

Department for Constitutional Affairs

Gender Equality Scheme

2007-2010

Foreword

We are delighted to introduce the Department for Constitutional Affairs Gender Equality Scheme.

The DCA has responsibility for upholding justice, rights and democracy across all communities. To do so we need the engagement of the public and the confidence of all the people we seek to serve. We have always carried out our duties to the best of our ability, on the basis of equality across the piece. We are pleased that the advent of the statutory requirement to produce first a race equality scheme, a disability rights scheme and now this gender equality scheme, has given us the opportunity to set out our commitment in detail, in respect of those parts of the community.

The new gender equality duty comes into force from April 2007 and presents a tremendous opportunity to push forward the public service agenda and redouble our effort to ensure equal access for all to the services the DCA provides.

We have made some progress in modernising our services and to deliver faster and more effective dispute resolution while protecting the vulnerable. For instance, the Youth Justice and Criminal Evidence Act, the Sexual Offences Act, and the Domestic Violence Crime and Victims Act 2004 have helped to put victims, many, in these areas being women, at the heart of the criminal justice system. The Government has also encouraged more women to apply to be judges and the new Judicial Appointments Commission will make the process more open and transparent.

To achieve our commitments and to build trust and confidence in the justice system we need a workforce that reflects the public we serve. We have taken and continue to take steps to address the gaps at senior civil service level where women are under-represented.

We are personally committed to ensuring that there is gender equality in what we do and how we treat our staff and the public.

As we write, we are looking to develop a Departmental Single Equality Scheme, which will help us to move forward, yet further, by combining this gender scheme and the other current schemes whilst establishing an equally detailed approach to equality for other parts of the community.

Lord Falconer of Thoroton
Secretary of State

Vera Baird QC, MP
Parliamentary Under-Secretary of State

Message from the Women's Issues Champion

'There is more difference within the sexes than between them'

– Ivy Compton Burnett, English Novelist 1884-1969.

Most people today would agree with this statement. Yet inequalities still exist between women and men, despite the many advances made in respect of women's position in society and at work over the past 30 years since the Sex Discrimination Act came into force.

We now have a better opportunity than ever to address these inequalities. The DCA is committed to building an organisation that reflects the diversity of the society we serve and values the contributions that staff from all sections of society make to our work.

WIN, the Women's Issues Network, exists to raise awareness and promote gender equality within the department.

As part of our diversity plans I am pleased to introduce the DCA Gender Equality Scheme.

This scheme matters for everyone in the Department and for all those who use our services. It seeks not to favour one gender over another but provide equality of outcomes between women and men. It commits us to ensuring that gender equality is a key part of everything we do.

The Scheme forms an important part of the actions we are taking to ensure gender equality is embedded in the Department's policies and procedures. The Departmental Management Board is strongly committed to the delivery of this Scheme and we will be monitoring progress to ensure we meet the commitments set out in our plans.

Barbara Moorhouse

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Section 1

1. Introduction

This Gender Equality Scheme (subsequently referred to as the 'Scheme') covers the period from April 2007 to 2010. It sets out the commitment of the Department for Constitutional Affairs (DCA) – which includes Her Majesty's Courts Service (HMCS), the Tribunals Service, related organisations in England and Wales and the Scotland Office – to gender equality¹. It also sets out the actions they will take to achieve this in delivering justice, rights and democracy for the public and for staff. In the context of this Scheme, the DCA includes all the organisations for which it has direct responsibility.

The DCA welcomes the gender equality duty which came into effect on 6 April 2007. The Department has a legal responsibility to eliminate unlawful discrimination and harassment² and to promote equality of opportunity between men and women, but it is committed to moving beyond simple compliance. It will improve public confidence and trust through delivering high quality services which produce equitable outcomes for all members of the public. It will also ensure that all staff have confidence and trust in the organisation by developing them to meet the needs of the business.

The Ministry of Justice

The Scheme does not as yet cover the Ministry of Justice, which will be established on 9 May 2007. The 2008 review will, however, incorporate the new ministry.

1.1 The DCA's strategic priorities

Gender Equality will be integrated into the DCA's strategic priorities. The Department has responsibility for upholding justice, rights and democracy. Our strategic vision for the next ten years is to:

- Empower citizens and communities
- Use education, information and advice to speed up justice
- Modernise our services and the way in which they are delivered
- Focus on a people centred approach

¹ Sex and gender are defined as in the Equal Opportunities Commission's 'Gender Equality Duty Draft Code of Practice'. The term 'sex' is used to describe biological differences between women and men. The term 'gender' refers to the wider social roles and relationships which structure men's and women's lives. Gender inequality exists in all aspects of society and refers to lasting and embedded patterns of advantage and disadvantage.

