to tackle women’s inequality and five things they could do to ensure the Equality Duty is more effective in achieving its aims.

1 Part 11, Chapter 1, S.149, The Equality Act, 2010: <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

2 The current review of the Public Sector Equality Duty is focusing on the following key themes: how well understood is the PSED and guidance; what are the costs and benefits of the PSED; how organisations are managing legal risk and ensuring compliance with the PSED; what changes, if any, would ensure better equality outcomes (legislative, administrative and/or enforcement changes, for example). The full terms of the review can be found here: <https://www.gov.uk/government/policy-advisory-groups/review-of-public-sector-equality-duty-steering-group>

3 Fawcett uses the term ‘gender equality architecture’ to mean the combined legal frameworks and institutional mechanisms intended by government to tackle women’s inequality and promote women’s rights.

Executive Summary

Women in the UK still face major inequalities in many areas of their lives. Women's unequal position in our society is built into laws and policies, the everyday practices and decision-making processes of our institutions and organisations, as well as being embedded within popular culture and attitudes.

While we all must play our part in change, the State has a key role to play. One of the primary duties of any government is to protect, respect and fulfil the basic rights of women and men *on an equal basis*.

Over the past forty years, we have witnessed a gradual development of the UK's "gender equality architecture" – that is, the combined legal frameworks and institutional mechanisms used by government to help deliver this on this duty. This has included

- establishing the Women's National Commission (WNC),
- the Equality and Human Rights Commission (EHRC), and
- an Equality Act that protects women against various forms of discrimination and includes a duty on the state and government bodies - the Equality Duty - to proactively tackle women's inequality in the UK.

Yet since the formation of the Coalition Government in May 2010, we have seen the articulation, and now enactment, of a different approach to tackling equality. Rather than continuing to develop equality architecture, this has been weakened and reduced with far greater reliance placed on voluntary action as a means to deliver equality.

At the same time, a move to deregulate and cut "red tape" has seen the government restrict rather than build on existing state institutions (abolishing the WNC and limiting the EHRC's functions) and weaken legal provisions (scrapping sections of the Equality Act). Most recently and most worryingly, the government is now "reviewing" the Equality Duty.

These changes represent a troubled picture for the advancement of equality in the UK. Legislation and regulators, though by no means the only means of tackling inequality, are critical. They provide a framework for preventing discrimination and promoting equality and an authoritative backstop in cases of last resort.

In this context, this report exposes the scale of the changes taking place and identifies the Equality Duty as a 'red line' that Government must not cross. We set out five reasons why government must not now drop their duty to tackle women's inequality, and five things they could do instead.

5 key reasons not to drop the duty:

- 1) *In times of austerity we need more, not less, action from government and the wider public sector to tackle women's inequality*
- 2) *It would send a clear signal that government does not take its responsibility towards gender equality seriously*
- 3) *The Equality Duty ensures a common sense approach to business planning, allowing public bodies to build in equality considerations from the outset – prevention is better than cure.*
- 4) *Scrapping the Equality Duty could generate additional bureaucracy and cost to the public purse*
- 5) *It places the UK ahead of many other countries on translating equality principles into practice*

5 things the Coalition Government could do instead:

If the review of the Equality Duty is intended to strengthen the implementation and effectiveness of the duty, the government should instead:

- 1) *Retain and affirm the equality duty;*
- 2) *Strengthen the specific duties which provide clarity to public bodies on how to meet the Equality Duty;*
- 3) *Issue statutory guidance;*
- 4) *Lead by example* in strengthening their own practices for meeting the Equality Duty;
and
- 5) *Strengthen wider national gender equality architecture.*

1 Background and Context

1.1 *The state we are in – levels of women’s inequality in the United Kingdom (UK)*

Whilst there has been much progress in tackling inequality between women and men, women in the UK still face major inequalities in many areas of their lives.

- Women experience a full-time pay gap of 14.9%- this means that for every pound a man earns, a woman earns 85 pence;⁴
- The vast majority- 64%- of low paid workers are women;⁵
- Benefits make up twice as much of women's income than men's;⁶
- Women are disproportionately affected by gender based violence- over 3 million women and girls across the UK experience rape, domestic violence, stalking, or other violence each year;⁷
- 92% of lone parents – a group more likely to live below the poverty line – are women;⁸
- There are only 4 women out of 22 Cabinet members and men outnumber women 4 to 1 in Parliament.

This situation does not just limit women's lives; it is also damaging for families, communities and wider society who pay the price.

For example, the Women and Work Commission estimated the total potential benefits of increasing women's employment and tackling occupational gender segregation could be

⁴ Office for National Statistics (ONS), *Annual survey of hours and earnings*, November 2011: <http://www.ons.gov.uk/ons/rel/ashe/annual-survey-of-hours-and-earnings/ashe-results-2011/ashe-statistical-bulletin-2011.html>. Statistics based on men's mean hourly earnings excluding overtime compared with women's mean hourly earnings excluding overtime.

⁵ K. Lawton & G. Cooke, Institute for Public Policy Research (IPPR), *Working out of poverty: A study of the low paid and the working poor*, January 2008: http://www.ippr.org/images/media/files/publication/2011/05/working_out_of_poverty_1616.pdf

⁶ *The Impact of Austerity on Women's Equality*, March 2012, The Fawcett Society: <http://uat.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

⁷ Coy et al, End Violence Against Women & Equality and Human Rights Commission (EHRC), *Map of Gaps 2: The Postcode Lottery of Violence Against Women support services in Britain*, January 2009:

⁸ One Parent Families Scotland, *One Parent Families London*, 2009: http://www.opfs.org.uk/files/one-parent-families_a-profile_2009.pdf

worth about £15 billion to £23 billion to the economy each year⁹ and the economic cost of violence against women in the UK is estimated to be £37.6 billion annually.¹⁰

1.2 What would real equality look like and what needs to change to get there?

In Fawcett's view, achieving real equality would mean tackling entrenched inequalities that currently exist between women and men across a wide range of areas so that, for example, women no longer earn and own less, experience more violence, enjoy less respect, have less say or less choice in our lives simply because of their gender.

This understanding of equality is reflected in the 1979 UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW),¹¹ a globally recognised 'bill of rights' for women – signed by 187 countries, including the UK.

