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15<sup>th</sup> January 2007

Dear Colleague

Hampshire Primary Care Trust (PCT) has produced a Discussion Document in preparation for the completion of our draft Gender Equality Scheme. The Gender Equality Scheme will set out how Hampshire PCT intends to meet the duties placed on us to eliminate unlawful discrimination and harassment and to promote equality of opportunity between men and women. These duties apply in the delivery of our services and within our employment practices.

The Gender Equality Scheme will be produced in draft by April 2007. We welcome your responses to the questions raised throughout the Discussion Document. Our aim is that the Scheme and actions are appropriate to the local community, our service users and our employees. To help achieve this we are offering local people the opportunity to shape the Gender Equality Scheme at an early stage.

I enclose the Discussion Document. Additional paper copies and large print versions are available on request. The documents can also be downloaded at:

[www.hampshirepct.nhs.uk](http://www.hampshirepct.nhs.uk)

I would be grateful if you would return your comments by 26<sup>th</sup> February 2007. You may do this by email or by letter or via RNID Type Talk to the contact details at the top of this letter. Further information is included in section 3 of the document.

Thank you for your support and involvement in developing an appropriate and relevant Gender Equality Scheme. Your help with telling other people about this opportunity to comment would also be much appreciated.

I sincerely look forward to and warmly welcome your comments.

Yours sincerely

Richard Samuel  
Director of Corporate Affairs  
Hampshire Primary Care Trust

Useful Information:

TypeTalk

Helpline 0800 7311 888 Textphone 0800 500 888

[www.typetalk.org](http://www.typetalk.org)

## GENDER EQUALITY SCHEME

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### **1 Introduction**

The Gender Equality Duty has been introduced by the Equality Act 2006. It recognises a new approach to gender equality. It places more responsibility on Hampshire Primary Care Trust to think strategically about gender equality rather than leaving the individual to challenge poor practice. The duty comes into force in April 2007, and represents the biggest change in sex equality legislation in thirty years.

The Gender Equality Duty is similar to existing duties on race and disability equality. All three have the same spirit and intention behind them. They require Hampshire Primary Care Trust to take action to tackle discrimination to prevent harassment and to make sure that the work of the Primary Care Trust promotes equality of opportunity across all its functions.

It is likely that changes to the Equality Act 2006 in the near future, and the current Discrimination Law Review will inform the development of a Single Equality Act. This is likely to lead to a simplification of all discrimination laws. Hampshire Primary Care Trust will move towards a Single Equality Scheme in due course. In preparation, we consider it crucial that we are able to demonstrate the clear requirements of each equality duty, including specific objectives for race, disability and gender.

### **2 What is the Gender Equality Duty?**

The Duty requires Hampshire Primary Care Trust to identify and tackle discrimination, to prevent harassment and to make sure that the work of the Primary Care Trust promotes equality of opportunity between men and women. It is a form of mainstreaming that builds gender equality into the core business of Hampshire Primary Care Trust. It requires us to be proactive in eliminating discrimination and harassment and promoting equality of opportunity rather than waiting for individuals to bring cases forward.

### 3 Feedback

If you wish to make comments or let us have your views on our proposals for the Hampshire Primary Care Trust Gender Equality Scheme please contact:-

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Unit 150 Fareham Reach  
166 Fareham Road  
Gosport  
Hampshire  
PO13 0FH

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Web address	<a href="http://www.hampshirepct.nhs.uk">www.hampshirepct.nhs.uk</a>

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#### 4 What does this document set out to do?

This document should be viewed as a draft framework of our Gender Equality Scheme. It does not provide the answers to how Hampshire Primary Care Trust will address its general and specific duties with regards to the legislation. In response to its duties, this document will detail some of the relevant issues that Hampshire Primary Care Trust will consider in the formulation of its final Gender Equality Scheme.

This document has been prepared for stakeholders who have an interest in ensuring Hampshire Primary Care Trust can meet its obligation under the Gender Equality Duty. It is for those patients, advocacy or representative groups, employees, employee representative and any other individual or group who want to provide information that will inform our policy development, practices and functions.