² The DCA defines unlawful discrimination as it is set out in the Sex Discrimination Act 1975 and the Equal Pay Act 1970. It includes the notions of: direct and indirect discrimination on grounds of sex; discrimination on the grounds of gender reassignment; discrimination on the grounds of pregnancy or maternity; direct and indirect discrimination against married persons and civil partners; victimisation; and harassment and sexual harassment.

This vision is reflected in our strategic priorities, which are to:

- Reduce crime and anti-social behaviour
- Speed up asylum and immigration appeals
- Protect the vulnerable
- Deliver faster and more effective dispute resolution
- Strengthen democracy and rights

The DCA's strategy can be found at www.dca.gov.uk/dept/strategy

The Scheme's high-level action plan (Appendix A) sets out the DCA's objectives in the four priority areas identified during the course of its production. In particular, it shows how the DCA will integrate gender equality into the delivery of its strategic priorities, and meet its duties to promote equality of opportunity between women and men and eliminate unlawful discrimination and harassment.

1.2 Our legal responsibilities under the Sex Discrimination Act

The Sex Discrimination Act 1975, as amended by the Equality Act 2006, places the following duties on the DCA:

1.2.1 The gender equality duty

The gender equality duty imposed by section 76A(1) of the Sex Discrimination Act – subsequently referred to as 'general duty' – states that a body subject to the general duty:

"shall, in carrying out its functions, have due regard to the need –
(a) to eliminate unlawful discrimination and harassment; and
(b) to promote equality of opportunity between men and women³."

As a government department, the DCA is bound by the general duty, which came into effect on 6 April 2007.

1.2.2 The specific duties – Publishing a Gender Equality Scheme

To support the public authority in meeting the general duty, specific statutory requirements⁴ provide a framework, the core of which is the Scheme.

³ This includes transsexual men and women. The term 'transsexual' has a fairly narrow definition in law, and we wish to extend protection to all transgender people. We have used the term 'transsexual' when referring specifically to legal compliance and 'transgender' otherwise. Please see Section 3.2 for a fuller explanation.

⁴ These requirements are set out in the Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006.

As a minimum, the Scheme must show how the public authority intends to fulfil the general and specific duties and set out its gender equality objectives. The specific duties are set out below.

In preparing a scheme, the public authority should:

- consult stakeholders (in other words employees, service users and others, including trade unions);
- take into account any information it has gathered or considers relevant as to how its policies and practices affect gender equality in the workplace and in the delivery of its services; and
- in formulating its overall gender equality objectives, consider the need to include objectives to address the causes of any gender pay gap.

In addition, it should ensure that the Scheme sets out the actions the authority has taken or intends to take to:

- gather information on the effect of its policies and practices on men and women, in employment, services and performance of its functions;
- use the information to review the implementation of the Scheme objectives;
- assess the impact of its current and future policies and practices on gender equality;
- consult relevant employees, service users and others (including staff networks and trade unions); and
- ensure implementation of the scheme objectives.

Finally, the specific duties also require the authority to:

- implement the Scheme and its actions for gathering and using information within three years of its publication, unless it is unreasonable or impracticable to do so;
- review and revise the scheme at least every three years; and
- report on progress annually.

The Equal Opportunities Commission (EOC) has issued a Code of Practice entitled 'Gender Equality Duty Code of Practice for England and Wales', along with non-statutory guidance and a 'Code of Practice on Equal Pay' (see Appendix H). This Scheme takes account of the guidance set out in these Codes.

Accountability

The DCA's Permanent Secretary has approved this Scheme, and has the overall accountability for ensuring it is implemented, monitored and reviewed regularly. The Scheme is a living document and the DCA will review progress on an annual basis against the relevant actions. A full review of the Scheme detailing progress and identifying key areas for action will be undertaken and presented to the DCA Management Board for approval every three years.

Appendix A sets out the high-level action plan and a timetable for putting the Scheme into effect. This action plan is complemented by specific action plans for each business area, found in Appendix B. The work described in the action plans, where it is not already included, will be built into directorate, unit and team business plans for 2007-08 and beyond.

Directors, Heads of Divisions and Heads of Units are responsible for implementing the actions in the action plans. In drafting this Scheme, they were responsible for ensuring that public functions, services and policies for their respective business areas were reviewed for their relevance to gender equality. The Director of Human Resources is responsible for ensuring that the gender equality duty on employment is implemented.

The general duty applies to policy development, public functions/services, and employment. Section 2 sets out how the DCA is meeting the general and the specific duties overall. Section 3 considers areas in which the DCA delivers services which are of particular relevance to gender equality. Section 4 deals with issues of particular relevance to gender equality in employment. How we meet the general duty in policy development runs through all three of these sections.