CEDAW makes clear that equality for women means achieving not only equal political rights (such as equal representation in our political system) but also economic rights (such as the right to equal pay); social rights (such as access to adequate social security systems that recognise and support the value and worth of women's caring responsibilities); and, cultural rights, (such as the right to be free from stereotypes and cultural practices that limit our choices or cause us harm). In other words these rights are a package, and real equality will not be achieved unless we see change on all of these fronts.

Women's unequal position in our society is structural and multifaceted - in other words in built into laws and policies, the everyday practices and decision making processes of our institutions and organisations, as well as being embedded within popular culture and attitudes. Thus, real change requires strengthening laws and policies, improving everyday practice of organisations and changing stubborn cultural norms.

Moreover, achieving change requires not only tackling the symptoms but also the root causes of women's inequality. Thus, the route to a more equal society is not always about treating women and men in exactly the same way; in fact this can actually perpetuate the problem if the playing field is not first levelled. What is often needed is

⁹ Women and Work Commission: *Shaping a Fairer Future. A review of the recommendations of the Women and Work Commission three years on*, July 2009:
http://webarchive.nationalarchives.gov.uk/20100212235759/http://www.equalities.gov.uk/pdf/297158_WWC_Report_a_cc.pdf

¹⁰ Justine Järvinen et al, *New Philanthropy Capital Hard Knock Life: Violence against women, A guide for donors* (New Philanthropy Capital, 2008)
www.philanthropycapital.org/publications/community/violence_against_women/default.aspx

¹¹ Convention on the Elimination of all forms of Discrimination Against Women:
<http://www.un.org/womenwatch/daw/cedaw/>

something different— laws, policies and practice that recognise the different and often unequal starting positions of women and men in society.

It is also important that a wide range of people and organisations are involved in delivering this change, including women and men, civil society organisations, public bodies, the corporate sector and the media. However, ultimately government, responsible for setting the laws and policies that shape our lives, has a central and critical role to play in advancing women's equality.

1.3 What is the government supposed to be doing?

One of the primary duties of any government is to protect, respect and fulfil the basic human rights of all individuals *on an equal basis*. All people – women and men – are 'rights holders' of the same basic rights, including the right to be free from unfair discrimination.

Government's specific duties are set out in a range of international, European and domestic human rights conventions and laws.¹² In broad terms, what these laws require in practice is that government:

- *itself does not unfairly discriminate against women*- i.e. does not put in place policies that directly or indirectly discriminate against women. For example, government would not be able to impose a bar on women holding senior public positions or require that all women in these positions opt out of maternity leave schemes;
- *protects women from unfair discrimination by others*- for example, government has passed laws that require companies to pay women and men equally; and
- *takes proactive steps to advance women's equality* – for example, government should ensure that schools tackle sexist stereotypes.

Many of the UK's equality or anti-discrimination laws, policies and institutions that the UK and other countries' have put in place, such as the Equality and Human Rights Commission and Government Equalities Office, are a means of ensuring that the UK adheres to these basic duties, for women, and other groups who have traditionally faced discrimination in our society.

¹² All major international, regional and domestic human rights instruments contain guarantees of gender equality. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), is a legally binding United Nations Convention and outlines a comprehensive set of rights for women. The UK is also bound by certain European laws and treaties. The domestic duties of the state in relation to equality are set out under various laws, including the Human Rights Act 1998 and The Equality Act 2010.

However, over time there has also been growing recognition of the value of these laws, policies and institutions that extends beyond legal compliance to their importance in supporting a stronger and healthier society for all individuals.

In other words, for many people equality is now seen not just as an important duty in its own right, but as key to supporting wider government functions and objectives such as the growth of a healthy economy, the delivery of effective public services, a reduction in crime rates, a richer culture and a society where families and communities are supported.

1.4 Steps forward and steps back – changing approaches to tackling women’s inequality

Until recently, the direction of travel, since the first sex equality legislation of the 1970s, has been gradually to develop or supplement the UK’s gender equality architecture. We have not attempted to map all of these developments comprehensively here, but provide an overview of the key milestones. They include:

- **The creation of the Women’s National Commission in 1969**¹³, established with an aim *“to make known to government, by all means possible, the informed opinion of women”*.
- **The 1970 Equal Pay Act and 1975 Sex Discrimination Act** which represented significant gains for women’s rights in the areas of employment, training, education, harassment, and the provision of goods and services.
- **The establishment of the Equal Opportunities Commission (EOC) in 1975**, whose remit included ensuring the elimination of discrimination between women and men, the promotion of gender equality and compliance of the state and public bodies with the law.
- **The creation of a Minister for Women and Equalities and the Government Equalities Office in 1997.**¹⁴
- **The Macpherson Inquiry 1998 which significantly increased awareness of the existence of ‘institutional discrimination’**, in this case as key to the undertaking of a wholly inadequate police investigation into the murder of Stephen Lawrence.¹⁵ What followed was the Race Relations Amendment Act

13 See page 13 for more information.

14 This post and office was, and still is, a subject of debate, with some arguing that creating a separate ministry prevents the “mainstreaming” of women’s equality and others positing that a dedicated post and focus will ensure that women’s equality is considered across government.

15 On 22 April 1993, Stephen Lawrence was stabbed to death at a bus stop in South London in an unprovoked, racist attack. The police were heavily criticised for their conduct of the investigation and after years of campaigning by Stephen’s parents, in July 1997 the then Home Secretary, Jack Straw, announced a Judicial Inquiry to be led by Sir

2000 and the Race Equality Duty (RED) which differed from previous legal equality measures by placing the onus on public bodies themselves to *proactively* review their policies and procedures; to remove discrimination and the possibility of discrimination; and actively to promote race equality. By placing race equality at the centre of their work, rather than develop 'one size fits all' public services, public authorities were required to develop public services that met the needs of different groups which would, in turn, lead to better policy development and more effective use of public resources.