Our aim is to be able to deliver services and employ people in ways that are inclusive and appropriate.



**This is a consultation document and readers are asked to consider such issues and provide responses as appropriate.**

This document is being presented as a working document that Hampshire Primary Care Trust commits to developing and growing over time as more information is gathered and the involvement of people is strengthened over time.

**As guidance we are looking for your comments to the issues raised throughout this draft document, and in particular those specific issues raised at section 7.**

**You may also wish to comment on**

- **The presentation of the document – the tone, language and readability.**
- **The content – is it appropriate useful and informing?**
- **The way in which Hampshire Primary Care Trust is responding to the Gender Equality Duty.**

**Your comments are sought by (Mid February) so that we are able to formulate our Gender Equality Scheme by the due date of April 2007.**

## 5 The General Duty

The Equality Act 2006 amends the Sex Discrimination Act 1976. It places a statutory duty on Hampshire Primary Care Trust, when carrying out its functions to have due regard to the need:-

- To eliminate unlawful discrimination and harassment
  - Such discrimination and harassment is unlawful under the Sex Discrimination Act 1976 and discrimination that is unlawful under the Equal Pay Act 1970.
- To promote equality of opportunity between men and women
  - And to be able to demonstrate with clear evidence progress towards eliminating equality gaps.

Due regard also applies to eliminating unlawful discrimination and harassment in employment for people who undergo, are undergoing, or have had gender reassignment.

This is the **general duty** and applies to policy making, service provision and employment matters.

## 6 The Specific Duty

To support the delivery of the general duty there are a number of **specific duties** that apply. These are

- 6.1 To prepare and publish a gender equality scheme that will demonstrate how Hampshire Primary Care Trust intends to meet its general and specific duties, and setting out its equality objectives.
- 6.2 To set out Hampshire Primary Care Trusts objectives to address the causes of any gender pay gap.
- 6.3 To gather and use information on how Hampshire Primary Care Trust policies and practices affect gender equality in employment and service delivery.
- 6.4 To consult stakeholders and take account of relevant information in order to determine its gender equality objectives.
- 6.5 To assess the impact of current and proposed policies and practices on gender equality.
- 6.6 To implement actions set out in our Gender Equality Scheme within three years.
- 6.7 To report against and review the Gender Equality Scheme every three years.

Our Gender Equality Schemes will also include reference to additional duties including:

**6.8 Leadership Commitment.**

Hampshire Primary Care Trust was formed in October 2006 from seven Primary Care Trust's across Hampshire. Within its new structure the Director for Corporate Affairs has been assigned leadership of Equality Issues. This senior member of staff will have strategic responsibility for prioritising equality issues and monitoring the implementation of our equality agreement.

**6.9 Clearly Defined Roles and Responsibilities**

**a) Board Commitment**

Hampshire Primary Care Trust will have leadership commitment at Board Level in order to monitor and report on progress of actions and outcomes to the Board and to commit to mainstreaming diversity as a core business activity.

**b) Equality Lead**

An equality lead will undertake responsibility to develop a link between employment, involvement and service delivery. To implement action plans, to liaise on the "involvement" action plan, to oversee the implementation of Equality Impact Assessments, to provide annual reports on the equality actions and outcomes, to oversee equality employment initiatives, to provide training and awareness, to champion best practice, to influence policy at national and local level.

The equality lead will steer the process of implementing equality and to take ownership of actions to drive cultural change across the organisation as a whole.

**c) Other Champions**

To have commitment from other champions within the Non Exec Director team, Professional Executive Committee and Senior Managers to establish Equality as a core business issue.

**d) Equality Focus Group**

Hampshire Primary Care Trust will establish an Equality Focus Group with representation from key functions to work on the wider equality agenda, with specific goals relating to gender. The Equality Focus Group will be accountable to the Senior Management Team and will report on actions and outcomes and to broaden awareness and understanding of all equality issues. External representation will also be invited as members.

**6.10 Mainstreaming through business priorities and plans with Impact Assessments linked to the decision making process**

Directors will be charged with including include Equality Actions, including Impact Assessments and budget implications within the Business Planning Process.