Section 2

2. Meeting the general and the specific duties

This section sets out what we have been doing to promote gender equality and eliminate unlawful discrimination and harassment. It describes how we are meeting the general duty as well as how the specific duties relating to the publication of this Scheme support the general duty. In particular, it sets out the DCA's key priorities on gender and explains how these were identified.

2.1 How the DCA is meeting the general duty

The expected outcomes for the Scheme are that there is no significant difference in:

- the confidence and trust that women and men have in the justice system;
- the satisfaction of women and men who use our services, and with the way they have access to them;
- the satisfaction of women and men with the information about our services;
- satisfaction with access to career development for all members of staff irrespective of gender; or in
- pay and reward for work of equal value between members of staff irrespective of gender.

To this end, the DCA is required to meet the general duty in policy development, services and employment.

2.1.1 Policy development

The DCA is mainstreaming gender equality into its policy development process. One way it is doing this is through equality impact assessments (EIAs).

The DCA has a statutory duty to ensure that policies, procedures and regulation reform are assessed for their impact on the public or staff. To this end we consult these groups about new policy or major policy change – a process which includes a consultation on its potential impact on gender equality through EIAs (see box below).

Equality impact assessments (EIAs)

In order to ensure that the issues relating to gender equality are enshrined in legislation, policy and service development, the DCA developed a diversity impact assessment toolkit which was introduced in 2005. It was updated,

and the new EIA toolkit was launched in April 2007. It covers all diversity strands including gender equality (as well as transgender issues). EIAs are carried out on new policies the DCA intends to implement. The DCA will also need to impact assess all its existing functions, policies and procedures by 2010. We will draw up a timetable to do this by the next review of the Scheme.

Senior managers have responsibility for ensuring EIAs are fit for purpose. Starting from April 2007, EIAs will have to be signed off by a senior civil servant before a project can be launched. Additionally, new projects and programmes cannot be logged with the DCA programme office until an initial EIA is completed.

The Equality Diversity and Human Rights Division should be advised of the outcomes of impact assessments (as indicated in the EIA toolkit) and of any actions taken to promote equity for staff and the public. The Departmental Management Board will receive regular quarterly reports on progress with EIAs. Where new or current policies, regulation or services have been assessed for their impact on equality, these have been listed in Appendix C.

2.1.2 Services

The services the DCA offers include the administration of courts and tribunals. We recognise that women and men may have different needs from these services. Some groups of women or men – women of black and minority ethnic background or gay men, for instance – may not take up a service due to specific needs or particular barriers. Where such inequalities may exist, the DCA will seek to collect data, analyse them, identify gaps, and take action to address them. Modernising our services in order to meet the diverse needs of the public is one of the cornerstones of the DCA's strategic vision for the next ten years.

The last user surveys of the criminal, civil and family courts were published in 2006, but did not offer results broken down by gender. However, the Home Office's 'Crime in England and Wales 2005-06' report does indicate that the difference in levels of confidence in the Criminal Justice System (CJS) between men and women is not significant.⁵ Similar proportions of women and men feel that the CJS will treat them fairly (respectively 79% and 81%). The biggest discrepancy emerges on the issue of whether the CJS meets the needs of victims – 38% of women are confident or very confident it does, compared to 33% of men. In order to assess whether it is meeting the different needs of its customers, HMCS launched a new survey of its own in January 2007 (see box below).

⁵ HMCS is one of the agencies involved in the Criminal Justice System (CJS). The Courts work closely with other CJS agencies such as the Police, the Prison Service, the Crown Prosecution Service and the National Probation Service to deliver satisfactory outcomes for both men and women.

Launched in April 2006, the Tribunals Service also plans to survey its customers in 2007-08 by way of an external satisfaction survey that will canvass customers' opinions in all the different tribunal jurisdictions. The results of the survey will be broken down according to a number of criteria, including gender. From this information and the responses of its customers, the Tribunals Service expects to be able to profile its customers accurately, determine their expectations and deliver improved customer service in line with its current strategic customer objectives and commitment to its customers' needs.

Improving customer experience in courts

As part of its commitment to offer a service which meets the needs of its users, HMCS launched a new survey of court users in England and Wales in January 2007. The new HMCS Court User Survey will aim to survey all courts in England and Wales, across all jurisdictions, over the period 2006-09.

The majority of surveys will be conducted by way of face to face exit interviews, with postal surveys being used for jurors and complainants. Previous surveys had taken place using either a handout or postal methodology. However a low response rate of around 20% raised concerns about the overall reliability of results and about the profile of customers who responded.