- **The introduction of the Gender Equality Duty (GED) in 2007.** This duty applied the same approach as that enacted by the Race Equality Duty, requiring public authorities to be proactive in tackling institutionalised gender discrimination. It required public bodies to collect and monitor equality data, engage with women service users and mainstream action on gender equality across their work. Specific duties underpinning the Gender Equality Duty required public bodies to: prepare and publish a gender equality scheme, showing how they would meet the general and specific equality duties and setting out gender equality objectives; and assess the impact of their current and proposed policies and practices on gender equality.
- **The growing use of Gender Equality Impact Assessments (EIAs) and Gender Equality Schemes by public bodies** as a way of showing that due regard has been paid to the Gender Equality Duty. They can assist public authorities in fully understanding the relevance and effect of policies and in identifying the most proportionate and effective responses. In their most basic form, EIAs were intended to pose the question how is this policy or decision likely to impact on women and equality between women and men – will it encourage or prevent discrimination?¹⁶
- **The creation of the Equality and Human Right Commission in 2007**, a non-departmental public body that replaced the existing Equal Opportunities Commission (EOC) as well as the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC) as well as taking on the role of a human rights commission for the UK where previously there had been none. The EHRC was given a range of powers and functions to promote equality and human rights, including conducting enquiries, taking legal cases, policy advice to government, providing grants for advice, campaigning and public education.

William Macpherson. The Macpherson Report, published on 24 February 1999, found that the police investigation into Stephen's murder was "*marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers.*" While the inquiry focused on the Metropolitan Police Service (MPS), the report concluded that "*institutional racism affects the MPS, and police services elsewhere.*" Sir William made 70 recommendations aimed at "*the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing.*"

¹⁶ Equal Opportunities Commission, *Overview of the gender equality duty: Guidance for public bodies working in England, Wales and Scotland*, February 2007.

- **The Equality Act 2010** brought together all previous anti-discrimination legislation and added to legal protections against discrimination on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Of particular benefit to tackling gender inequality were additional provisions brought in under the new act to:

- protect pregnant women and mothers from discrimination;
- allow claims for direct gender pay discrimination where there is no actual comparator;
- make pay secrecy clauses unenforceable; and
- prevent private clubs and associations from discriminating against women unfairly.

Additional measures in the Equality Act 2010 would have provided even further protections for women and other groups. However, as discussed in section 1.4, these provisions have not been implemented by the Coalition Government.

- **The Public Sector Equality Duty 2011 and Specific Duties Regulations 2011**

The Equality Duty came into force across Great Britain on 5 April 2011, replacing the previous race, disability and gender equality duties. The Equality Duty consists of a general duty, with three main aims (set out in section 149 of the Equality Act 2010) and specific duties (set out in regulations). It requires that public bodies consider the implications for equality when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

Specifically, the Equality Duty requires that public bodies:

- have due regard to the need to eliminate discrimination against women and others groups;
- advance equality of opportunity for women and other groups who traditionally face barriers; and
- foster good relations between different groups when carrying out their activities.

The Equality Duty is supported by specific duties, set out in regulations, which came into force on 10 September 2011. The specific duties require public bodies to:

- publish relevant, proportionate information to show their compliance with the Equality Duty, at least annually; and

- set, prepare and publish one or more specific, measurable equality objectives, at least every four years.

It is for each public body to decide what equality objectives it should set and how many there should be. The number of objectives set should be proportionate to:

- the public body's size;
- the extent to which its functions affect equality; and
- the evidence that such objectives are needed.

Therefore, what organisations do to meet the duty will reflect their size and the nature of the work they do.

For example, what a small school needs to do to meet the duty will be different from what a large local authority or government department is expected to do because of their size. In both cases, their activity will depend on to what extent the impact of any given decision or policy is relevant to discrimination, equality of opportunity and good relations.

It has been argued that the Equality Duty- and the previous Gender Equality Duty – represent the most substantive advance in sex equality legislation since the introduction of the Sex Discrimination Act 1975, because responsibility to think strategically about gender equality is placed with public bodies, rather than leaving it to individuals to challenge poor practice.¹⁷

The development of these duties spanned many years and governments and did not happen in isolation; it was both informed by, and itself informed, wider social and cultural change and improved practice. In other words, changes to gender equality architecture both shaped culture change and better practice and complimented it.

1.4 What has happened under the Coalition Government?

Since the formation of the Coalition Government in May 2010, government has articulated, and started to enact, a different approach to equality- one that often runs contrary to the previous direction of travel.

The Coalition Government's approach is formally laid out in its equality strategy, *Building a Fairer Britain*, which states:

“New legislation and increased regulation has produced diminishing returns... This strategy sets out a new approach to equalities, moving away from the identity politics of the past and to an approach recognising people's individuality. And it sets out a new

¹⁷ Equal Opportunities Commission, *Overview of the gender equality duty: Guidance for public bodies working in England, Wales and Scotland*, February 2007.

role for government, moving beyond simply introducing more legislation, to promoting equality through transparency and behaviour change.”¹⁸

In addition to this statement of strategy, some recurrent themes can be seen in a series of discrete announcements and initiatives that have issued from government since its publication. These include:

- Equalities duties and methods of progressing them, such as Equality Impact Assessments (EIAs) being characterised or treated by some as ‘red tape’ or unnecessary bureaucracy;¹⁹
- A reduction in legal requirements and greater reliance on voluntary action or culture change to tackle discrimination and advance equality; and
- A reduction in consultation, through which government can hear from those who will be affected by legislative and policy decisions, including women.

Over the last few years we have seen the above strategy and themes expressed not just through a halt on introducing new equality legislation but through the active dismantling or weakening of pre existing gender equality architecture. This has included a number of institutional, practical and legal changes outlined below.

1.5 Institutional change

The Abolition of the Women’s National Commission

At the time of its abolition the WNC brought together 670 partner organisations across England, Scotland, Wales and Northern Ireland, representing the voices of 8 million women. The WNC acted as a bridge between government and women’s sector organisations and their members/service users, providing a broad oversight of women’s issues in the UK, as well as expertise and understanding of specific women’s needs to inform government policy. For example, its focused working group on Violence Against Women (VAW) was crucial in bringing different VAW organisations together to push for a coherent and united agenda on this issue.²⁰ The dismantling of the WNC has left a clear vacuum in terms of an effective mechanism for channelling the voice of women and women’s organisations to government. Current engagement mechanisms include little more than a monthly e-newsletter and ad hoc meetings and roundtables between equality ministers and their officials and some women’s organisations.