We will also include Equality Impact Assessments as a reference within our Policy Development guidelines. This will make sure those responsible will consider all equality issues as a priority at the outset of proposals and planning.

**6.11 Action Planning**

As a result of our Consultation and Involvement plan we will develop an action plan that will demonstrate how we will meet our gender equality objectives, have due regard for the resources required and assign responsibility to departments and individuals.

**6.12 Training**

We will build the skills and understanding of our employees in order to broaden awareness and understanding of gender equality issues.

Additional training will be undertaken to make sure we implement the specific duties of data collection and analysis, consultation and involvement of stakeholders and carrying out impact assessments.

Our performance appraisal process – known as Knowledge and Skills Framework has a specific competency relating to Equality and Diversity and all employees will be assessed on their awareness and understanding of gender equality issues.

**6.13 A clear demonstration to meet the duty in commissioning and procurement.**

This section is incomplete

The Gender Equality Scheme aims to make gender equality central to the way Hampshire Primary Care Trust works in order to create:

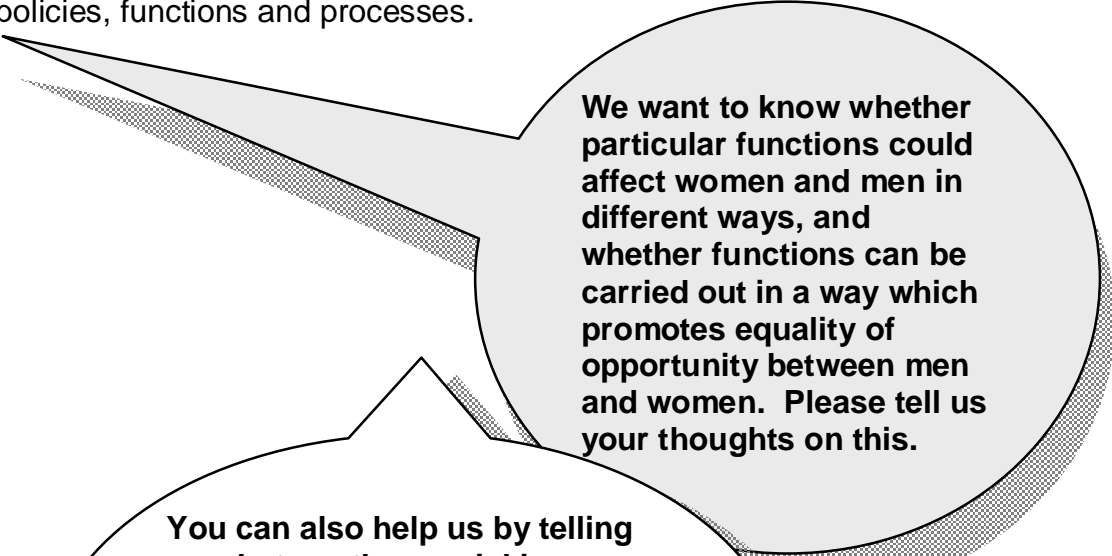
- Informed decision making and policy development.
- Understanding of the needs of our patients.
- Improving our employees' experience.
- Quality services that meet varied needs.
- Effective targeting of policy and resources.
- Greater confidence in our services.
- An effective and diverse workforce.

## 7 Our Commitment

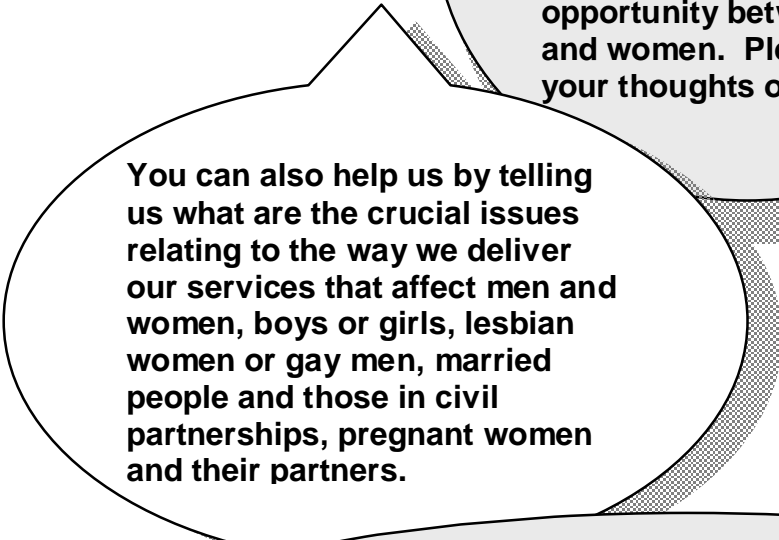
We understand that men and women often have different needs from services and will use services in different ways. The way they manage their careers may also be different. The differences may be attributed to their sex – the physical differences between men and women, or by their gender - the social differences men and women experience.