Extensive consultation took place in September/October 2006 with key stakeholders across the full range of business areas and jurisdictions, including service users and partner organisations. Consultees included the DCA's Women's Issues Network, the Equality Diversity and Human Rights Division, the Victims and Witnesses Team, Witness Care, the staff trade union, the Home Office and the Police. Fieldwork for 2006-07 commenced with a 'live' pilot in November 2006.

A new web based portal, designed specifically for HMCS, will provide secure online reporting, giving quick and easy access to results from a standard desktop browser. It will allow results to be broken down according to a number of differentials, including gender. The facility has been available for use since April 2007.

The project is being impact assessed on an ongoing basis throughout the survey period with the equality impact assessment being forwarded to the Equality Diversity and Human Rights Division every quarter.

Handling complaints

The Courts do not record complaints by gender. This is because the bulk of complaints received are written complaints and solicitors/legal representatives usually do not insert their name on letters. As a result, in a large proportion of cases staff will not know whether the complainant is a man or woman. HMCS

will look into whether there are workable ways of capturing these data. They will also be carrying out a national postal survey of all those court users who have had cause to complain to HMCS between May and June 2007. This survey will provide a breakdown (of those users who responded) by a number of criteria, including gender.

As for tribunals, the system that complaints are recorded on is not currently capable of doing so by gender. While there are no immediate plans to replace this system, the Tribunals Service's Customer Strategy Unit will consider this dimension in future reviews of the complaints handling process. The Tribunals Service has, however, reviewed the categories used to record complaints. Since April 2007 complaints received have been recorded against a number of alleged discrimination sub-categories, including gender. It is also possible to analyse complaints received by legal jurisdiction, in other words by tribunal and by geographic location.

2.1.3 Employment

The DCA is committed to eliminating unlawful discrimination and harassment in its employment practices and actively promoting gender equality within the workforce.

Every year the Human Resources Directorate produces a Workforce Composition Diversity Statistics Report. The Directorate uses the conclusions of this report to monitor the impact of our equality and diversity policies on staff from different groups and identify any problem areas, to develop effective proposals for improving the position and to monitor the effect of those actions. In particular, it is used to assist us in measuring progress against targets and goals set in the Ten Point Plan (see box in Section 4.1) and in fulfilling our legal obligations to conduct monitoring by gender.

In January 2007 the Human Resources Directorate launched a new database, CHRIMSON, which will allow us for the first time to monitor all staff from the Magistrates' Courts and Tribunals as well as the pre-2006 DCA. CHRIMSON will allow the data to be viewed according to gender, as well as all the other diversity strands.

The DCA also carries out a staff opinion survey every other year. The results of the most recent survey are expected in May 2007. We will analyse the results and take appropriate action. In addition to this survey, intermittent 'pulse' surveys are carried out to monitor progress on actions taken to address specific issues identified in the staff opinion surveys.

Staff networks and the trade union

The DCA has a number of staff networks, which have been acknowledged across Government. Their support teams are based within the Equality Diversity and Human Rights Division. We encourage staff to join these networks and to play an active role in them. They are consulted on employment issues and the development of policies.

The **Women's Issues Network** aims to raise awareness of issues affecting women and promote women's issues within the Department. It supports and promotes their interests with a view to improving their level of attainment and working conditions.

The **Network for Caring** aims to raise awareness of issues affecting carers and promote the needs of carers within the Department. It also aims to provide practical advice and information in a safe environment and to allow members to share experiences. The Network advocates that managers should allow applications for reduced hours and flexible working wherever possible. The Network has a dedicated team, almost all of whom work reduced hours and/or job share. Additionally, there is a team of regional representatives based around the country who work for the Network for 5% of their conditioned hours.

The **Rainbow Network** aims to provide a safe environment for lesbian, gay, bisexual and/or transgender (LGBT) staff and heterosexual friends from the DCA family. Rainbow offers support and advice to all staff whatever their sexual orientation or gender identity. It provides a forum for support allowing members to share workplace experiences, and brings common concerns to the attention of managers and staff as well as raising awareness of LGBT discrimination and issues.

We also have active involvement from the **trade unions**, who are involved in the development of all employment policies. The trade unions represents union members through consultation with managers throughout the process of change and works constructively with managers to minimise the impact of that change on staff. It also provides members with representation in cases of complaint or grievance that might arise as a result of organisational change.

2.1.4 Training

The DCA recognises that it is crucial its staff are trained, or made aware of their responsibilities, to meet the duty to promote gender equality and to eliminate unlawful discrimination and harassment. The nature and the extent of the training will depend on the business area, and individual staff members' roles.

Gender awareness training is already provided as part of the Diversity Awareness training course. The course is mandatory for new staff joining the

DCA. There is also a mandatory training course for all staff newly promoted to management positions, which covers the legal background to gender equality (as part of general diversity legislation).