Further to this, there has been a fundamental shift in the Coalition Government’s attitude to consultation more generally. In July 2012, the government announced a new

¹⁸ HM Government: *The Equality Strategy: Building a Fairer Britain*, December 2010.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85299/equality-strategy.pdf

¹⁹ Prime Minister’s speech to CBI, 19 November 2012: <https://www.gov.uk/government/speeches/prime-ministers-speech-to-cbi>

²⁰ In 2009, the Home Office commissioned the WNC to engage with women who had experienced violence to inform government’s first VAW strategy, resulting in a report called ‘Still We Rise’ documenting their stories and experiences.

approach, leaving decisions around consultation up to the discretion of individual departments and Ministers.²¹ This is a concerning move, as the process of consultation provides a necessary way of engaging with diverse stakeholders and it is likely that the voice of the least powerful – including some groups of women - will continue to be overshadowed by those who can afford and have access to other influencing routes.

A significant reduction in the remit and budget of both the Equalities and Human Rights Commission (EHRC) and the Government Equalities Office (GEO)

The EHRC has had its remit fundamentally altered, reflected in a severe reduction in its budget. This has seen the closure of the commission's legal grants programme which used to provide £14 million in grant funding to 285 frontline organisations, including Citizen's Advice Bureau, law centres, Race Equality Councils and the Disability Law Service.²² The EHRC's specialist helpline has been replaced by the new Equality Advisory Support Service which the Coalition Government has commissioned from a large private sector provider and which will only provide generic advice as opposed to detailed legal advice on individual cases. It is assumed that individuals will seek specialist advice from frontline organisations; however, that support is increasingly limited as frontline services face cuts to their funding.

The GEO, responsible for equality strategy and legislation across government, has also seen a considerable reduction in size, with a proposed 30 per cent cut in its budget over the period 2010-2015.²³ In 2011, the GEO was subsumed into the Home Office and more recently, it has moved to the Department of Culture, Media and Sport.

The cumulative impact of these changes can only negatively affect the capacity of the government to adequately consider or take action on gender equality across their functions, limiting in turn the extent to which they can be effective in their duty to advance women's equality and rights.

1.6 Changes in practice

The value of undertaking Equality Impact Assessments (EIAs) has been called into doubt and actively dismissed by a number of voices in government – including the Prime Minister.²⁴ This is confusing on a number of fronts. Firstly it implies there is only one type of EIA whereas in reality different approaches to assessing equality impact exist that are appropriate to the size and function of the public body. There should be variance in public bodies' approaches to assessing equality impact, from a local council looking at estimated numbers of women who will be affected by closure of sure start

²¹ However, the voluntary sector compact remains in place, stipulating that a 12-week consultation period should be standard when consulting voluntary sector organisations. The 2008 Code of Practice has now been replaced with the new, three-page long *Consultation Principles*, which are being implemented across Whitehall.

²² The Trade Union Congress, *Two steps forward, one step back: how the Coalition is dismantling our equality infrastructure*. August 2012.

²³ Government Equalities Office, *Annual Report and Accounts 2010-2011*, July 2011: <http://www.official-documents.gov.uk/document/hc1012/hc10/1008/1008.pdf>

²⁴ Prime Minister's speech to CBI, 19 November 2012: <https://www.gov.uk/government/speeches/prime-ministers-speech-to-cbi>

centres, to much more complex processes of analysis, such as the Treasury modelling how tax and benefit changes may affect women at household level. Although EIAs have never been part of primary legislation, *the principle* of assessing equality impact was introduced under the specific duties of the Race Relations (Amendment) Act 2000, and since then EIAs have constituted a way for many public bodies to take practical steps to analyse the impact of proposed policies on equalities.²⁵

In a November 2012 speech to the CBI, David Cameron announced that he was “*calling time on Equality Impact Assessments*” as “*we have smart people in Whitehall who consider equalities issues while they’re making the policy.*”²⁶ Intended or not, this sends a negative message to public bodies around the value of assessing equality impact. Given that many public bodies have been using EIAs to some effect to help meet their duties on equality, many have been left at a loss as to what should replace this process in practical terms, particularly when for most considering equality issues when making policy is exactly what undertaking an EIA constitutes. In fact evidence suggests that it is the lack of clear statutory guidance available to public bodies to help them adapt to this new proactive way of tackling inequalities that is problematic, rather than a flaw inherent in EIAs. In other words it is the absence of guidance that has led to some public bodies establishing onerous and unnecessary processes, rather than the requirements of EIAs themselves.

Further to this, the government has also launched the public consultation exercise, the ‘*Red Tape Challenge*’²⁷ which aims to reduce burdensome regulation, by inviting individuals and organisations to give their views on what legislation could be cut. Despite receiving cross party support during its passage of Parliament, the Equality Act 2010 was one of the first features on the ‘*Red Tape Challenge*’ as an example of potentially unnecessary regulation.

1.7 Legal changes

Government has taken the decision to repeal and/or shelve a number of key pieces of equalities legislation, many enacted through the Equality Act 2010. The net impact of these changes will further devolve responsibility to progress equality away from the state and public bodies. These legal changes include, but are not limited to:

- A significant weakening of the initial set of specific duties intended to support the Equality Duty. Although the Coalition Government implemented the Equality Duty in April 2011 (which had been introduced through the Equality Act 2010 enacted by the previous government) there were almost immediate moves by the Coalition to water down its provisions.

²⁵ The EHRC has a raft of guidance on best practice in relation to EIAs which can be found here: http://www.equalityhumanrights.com/uploaded_files/eiaguidance.pdf

²⁶ Prime Minister’s speech to CBI, 19 November 2012: <https://www.gov.uk/government/speeches/prime-ministers-speech-to-cbi>

²⁷ 27 Government Equalities Red Tape Challenge Announcement, 15 May 2012 <http://www.redtapechallenge.cabinetoffice.gov.uk/2012/05/equalities-rtc-announcement/>

Firstly, the initial set of specific duties intended to support the Equality Duty were significantly changed to reduce the obligations on the state and public bodies to meet the general duty. The final issue of regulations included just two specific duties - a requirement to publish some equality information and requirement to publish at least one equality objective. Important specific duties that had been proposed around ensuring engagement with women and analysis of women's equality evidence were dropped. Secondly, it was decided that the new Equality Duty would *not be* supported by any statutory code of practice as originally intended; this was very much needed in light of the weakened specific duties.