Hampshire Primary Care Trust will pledge a positive obligation to take action to promote gender equality, not just to avoid discrimination by:

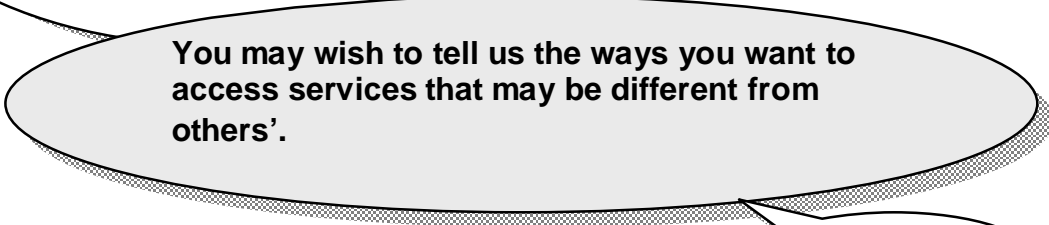
- 7.1 Looking at the specific gender equality issues relating to men and those relating to women and identify the major issues for sex equality in services, employment and policy making. We will do this by carrying out Impact Assessments on relevant policies, functions and processes.



**We want to know whether particular functions could affect women and men in different ways, and whether functions can be carried out in a way which promotes equality of opportunity between men and women. Please tell us your thoughts on this.**



**You can also help us by telling us what are the crucial issues relating to the way we deliver our services that affect men and women, boys or girls, lesbian women or gay men, married people and those in civil partnerships, pregnant women and their partners.**



**You may wish to tell us the ways you want to access services that may be different from others'.**



**Continued**

**You may wish to tell us what you need from our services that may differ from others' needs.**

**You may wish to tell us the barriers you experience due to your sex and/or sexual preference, or your marital status when accessing our services**

7.2 Listening to what women and men say about their needs, choose priority goals for change and take action.

**You can help us by informing us how you want to be consulted and remain involved and what actions you think we should be considering to make sure that our Gender Equality Scheme is appropriate and meets the needs of our communities.**

7.3 Sometimes it is necessary to offer services on a single sex basis. This may mean providing services to one sex only, similar services separately for men and women, or providing services in different ways to men and women. We will be satisfied that any approach to single sex activities will meet the Sex Discrimination Act.

**Please tell us of your experiences with single sex services and/or what services are best delivered in a single sex way.**

- 7.4 Gender equality will be more relevant to some functions than others. Relevance is about how much a function affects people's gender equality. In order that we can prioritise our actions we need you to:

**Tell us your experiences where you have felt discrimination or harassment when accessing our services.**

- 7.5 Hampshire Primary Care Trust will commit to be an inclusive and equal employer. We acknowledge that our employees want different things from their careers and that these expectations will be balanced against their lives at home.

**If you are an employee of Hampshire Primary Care Trust please tell us what your thoughts on our policies that are designed to support you in your career and life balances. These policies include flexible working, maternity and paternity provisions, support to meet your caring responsibilities, the way we recruit people and offer career progression and work based training and development, the way in which we respond to bullying and harassment issues and manage appropriate disciplinary actions, and our policies on fair pay, redundancy and retirement.**

**We have considered forming a network for lesbian and gay employees. We want to know how best this could be established across Hampshire PCT. If you want to be involved please get in touch through this Gender Equality Scheme.**

**If you think other networks would be valuable to you and/or others, please let us know.**

- 7.6 Eliminating discrimination and harassment for transsexual people in employment. We will do this by developing a Transgender Employment Policy and will be looking for stakeholders to inform this.