In March 2007 the Equality Diversity and Human Rights Division commissioned an audit from PricewaterhouseCoopers (PwC) to identify the training needed for the DCA to fulfil its duties under the changing equality and diversity legislation. The audit is expected to identify training needs at management levels and point of delivery levels. It will address equality and diversity training and awareness-raising requirements to support the equality schemes, the legislation in general, the equality impact assessment process and human rights. The audit is expected to suggest ways to deliver the training, taking into consideration various media as well as constraints such as the lack of access to IT in some work areas. At time of writing, the Equality Diversity and Human Rights Division was looking at the audit's recommendations.

Equality and diversity briefings for senior staff

Directors, Heads of Directorates and Heads of Units attended a series of equality and diversity briefings during October and November 2006, to highlight accountability for integrating gender equality (and other equality duties) into the work of the Department. Participants highlighted the key priorities for action in their own directorates and for the DCA as a whole. These were taken into account in drawing up the action plans (Appendix A and B).

Equality impact assessment training

The DCA has developed an equality impact assessment toolkit and has piloted training on carrying out assessments for key staff who need to undertake this work. Training sessions took place in March 2007 and further training will be rolled out once the results of the PwC audit have been analysed.

Rainbow Network training

The Rainbow Network offers courses which offer an insight into issues faced by lesbian, gay, bisexual and transgender colleagues and customers. These courses are available to all staff. The Network also offers Customer Service and the Gender Agenda, a short workshop which aims to provide staff with some basic guidance on how to interact in a positive way with transgender customers.

2.1.5 Procurement

The gender duty applies to those functions which are carried out through procurement as well as those which are carried out directly by the public authority itself.

Relevant gender issues where appropriate will be reflected within specifications in a non-discriminatory manner. All legal requirements and obligations pertaining to the Sex Discrimination Act as set out in the Equality Act will be met when setting out the initial requirements and in drawing up the contract conditions. This will include consideration of the public sector duty to promote gender equality where a public sector duty has been contracted out to the private sector.

The DCA follows the Office of Government Commerce guidelines on procurement. The Procurement Division will be seeking further guidance from the Office on the relevance and proportionality aspect of implementing the above provisions where a public sector duty has been contracted out to the private sector.

2.1.6 Partnerships with external organisations

The DCA works in partnership with other government organisations and external bodies such as the Home Office, the Department for Education and Skills, the Crown Prosecution Service, the private sector and international organisations. For example, the Courts work closely with the Police, the Prison Service, the Crown Prosecution Service and the National Probation Service to deliver an effective Criminal Justice System.

In creating partnerships with other organisations we ensure that we give due consideration to the approach of those organisations to gender equality. We will seek to further develop partnerships with organisations representative of the public.

2.1.7 Public access to information

The DCA is committed to providing information about its policies and services through effective communication with the public. We provide information in several ways: centrally, through the website for example; from individual directorates about any relevant policies and services for which they are responsible; and through the public courts and tribunals or other DCA offices, or through working with partners. In providing information, we seek to ensure that it is:

- clear, comprehensive, accurate and relevant;
- appropriate to the reader or user of the information;
- proportionate to the subject matter; and
- targeted and timely.

2.2 How the DCA is meeting the specific duties

The specific duties – which all relate to the production of this Scheme – support the general duty to promote gender equality.

2.2.1 Publication of a Gender Equality Scheme

This is the DCA's first Gender Equality Scheme. The specific duties on gender equality require the DCA to publish one by 30 April 2007.

In this Scheme, we have identified what actions have already been taken to progress gender equality, and where we need to make further progress on integrating gender equality into our business. The Scheme reflects the full range of the DCA's policies, public functions and services (Appendix B). The DCA will publish progress on this Scheme annually and will revise it every three years.

Copies of this Scheme will be on the DCA's website. Copies will be available in large print or Braille from:

Equality Diversity and Human Rights Division
Department for Constitutional Affairs
Selborne House
54-60 Victoria Street
London SW1E 6QW

You can also request a copy by emailing us at EqualitySchemes@dca.gsi.gov.uk. Copies are also available in Welsh.

2.2.2 Information-gathering

From December 2006 to February 2007, a comprehensive audit of all the DCA's public functions, services and policies was carried out. Audit forms were sent to all the business areas, asking them to give details of their current responsibilities, assess all functions and policies for relevance to gender equality, and identify what actions had been taken and are planned to achieve gender equality. They were also asked to provide details on all impact assessments completed and planned.

The purpose of the audit was to assess the DCA's public functions, services and policies for relevance to gender equality. The assessment criteria and results are included in Appendix B. The DCA has assessed that the majority of its policies, functions and services are relevant to gender equality.