- The repeal of Section 14 of the Equality Act 2010 which makes provisions for 'dual discrimination' and which would prohibit direct discrimination on the basis of a combination of two protected characteristics (excluding pregnancy, maternity, marriage and civil partnership);²⁸
- The repeal of Section 1 of the Equality Act 2010 which requires public authorities to have due regard to reduce the inequalities of outcome which result from socio-economic disadvantage;²⁹
- A decision to shelve section 78 of the Equality Act which would require big employers (over 250 members of staff) to report on their gender pay gap and where a sizable gap is identified, to take action to close this;³⁰
- The repeal of the statutory discrimination questionnaire procedure (originally introduced through the Sex Discrimination Act 1975) which allows an individual who suspects they have been discriminated against to seek information from their employer. This process allows individuals to prove discrimination through accessing information about how employers treat other employees in the workplace and can be used in employment tribunals;³¹
- The proposed abolition of the power enabling employment tribunals to recommend that an employer who is found guilty of unlawful discrimination against women should take specific steps to prevent others suffering similar treatment;³²
- The repeal of protection from third party harassment which would make an employer liable for repeated sexist or other prejudice based harassment of staff by third parties, where the employer has failed to take reasonable steps to protect them; and³³

28 EHRC website: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/what-is-the-equality-act/>

29 *ibid.*

30 *ibid.*

31 Government Equalities Red Tape Challenge Announcement, 15 May 2012

<http://www.redtapechallenge.cabinetoffice.gov.uk/2012/05/equalities-rtc-announcement/>

32 *ibid.*

33 *ibid.*

- A wholesale review of the Public Sector Equality Duty, introduced in April 2011, which is described on page 11.³⁴

These legal changes represent a worrying picture for the advancement of equality in the UK. Legislation, though by no means the only way of tackling inequality, is nonetheless a key means of providing an authoritative backstop that prevents discrimination and promotes equality.

34 *ibid.*

2 Five reasons the Coalition Government should not drop the Equality Duty

Given the context set out in section one, below we summarise five key reasons why the current review should not lead to the Coalition Government dropping or weakening the current Equality Duty.

1) We need more, not less, action from government and the wider public sector to tackle women's inequality

We are still far from a place where the state is using its full potential to advance women's equality – whether that be better utilising its functions to this end or providing an adequate legal backstop where standards are not being met. The Equality Duty is intended to address this reality by placing an explicit and clear *positive* duty on government and public bodies to integrate equality considerations in to their day-to-day work. In other words, it encourages public bodies to animate what is often seen merely as an issue of legal compliance, into an opportunity to achieve genuine progress on equality across society.

In 2010, the then Minister for Women and Equalities Theresa May stated, "*equality is at the heart of this Coalition Government. It is fundamental to building a strong economy and a fair society; and in these difficult times equality is even more important*".³⁵ This assertion is supported by evidence that shows that without preventative action, in austere times, gender inequality tends to deepen.³⁶ In this context it simply makes no sense to demand less, not more, from public bodies.

2) Any weakening to the legal status of the Equality Duty would send a clear signal that is it acceptable for government and public bodies to take less action to advance gender equality

A weakening of the legal status of the Equality Duty would send a clear signal from government about the reduced value they place on advancing equality for women and other groups. On a practical, day to day level, changes to the legal status of the Equality Duty are likely to hinder rather than enable the ability of those championing equality in public bodies to use the duty as a lever or tool for progress. Lowering the bar before the work has been done to move consideration of equality from the fringes to the

³⁵ HM Government, *The Equality Strategy - Building a Fairer Britain*, December 2010, page 5.

³⁶ For comprehensive analysis of the impact of austerity on women's equality, please see: The Fawcett Society: *The Impact of Austerity on Women's Equality*, March 2012, <http://uat.fawcettsociety.org.uk/wp-content/uploads/2013/02/The-Impact-of-Austerity-on-Women-19th-March-2012.pdf>

mainstream of our public sector, is more likely to encourage complacency, not change. More broadly, given the recent weakening of the UK's wider gender equality architecture, it is hard to imagine how this could be seen as anything other than a further divestment of government responsibility to tackle women's inequality, whatever the intention.

3) The Equality Duty is a common sense approach

At the heart of the Equality Duty is a practical and common sense approach that understands that prevention is better than cure; a proactive model that asks public bodies in advance to consider how their policies and plans will impact on equality.

The aspirations of the Equality Duty are such that compliance with the duty should result in:

- better-informed decision making and policy development;
- a clearer understanding of the needs of service users, resulting in better quality services which meet varied needs;
- more effective targeting of policy, resources and the use of regulatory powers;
- better results and greater confidence in, and satisfaction with, public services;
- a more effective use of talent in the workforce; and,
- a reduction in instances of discrimination and resulting claims.³⁷

The Equality Duty, as it stands, reflects that a '*one size fits all*' approach does not work and allows each body to consider for themselves what they can do to advance equality in the areas in which they work. Crucially, it takes the burden to challenge discrimination away from individual women, and gives a greater role to public bodies to embed equality considerations into their functions.

4) Scrapping the Equality Duty could generate additional bureaucracy and cost to the public purse

Evidence and experience have shown that a lack of appropriate action on equality by government and public bodies can have social and economic costs as well as generating costs to bodies themselves. These costs can be direct, for example, incurred

³⁷ EHRC: *Technical Guidance on the Public Sector Equality Duty*: http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf

through legal challenges, and indirect, for example, generated by inefficiencies in poorly designed and targeted services.

There is also evidence that where public bodies lack clarity on how they are expected to meet the duty, they may self generate onerous and overly bureaucratic processes that do not add value to their day to day work.³⁸

If the duty is understood as a tool that seeks to integrate and mainstream equality considerations, reducing rather than adding a burden to the work of public bodies, then scrapping the duty is likely to cost more not less.

Conversely, the Equality Duty has the potential to be cost-saving over the longer term; it enables public authorities to target their service provision more accurately. Commercial organisations routinely and repeatedly survey and assess the needs of the market in order to ensure that their goods or services meet the demands of their customers. In the absence of many of the drivers that influence commercial organisations, the Equality Duty provides a systematic way for public authorities to perform a similar function.

Promoting gender equality also makes economic sense. There is a wealth of evidence to suggest that ending discrimination and enabling women's full social and economic participation will ultimately lead to savings for the Treasury.³⁹ For example, a levelling up of women's earnings has the potential to bring gains to the Exchequer not only in increased revenue from tax and national insurance, but also through a reduction in the payment of benefits and tax credits.