**You can help us by informing us what are the crucial issues relating to employing a person who is considering, undergoing or have had gender reassignment.**

**What are the crucial elements required within an effective policy that will be used to inform our managers and other employees.**


- 7.7 By December 2007, the Sex Discrimination Act by 21 December 2007 will apply to the provision of accessible goods and services to people who undergo, are undergoing, or have had gender reassignment. Hampshire PCT wants to respond proactively to this directive, please tell us:-

**What we need to be considering now in order that we are able to meet this directive. We intend to eliminate discrimination before the directive's due date.**

- 7.8 Hampshire Primary Care Trust in response to its Race and Disability Equality Scheme already has in place good mechanisms to achieve our equality aims. We welcome the opportunity to strengthen our approach by broadening out these aims to encompass gender issues. We will achieve this by:-

- Consulting with relevant people making particular effort to encourage an equal proportion of representation between men and women.
- Enhancing our data and information collection to take into account any feedback gathered. Our aim will be to use monitoring data as evidence that Hampshire Primary Care Trust has eliminated, or is making progress towards eliminating unlawful discrimination and harassment, and are promoting, or in the progress of promoting equality of opportunity so that we can demonstrate to our stakeholders and the Equal Opportunities Commission positive change in meeting the Gender Duty.

- Broaden our Impact Assessment process to encompass gender equality.
- Consider the relevant and appropriate objectives that will address the causes of gender equality gaps. We will report and review the outcomes of our Equality Impact Assessments as well as progress towards meeting our stated objectives.




**Please tell us if you want to be included in our stakeholder list for consultation and involvement, reporting and review of outcomes. You may wish to tell us how you want to get involved and what information you can provide us to help us form this Scheme.**

7.9 Hampshire Primary Care Trust wants to publish its Gender Equality Scheme in easily accessible formats



**Please tell what formats will enable you to access the Scheme easily.**

7.10 Hampshire Primary Care Trust intends to consult widely on this document, and will forward it to stakeholders as identified at Appendix 1. It will also be available on our Internet site at [www.hampshirepct.nhs.uk](http://www.hampshirepct.nhs.uk). We will also tell our staff through global communication that it can be accessed on this website or is available in document format from Personnel Services. We will also forward it to Staff Representative Groups as listed in Appendix 1.



**Please tell us if we have missed stakeholders off our circulatory list.**

**You may also wish to share this opportunity with others who you consider may want to be included.**

## 8 Our Aims

We intend to use your responses in order that we can build an action plan that will eliminate discrimination and promote equality of opportunity so that:

- a) You will notice that our services are more accessible and better tailored to meet your needs and service outcomes by gender are improved.
- b) Women and men make greater use of our services that their sex had previously underused.
- c) Those with caring responsibilities receive appropriate support.
- d) Fathers as well as mothers receive greater support for their childcare responsibilities.
- e) Fair support to pregnant employees and those who return from maternity leave is given including support with career progression and support to balance family commitments.
- f) Women and men feel engaged in decision and policy making around issues that have a direct affect on them.
- g) Women and men are represented at all levels of the workforce and in all areas of work.
- h) Harassment and sexual harassment of staff, service users and others is dealt with effectively and tolerance of such behaviours drops.
- i) Our pay and reward systems are demonstrably equal and fair.
- j) Transsexual people feel supported and valued as staff and potential staff. Barriers to the recruitment and retention of transsexual staff are identified and removed.
- k) Lesbian women and gay men feel supported and valued as staff and potential staff. Barriers to the recruitment and retention of lesbian women and gay men are identified and removed.
- l) Employees are aware of the gender equality duty, understand how it will affect their work, and have the skills to implement the duty in their work.
- m) Gender equality issues and their budgetary implications are considered at the beginning of policy-making.
- n) We have the capacity to provide data and information easily and to asses effectively how certain actions will affect women and men.