The audit identified key business areas whose work had high relevance to gender equality. The Scheme was drafted based on information gathered from one-to-one meetings with these business areas and feedback information from the public. The DCA also made use of the results of the last court user and staff surveys (respectively 2006 and 2005), of the Network for Caring survey (2006), and of a gender equality survey (2007) sent out to staff by the Equality Diversity and Human Rights Division specifically for the purpose of the Scheme. Other surveys and reports used are listed in Appendix H.

Consultation was ongoing between December 2006 and April 2007. An initial external consultation with gender interest groups, transgender interest groups and other parts of the Justice System was carried out at the start of that period, to identify key areas of relevance to gender equality. Throughout the drafting the DCA liaised with a number of these groups. The draft Scheme was then subject to internal and external consultation between March and April 2007. (Details of those consulted are in Appendix F.)

The DCA has an internal consultation process which involves the staff networks (including the Women's Issues Network, Network for Caring and Rainbow) and the trade union. The draft Scheme was also published on the Intranet for all staff to comment on. Externally, all local offices – courts and tribunals for example – have user groups and contacts in the local community which help them determine how they deliver their services locally.

The Scheme was also reviewed by a ministerial reference group including 20 diversity groups such as the Gender Trust and the Fawcett Society. Formed in early 2007, this equalities reference group is expected to feed back on the customer-focused aspects of the various equality schemes, and to advise on their implementation.

2.2.3 Identifying our key priorities and other areas of relevance to gender equality

One of the purposes of producing this Scheme is to identify a number of objectives for the DCA to focus on in order to help it meet the general duty. On the basis of the information gathered, recommendations from the code of practice published by the Equal Opportunities Commission (EOC), and the DCA's strategic priorities, four priority areas for action were identified for this Scheme:

- **Gender-based violence**
- **Transgender issues**
- **Legal aid**
- **Gender pay gap**

We explain the reasoning behind these four priorities in further detail in Sections 3 and 4. To deliver in each of these key areas, we have identified objectives and action plans to meet them (Appendix A).

Other areas of particular relevance to gender equality, such as voter participation and a number of employment issues, also emerged from the information-gathering exercise. Though they were not identified as immediate key priorities, they were nevertheless seen as issues which need to be addressed. Sections 3 and 4 also look at these in further detail.

In formulating our key priorities, and identifying other areas of particular relevance to gender equality, we took into account the information gathered, recommendations from the code of practice published by the EOC, and the DCA's strategic priorities in the following ways:

2.2.3.1 The information gathered

The initial consultation highlighted a number of areas (including our four key priorities) which were deemed of high importance to meeting the general duty. Some of the groups consulted provided reports they had produced on those areas. The audit (included in Appendix B) also helped us identify the business areas whose work was most relevant. In parallel, we also considered the results of the various surveys in identifying our key priorities. The customer satisfaction survey, the staff opinion survey and the gender equality survey gave us an insight into what issues were of concern to service users and staff. Finally, the comments received as part of the consultation on the draft Scheme were taken into account in finalising our key priority areas.

2.2.3.2 The EOC's code of practice on the gender equality duty

The code of practice makes recommendations to public authorities on how to meet the gender duty. In particular, it explains the meaning of having "due regard" to the need to eliminate unlawful discrimination and harassment and promote equality of opportunity between women and men.⁶ In identifying our key priorities, we sought to identify the functions, policies or services that have most effect on the public, on our staff, or on a section of the public or on a section of our staff. For example, it was crucial to provide for the protection of transsexual service users against discrimination on grounds of gender reassignment in light of the EU directive on the provision of goods and services, which comes into effect in December 2007. Similarly, the code specifically mentions the importance of addressing any gender pay gap.

⁶ "Due regard" implies that the weight given to the need to promote gender equality is proportionate to its relevance to a particular function. In practice, this means the DCA's key priorities should address the most significant gender inequalities within its remit, and take actions which are likely to deliver the best gender equality outcomes.

2.2.3.3 The DCA's strategic priorities

One of the key requirements of the gender duty is that public authorities build gender equality into their core business thinking and processes – in other words, 'gender mainstreaming'. We recognise that the gender equality duty must be integrated into the departmental business plan to best address any significant gender deficit. Tying our key gender priorities to the Department's strategic priorities will enable us to bring together our overall planning processes with those required under the duty. For instance, tackling gender-based violence has long been a key priority for the DCA. It has made significant efforts over the last few years to modernise the services it offers in gender-based violence cases to meet the needs of the victim. Increasing the number of gender-based violence cases brought to court supports the DCA priorities of protecting the vulnerable, while reducing crime and anti-social behaviour.