5) The Equality Duty places the UK ahead of many other countries in advancing its legal duty on equality into practice

The Equality Duty embodies the UK's obligations under various domestic, EU and International laws- all of which have, at their core, the principle and basic duty of the state to advance equality.

The Equality Duty explicitly draws out the responsibilities of government and public bodies, enabling the spirit and letter of the law to move into everyday government and public sector practice. The proactive nature of the duty challenges any notion that advancing equality is not the responsibility of government and public bodies and shows the UK approach as exemplary and progressive on the world stage.

Additional concerns of the timing and process of the review

³⁸ The Fawcett Society: *Policy submission to the review of the Public Sector Equality Duty*, April 2013: <http://www.fawcettsociety.org.uk/wp-content/uploads/2013/04/Fawett-submission-to-Review-of-the-Public-Sector-Equality-Duty-April-2013.pdf>

³⁹ Women and Work Commission *Shaping a Fairer Future*, February 2006; Asa Lofstom, Department of Economics, Umea University *Gender Equality, Economic Growth and Employment*, 2009.

The premature timing of the current review is also concerning, given that both the Equality Duty and the specific duties have only been in effect for two years. In addition, since the government's announcement on the review of the Equality Duty in 2012, there has been little transparency around the review, including the basis for individual appointments to the review's steering group, the methodology for the review (in particular, how evidence will be measured, weighted and interpreted), the timescales for the review, the process by which the steering group will consult with parliamentarians and stakeholders, and opportunities for the women's organisations to influence and engage with the review.

3 Five things the Coalition Government could do instead

If the review of the Equality Duty is intended to strengthen the implementation and effectiveness of the duty, there are a number of measures that could be adopted to achieve this objective. Below we detail five steps that the Coalition Government could take to strengthen the effectiveness of the Equality Duty and to improve equality outcomes for women.

1) Retain and affirm the equality duty

The review of the Equality Duty offers government the opportunity not only to retain the duty in its current legal form, but to reaffirm its value and importance. The *Women in the Workplace* report recently produced by the cross-party Business, Innovation and Skills (BIS) select committee concluded that:

*‘We do not believe that the Public Sector Equality Duty is an unnecessary burden on employers, but is a vital tool for the collation of evidence and for ensuring that steps are taken with the aim of achieving parity. The Government should send a clear message that the PSED is valued. We urge the Government to retain the PSED in its current form’.*⁴⁰

Fawcett supports this view; we urge government to take this opportunity to not only to retain the Equality Duty in its current form, but to send a clear message that tackles unhelpful and inaccurate portrayals of equality as a burden not a goal.

Strengthen the specific duties

The clearer public bodies are on how they are expected to meet the Equality Duty, the more likely they are to meet their duties in a cost-efficient and mainstreamed way. The converse is also true: in other words, lack of clarity can often lead to inefficient practice. Thus, clarity should be provided around the core methodology public bodies are expected to adopt in order to meet the Equality Duty.

In Fawcett’s view, the methodology public bodies are required to undertake to meet the Equality Duty should be governed by the following principles:

⁴⁰ Business, Innovation and Skills Committee, *Women in the Workplace, First Report of Session 2013–14*, 11 June 2013, <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmbis/342/342.pdf>

- Clear equality objectives that an organisation commits itself to achieving and that inform its business planning. These should reflect priorities that are based on evidence, including meaningful community engagement.
- Proper use of evidence to inform understanding of the likely impact of policy, service and employment decisions.
- Decision-making that takes robust, but proportionate, account of the likely impact of a decision on the three goals of the Equality Duty, including gender equality.
- Openness and transparency, including clear and publicly available information, about the progress a public body is making towards achieving the Equality Duty's three goals.

We are concerned that the less prescriptive specific duties implemented in 2011 and which replaced what previously existed under the race, disability and gender duties, have given rise to more inconsistent practice, inadequate and unfocused gender analysis, and less thought regarding mainstreaming gender across public bodies' functions. This places an unfair reliance on public bodies to '*do the right thing*' to meet the duty, with very little instruction on what that might mean in practical terms.

Moreover, Fawcett has concerns that in times of austerity, the likelihood increases that many public bodies will do little more than the bare minimum in relation to their legal duties as other pressures come to bear. In particular, we are concerned that under the current specific duties, public bodies are not required to develop specific gender equality objectives, which may mean that these are not forthcoming at all.⁴¹

2) Issue proper statutory guidance

More, not less, support and guidance for all public authorities seeking to implement the Equality Duty is needed. In our view, the lack of statutory guidance creates burdens for public authorities as they try to implement the duty and, in part, accounts for inconsistent practice and non compliance across public bodies.

A Code of Practice can save time if it is authoritative; it is preferable to a proliferation of guidance from a variety of sources. A clear and strengthened methodology regarding how public bodies are expected to meet the Equality Duty should be identified and articulated to public bodies through the issue of a statutory Code of Practice to give it the necessary clout and credibility within this sector.

⁴¹ The remit of this report considers the advancement of gender equality in particular. However, we support the intentions of the Equality Duty to ensure that public bodies are paying due regard to equality considerations, disaggregating equalities data and setting equalities objectives across all protected characteristics as set out in the Equality Act 2010.

3) Lead by example

Clear and positive leadership is needed from government on an equalities agenda which celebrates equality and diversity as integral to a growing diverse and healthy workforce and the delivery of efficient and fair public policy and services.

Fawcett urges government to actively challenge the characterisation of action on equality as “red tape” and to articulate a counter narrative which:

- highlights the social and economic benefits that considering equality for women and others can bring; and
- affirms the practical value of considering gender equality and wider equality in the day to day work of public bodies.

Ultimately, the government’s own action and practice will speak far louder than its words.