(list not in priority order)

## 9 Definitions

### 9.1 Hampshire Primary Care Trust and the Equal Pay Act

The Equal Pay Act gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, or where the source of pay is the same, where the man and the woman are doing:-

- The same or broadly similar work
- Work that has been rated as equivalent under an analytical job evaluation study
- Work that is of equal value in terms of its demands such as effort, skill and decision making.

One of the reasons for the NHS Pay Modernisation programme (Agenda For Change) was to ensure equal pay for work of equal value, and it was crucial that every effort was made to make sure that the NHS Job Evaluation Scheme was fair and non-discriminatory in both design and implementation.

The equality features of the job evaluation scheme included:-

- A sufficiently large number of factors to make sure that all significant features were fairly measured.
- Inclusion of specific factors to ensure that features of predominantly female jobs were fairly measured.
- Avoidance of references to features that might operate in an indirectly discriminatory manner.
- Scoring and weighting designed in accordance with a set of gender and neutral principles, rather than the aim of achieving a particular outcome.
- A detailed matching procedure to ensure that all jobs have been compared to a national benchmark on an analytical basis.
- Training in equality issues and the avoidance of bias for all matching panel members, analysts and evaluators.
- A detailed Job Analysis Questionnaire to make sure that all relevant information was available for local evaluations

### 9.2 Harassment and Sexual Harassment

Harassment is defined as unwanted conduct which takes place simply because someone is a woman or a man and has the purpose of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It is conduct on the

grounds of sex which is not necessarily of a sexual behaviour (e.g. belittling a person's ability to do a job not traditionally undertaken by that person's sex)

Harassment on the grounds that a person intends to undergo, is undergoing or has completed gender reassignment is also expressly prohibited,

Sexual harassment occurs when a person engages in any form of unwanted, verbal non verbal or physical conduct of a sexual nature that has the purpose or effect of violating that person's dignity or by creating an intimidating, hostile, degrading, humiliating or offensive environment. It is of particular importance to take account the reasons why a person is claiming they have been harassed and the complainants view will be the key factor, but not the only factor considered by the tribunal.

### **9.3 Promotion of Equality of Opportunity**

The duty to have due regard to the need to promote equality of opportunity between men and women is a new aspect of the SDA. In order to achieve actual equality of opportunity, it is necessary to recognise that in certain circumstances women and men, because of their sex (biological difference) and gender roles (sociological difference) are not in the same position. In some circumstances it may therefore be appropriate to treat women and men differently, if that action is aimed at overcoming a previous disadvantage.

### **9.4 Gender Reassignment**

The Gender Equality Duty requires due regard to the need to eliminate unlawful discrimination and harassment against transsexual people in employment.

This will be extended in the Sex Discrimination Act by 21 December 2007 by the implementation of goods and services Directive, and as a consequence by that date public authorities will be under a duty to have due regard to the need to eliminate unlawful discrimination and harassment on the grounds of gender reassignment in the provision of goods and services.

Hampshire Primary Care Trust will respond to this requirement proactively and make sure this issue is incorporated into our action planning and objectives.

### **9.5 Due Regard and Proportionality and Relevance**

Having due regard means that the weight given to the need to promote gender equality is proportionate to its relevance to a particular function.

This means Hampshire Primary Care Trust will prioritise the assessment of its functions and any resulting actions that address the most significant gender inequalities and deliver the best gender equality outcomes.

The requirement for proportionality and relevance will not be interpreted by Hampshire Primary Care Trust as a question of numbers. We will take into account the seriousness or extent of the discrimination, harassment or gender inequality even if the number of people affected is small, as may be the case for example for transsexual people.

## 10 Complaints

This Gender Equality Scheme has been written in good faith in order that Hampshire Primary Care Trust can meet its responsibility to the Gender Equality Duty. It is not intended to cause offence, knowingly disadvantage or to provide false information. Errors or omission should be addressed in the first instance to the contact details at section 3. If this approach does not achieve resolution formal complaints relating to this Gender Equality Scheme or its implementation should be processed following Hampshire Primary Care Trust's Complaint Procedure