2.2.4 Implementing and monitoring the action plan

We recognise that monitoring the high-level action plan (Appendix A) – as well as the individual action plans (Appendix B) – will be a key priority. The implementation of the action plans will be project-managed by a dedicated Equality Schemes team. Each plan will be reviewed and reported on annually. The review of the Equality Schemes is being timed to coincide with the business planning review process, which will contribute to making it a business focus. The overall Scheme, which covers the April 2007-10 period, will be reviewed on a yearly basis.

Section 3

3. Key priorities and areas of particular relevance to gender equality in the delivery of DCA services

This section is concerned with the areas relating to meeting the general duty in services – including three of the key priorities which emerged: gender-based violence, legal aid, and transgender issues (in customer service).

Section 4 deals with the areas relating to meeting the general duty in employment – including our two other key priorities: the gender pay gap, and transgender issues (in employment).

3.1 Gender-based violence

Gender-based violence – comprising domestic violence⁷ and sexual assault – is both a cause and a consequence of gender inequality. In keeping with our wider responsibilities of justice for all, both criminal and family legislation is gender neutral and we aim to deliver the same level of service to all our customers. However, the share of male and female court users informs our decisions on the resources we may provide to accommodate them.

Domestic violence is the leading cause of mortality for British women aged 19-44, ahead of cancer and road accidents. 89% of the victims who suffer sustained domestic violence are female, though this problem also affects male, lesbian, gay, bisexual and transgender victims. Related issues such as forced marriage, so-called ‘honour crimes’ and ‘harmful traditional practices’ such as female genital mutilation are also of concern to the black and minority ethnic community.

The British Crime Survey 2005-06 shows that 23% of women and 3% of men experience sexual assault as an adult. In 2005-06, 14,449 offences of rape were recorded by the police – 92% of the victims were women.

The DCA, as one of the key departments on the Domestic Violence and Sexual Offences Inter-Ministerial Groups, is working in concert with a number of other government departments to tackle these areas of concern. This co-operation is reflected in the fact that a number of the departments involved have also included these issues in their Schemes as key priorities.

⁷ Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of property, isolation from friends, family or other potential sources of support, control over access to money, personal items, food, transportation and the telephone, and stalking. It is acknowledged that domestic violence and abuse can also manifest itself through the actions of immediate and extended family members through the perpetration of illegal activities such as forced marriage, so-called ‘honour crimes’ and female genital mutilation. Extended family members may condone or even share in the pattern of abuse.

The DCA recognises that there are strong links – as well as considerable overlap – between domestic violence and sexual assault. Membership of the two inter-ministerial groups is vested in the same Minister to ensure consistency on cross-departmental issues and commitments, and this coming year will see a greater merging of the two agendas. Bringing these work streams closer together will provide a more strategic framework for addressing gender-based violence as a whole.

A major concern is that individuals do not always come forward to seek redress or assistance. Although there are estimated to be some 500,000 domestic violence related calls to the police, only around 7,000 incidents result in a prosecution. Similarly, only 15% of serious sexual offences against people over 16 are reported to the police; and of the rape offences that are reported, fewer than 6% result in an offender being convicted of this offence. Though a number of reasons out of HMCS's control contribute to such high attrition rates – such as the assault not being reported to the police or the case being dropped due to lack of evidence – there is evidence that service users often find courts to be intimidating and confusing places. This can be especially true for female victims who have to recount their ordeal in what can still be a male-dominated environment.

The DCA has been working closely with the Home Office and the Crown Prosecution Service to find ways to address the inequalities arising from such crimes, and to put the victims at the heart of the judicial process. April 2007 saw the number of accredited specialist domestic violence courts rise to 64. In addition, the DCA is giving priority to its work on extending independent domestic violence adviser services in all the court areas and making links with the Home Office on its independent sexual violence advisers across all Sexual Assault Referral Centres. A pilot integrated domestic violence court is currently being run in Croydon. The evaluation report is expected in spring 2008. And our work with the Family-Criminal Interface Committee and Multi-agency Risk Assessment Conferences (MARACs) continues.

Access to justice

A major concern highlighted during the information-gathering exercise is that some members of the public may not be able to fully engage in the legal process due to a number of concerns which put women at a disadvantage. The DCA is committed to minimising the number of people who do not enter the legal process for such reasons.

Safety in court

One concern is that witnesses (including victims) might refrain from giving evidence in court due to fear of retaliation or distress about testifying. Though in most cases intimidated witnesses⁸ are equally likely to be men or women,

⁸ Intimidated witnesses include people whose quality of evidence is likely to be affected by their fear or distress at giving evidence in the proceedings. Complainants in sexual offences are eligible automatically for special measures unless they do not want them.

the fact that victims of gender-based violence are overwhelmingly female makes this issue particularly relevant to gender equality in access to justice.