At a strategic level, the government should put in a place a robust cross government strategy for advancing UK women’s equality- something called for by consecutive UN reports on the UK’s compliance under CEDAW.⁴²

At a practical level, the government should develop better systems to ensure policy-making and implementation is properly assessed for its impact on gender equality. As part of this process, government and public bodies should be far more transparent about their findings and analysis. In particular, addressing issues raised in EHRC’s assessment⁴³ of the Treasury’s process and practice will be key, given its role in setting the budget envelope for all other departments. As highlighted in the EHRC’s final assessment report:

⁴² Submission of the Equality and Human Rights Commission, A status National Human Rights Institution for the United Kingdom of Great Britain and Northern Ireland, on the list of issues for the Convention on the Elimination of Discrimination against Women (CEDAW) Committee pre-sessional working group meeting, EHRC, October 2012: http://www.equalityhumanrights.com/uploaded_files/international/ehrc_cedaw_final_13-09-12.pdf

⁴³ The EHRC conducted a section 31 Assessment of the extent to which HM Treasury met its legal obligations to consider the impact of Spending Review decisions on protected groups. The Assessment follows the decision of Mr Justice Ouseley to reject an application for judicial review of the June 2010 emergency budget by the Fawcett Society, in which he asserted that an analysis of the government’s spending plans would be better carried out by the Equality and Human Rights Commission (the Commission). The Commission’s report concluded that future compliance and good practice in cross-government Spending Reviews could be better assured by:

- Greater transparency, including clear HM Treasury guidance on data and analytical requirements for the whole of government;
- Common rules to allow easier sharing of equality data within government, such as standardised data collection rules;
- Authoritative sources of advice and support for government departments on equality impact analysis;
- The development of a common model of analysis to predict the likely equality effects of policy.

*“The duty is above all a transparency measure intended to achieve evidence-based policy making, to encourage fairer and clearer decisions in public functions, including the allocation of public money”.*⁴⁴

At an institutional level, the government’s own equality office and ministers for women and equality should be afforded the necessary resourcing and influence to deliver their roles. In addition each department should have similarly adequate resourcing and systems to deliver action on equality in their respective areas.

4) Strengthen wider national gender equality architecture

It is important that the Equality Duty operates within a wider gender architecture that supports the advancement of women’s equality. This should include the ongoing strengthening of legal frameworks and institutional mechanisms by government as needed. A strong and sustainable architecture of this kind is key to enabling individuals to exercise their rights, in supporting government and public bodies to develop effective and fair policies and practices and in creating a culture within society that recognises the value of equality. The reform of some institutions may be necessary – both to ensure their effectiveness and cost savings. However, it is integral that where institutions and programmes are closed, alternative mechanisms are introduced to ensure that a vacuum does not develop in the place of pre-existing mechanisms and that action to advance women’s equality does not stall or worse, diminish.

⁴⁴ EHRC, *Making fair financial decisions: An assessment of HM Treasury’s 2010 Spending Review conducted under Section 31 of the 2006 Equality Act*, May 2012:
http://www.equalityhumanrights.com/uploaded_files/Inquiries/s31_final.pdf

4 Case studies of the Equality Duty in Practice

4.1 Legal accountability when public bodies fail to make fair and accurate decisions: Southall Black Sisters vs. Ealing Council - domestic violence services (2008)⁴⁵

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues. In June 2007, Ealing Council announced proposals to move away from funding specialist organisations, such as SBS, towards commissioning generic domestic violence services to cover the whole borough. SBS were concerned that this would undermine the provision of specialist services to meet the specific needs of women from ethnic minority communities and highlighted that the Council's proposals had not been equality impact assessed.

Ealing Council eventually undertook a belated impact assessment on proposals, before deciding to proceed with their plans. This resulted in two SBS service users launching a judicial review of the decision, on the basis of the Race Equality Duty, and Ealing Council eventually conceded the case. In an oral judgment, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment *before* policy formulation, so that equalities are embedded in all decision making processes.

In making its decision, Ealing observed that the largest proportion of domestic violence was suffered by white European women. However, they failed to understand this statistic in light of the fact that 58% of the female population of Ealing was white European. By contrast, Indian, Pakistani and Asian women made up just 8.7% of the Ealing population, but constituted 28% of domestic violence victims – thus experiencing a disproportionate amount of domestic violence.

An equality impact assessment would have helped Ealing Council make a fair decision, based on accurate knowledge of the community and its needs. When they failed to consider the equality implications of their decisions, the Race Equality Duty constituted an important legal vehicle for service users and SBS to hold Ealing Council to account.

4.2 Training and advice on the equality duty- the work of Southall Black Sisters

Following the conclusion of SBS' successful legal proceedings against Ealing Council, SBS received frequent requests to provide guidance and advice to many voluntary sector

⁴⁵ Public Law Project, Southall Black Sisters: *The case against Ealing R (Kaur & Shah) v London Borough of Ealing*, September 2008: http://www.voice4change-england.co.uk/index.php?q=webfm_send/23.
Christopher Milsom, Cloisters, *The Public Sector Equality Duty: The Future is Unwritten*, February 2012: <http://www.cloisters.com/news-pdf-downloads/the-public-sector-equality-duty.pdf>

organisations from around the country who worked with a variety of vulnerable groups and faced similar cuts in their local areas.

SBS partnered with Oxfam to provide training to black and minority women's groups, particularly in the north of England, on how to use the equality duty and specifically equality impact assessments in their work. The training has been hugely successful and has combined legal advice with practical guidance on how to scrutinise funding decisions made by public bodies. In addition, SBS partnered with the then existing Women's National Commission to provide training to local authorities around the UK on how to improve their decision making processes in ways that were transparent and fair, even if difficult choices and decisions had to be made. SBS have provided the testimony below on the significance of the equality duty to the work they deliver:

“Our experience has been invaluable in highlighting the full potential of the equality duty as a tool of accountability in achieving equality. What began as a local funding issue quickly became a struggle for the very definition of equality itself. The real significance of our case is that it helped to safeguard a definition of equality which accepted the need for positive action when addressing the needs of the most marginalised in our society. We have understood the value of using the equality duty in creating structures of good governance and in ensuring that the state at the central and local level relates to us not as subjects but as citizens. The very act of challenging Ealing Council to be transparent and fair in its decision making process was empowering for our users who felt that they had a stake and voice in society”.

4.3 Developing good practice: West Midlands Forum – ‘The Common Standard for Equalities in Public Procurement’

Under the Equality Duty, public authorities have a duty to promote equality when procuring services from the private sector. As a result, they have the potential to make a significant impact on equality in the private sector: in 2010, the public sector spent over £220 billion per year on contracts with external organisations, amounting to 15% of GDP.⁴⁶

An innovative approach - ‘The Common Standard for Equalities in Public Procurement’ - has been pioneered by a group of 6 West Midlands’ local authorities, known as the West Midlands Forum (WMF), since 1998.⁴⁷ The Standard aims to help contractors meet obligations for non-discrimination, encouraging those firms complying with the standard, to share good practice and secure contracts that deliver equalities – for example, higher employment rates for groups with protected characteristics.

The local authorities use the Standard to assess contractors before deciding who they will invite to tender for contracts. The Standard demands a proportionate response from firms, with the

⁴⁶ Government Equalities Office, *Equality Act 2010: The Public Sector Equality Duty – Promoting Equality through Transparency – A Consultation*, August 2010, p. 19:
http://sta.geo.useconnect.co.uk/PDF/402461_GEO_EqualityAct2010ThePublicSectorEqualityDuty_acc.pdf

size of contractor determining the level of evidence required. Once a contractor has been approved they need not reapply for three years and the six participating local authorities use a shared database, thus reducing the administrative costs for all. The Common Standard has shown how good equality practice can be brought into the mainstream of public procurement through a shared approach and efficient administration.

4.4 Considering women's diverse needs: single parents on jobseekers' allowance and the work programme⁴⁸

Research by the Single Parents' Action Network has demonstrated the detrimental impact of not addressing the specific needs and challenges of single parents in providing job seeking services. As a result of welfare changes since 2008, 400,000 single parents have moved onto jobseekers benefits: if you are a single parent and your youngest child is five or older, you must look for work. Single parents face specific challenges in accessing work, including childcare needs, long periods out of the workforce and the need for training/retraining. Research following fifty single parents on Jobseekers' Allowance over a three year period found that none of them found work via the jobcentre. The women reported a lack of flexible employment opportunities and downgrading expectations, whereby they were offered few training opportunities and were pushed towards low skilled and low paid work, regardless of their skills.

Those single parents who are longer term unemployed now transfer to the Government's work programme: in the first year of the work programme, single parents made up 7.5% of those transferred. The 16 single parents interviewed from across the UK on the work programme reported a lack of accommodation of their childcare responsibilities. Many providers will not allow children on their premises for health and safety reasons and appointments and training do not fit with single parents' childcare responsibilities. Fear of being sanctioned caused one parent to take her child out of school in order to attend her work programme appointment.

The Equality Duty is a tool through which public bodies can better understand the needs of service users and tailor services to meet their needs, thus delivering efficient and effective services. This example demonstrates the costs of not mainstreaming equality considerations into service delivery and not understanding the specific needs of different groups. Current practice short-changes many women and does not make the best use of government's resources or the skills of its workforce; it is bad for single parents, for government, and for business.

4.5 Equality impact assessments- experience from Tower Hamlets Council

Tower Hamlets Council's response to the Equality Duty has been to focus on the requirement to have "due regard" and to recognise that the level of analysis required will vary depending on the circumstances. For that reason, in 2011 the Council adopted a new process for carrying out equality analyses which recognises that in some cases due regard will be satisfied by evidence

Laura Dewar, SPAN UK: ⁴⁸ *Is the Work Programme Working for Single Parents? An Analysis of the Experience of Single Parents Moving onto the Work Programme*, March 2012. <http://spanuk.files.wordpress.com/2012/07/final-work-prog-ib-1502-11.pdf> and http://spanuk.files.wordpress.com/2013/02/span_jsa_report_web.pdf

within proposal itself. In other cases, the council's guidance recommends use of an 'equality checklist'. This is an intermediate document which promotes a simple, straightforward form of equality analysis. In some cases, more detailed equality analysis will be indicated and there is a separate template to assist officers with this. The detailed analysis document is only used in cases where that level of analysis is considered necessary to comply with the Public Sector Equality Duty.

Examples of where a full equality analysis of Tower Hamlets Council decisions has identified specific inequalities for women include budget proposals, domestic violence policy and reducing reoffending policy.⁴⁹

4.6 Using equality data to inform strategic planning and promote equality- Tower Hamlets Council

The duty has the potential to be a proactive tool that public bodies can use to advance equality. For example, Tower Hamlets Council has used the duty to increase employment opportunities for women from Bangladeshi and Somali communities in its borough. Equalities data revealed that over 70 percent of working age Bangladeshi and Somali women in the borough were not in formal work. Figures just released from the 2011 Census show that Tower Hamlets has the second highest proportion of women who are not in formal employment in the country at 13.2%, compared to just 1.3% of men and that Bangladeshi and Somali women were significantly more likely than others in the borough to be workless. For the last three years the Council has sought to better understand the drivers of high levels of economic inactivity as well as what factors help and support women who want to access the labour market and use this intelligence to design interventions to reduce worklessness. This has included:

- Life choices, life chances: The Council commissioned an independent research report based on in-depth qualitative interviews with 35 women from the Bangladeshi community and 29 from the Somali community. The aim of the research was to provide detailed qualitative insights into the factors that impede and facilitate access to paid work among women from these two communities.
- Statistical analysis carried out by Mayhew Harper Associates synthesized data from a number of local surveys to estimate factors predicting the risk of economic inactivity within the borough.

⁴⁹ Budget proposals 2011-12: 'Overall EqIA and introduction' (page 8): http://www.towerhamlets.gov.uk/lgsi/851-900/861_diversity_and_equalities/equality_impact_assessments/eqia_2011-12.aspx

'Community safety': Service restructure and the creation of Domestic Violence coordinator post, 2011: http://www.towerhamlets.gov.uk/lgsi/851-900/861_diversity_and_equalities/equality_impact_assessments/eqia_2011-12.aspx

'Reducing reoffending': http://www.towerhamlets.gov.uk/lgsi/851-900/861_diversity_and_equalities/equality_impact_assessments/eqia_2008-2009.aspx

- Tower Hamlets Council Employment Strategy 2011: Drawing on the 2010 equality data assessment, the strategy recognised the need to understand better the reasons for high levels of economic inactivity among women in the borough and included an objective to 'Work with partners to respond to the high economic inactivity rates amongst women, particularly Bangladeshi women and to take up recommendations from recent research to design interventions based on the report findings for Bangladeshi and Somali women'. This was a significant shift in focus; in previous years the focus of the majority of Council and other public sector funding had been on those unemployed people in the borough who were closest to the labour market.
- The Overcoming the Barriers project which aimed to break down the barriers to employment faced by Bangladeshi and Somali women. Three third sector organisations were commissioned to support participants into sustainable employment, as well as gain a better understanding to 'what works' in providing the support needed to help women from these communities enter employment.

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