Since 2002, intimidated witnesses can apply for special measures which include: screens; giving evidence by live television link; excluding people from the courtroom to provide a more private setting; and allowing as witnesses' evidence-in-chief a video-recorded interview with the witness. (Family courts have similar protective measures including the availability of videolinks.) The recent unification of the Magistrates' and Crown Courts facilities should further extend the availability of these measures.

A 2005 Home Office report found that overall the Criminal Justice System (CJS) agencies believed that intimidated witnesses were, and felt, better assisted than prior to 2002. Information on the availability of special measures can be found on both the HMCS and CJS websites. HMCS is also producing a DVD on what to expect at court, and new local information leaflets are also being developed for both prosecution and defence witnesses. These should all be available in the second half of 2007.

Caring responsibilities

Another concern is that practicalities relating to caring responsibilities may deter some members of the public from engaging in the legal process. In particular, the lack of childcare facilities (nurseries, child-minders, nappy-changing rooms, etc.) might disproportionately affect female court users, as women form the majority of carers in the UK.

The DCA believes that children should not be exposed to the intimidating atmosphere of a courtroom – with the exception of cases where the child is involved in the legal process. In criminal courts, witnesses and jurors can claim expenses for childcare. In some family courts, voluntary agencies offer some services such as creches. HMCS has produced a template for a leaflet indicating what facilities courts provide. These are expected to be included in communications from courts in relation to attendance at hearings. Local courts will be responsible for producing the leaflets and distribution will be managed on a local basis.

Gender-based violence in the black and minority ethnic community

Gender-based violence occurs in every society and every social grouping. There is little evidence to suggest greater prevalence in black and ethnic minority communities, however not reporting or under-reporting abuse can be affected by cultural issues. Under the ambit of the Domestic Violence and Sexual Offences Inter-Ministerial Groups, the DCA works across government to address this. For example, the Resource Manual for the specialist domestic violence courts includes information for court staff on overcoming barriers and six pages of contact details of services which specialise with particular groups of victims. HMCS also produces guidance for users in its publication

'Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions'. By summer 2007 we will extend the number of languages it is published in from English, Welsh, Bengali, Urdu, Punjabi, Somali and Chinese to include Arabic, Gujarati and Polish. In addition, HMCS piloted a DVD for witnesses who have been asked to attend court in Nottingham, available in English and Hindi.

Gender-based violence against men

Although the majority of victims of gender-based violence are women, the DCA recognises the need to provide its services in ways that are appropriate to men's different needs. In particular, one in six men will be a victim of domestic violence in their lifetime, compared to one in four women. The share of men who take domestic violence cases to court do not reflect these numbers. Research has indicated that men are often reluctant to access social care services. Gender stereotypes (for both victims and professionals) can make it difficult to think of men as 'victims'. There is a lack of specialist agencies dealing with male victims for incidents such as domestic violence or rape. In some areas of the country there are dedicated services for male victims of domestic violence. These specialist services are small both in numbers and capacity, but details are also included in the specialist courts resource manual.⁹

Continuing learning

The Government is committed to developing services based on continuing learning and will be encouraging the ongoing development of the evidence base. This year has focused new efforts on understanding the needs of male victims, black and minority ethnic populations, the lesbian, gay, bisexual and/or transgender communities and victims who are disabled.

3.2 Transgender issues

As the lead in drafting the Gender Recognition Act 2004, this area is of particular significance to the DCA. We seek to be at the forefront of raising awareness of transgender issues and thus promote equality of opportunity for transgender people and eliminate discrimination against them – including on the grounds of gender reassignment.

We have chosen to use the term 'transgender' when detailing our priorities on transgender issues. This represents the DCA's belief that we should aim to

⁹ In last year's report, the Domestic Violence Inter-Ministerial Group identified that "there was a pressing need to engage with men in a coherent and co-ordinated way not just as victims or perpetrators of domestic violence, but as a powerful lobby to challenge the culture and behaviour of other men that colludes with this destructive behaviour. In this past year [it] merged the two men's phone lines: RESPECT for male perpetrators and Men's Advice Line and Enquiries (MALE) for those men who find themselves in abusive relationships. This collaboration has also joined with the Men's Health Forum, to consider the formation of a coalition of organisations who deal with men's health and men's behaviours in order to lend a powerful male voice to tackling domestic violence." In addition, the Centre for Public Innovation was funded by the Home Office to host two seminars on changing men's behaviour in 2006-07. This is ongoing work and will work toward the development of the national men's coalition in the coming year.

protect all our staff and customers who identify as transsexual or transgender from discrimination and harassment. Currently only transsexual¹⁰ people are protected under law.

The general duty already covers transsexual staff and potential staff, but will be extended to transsexual service users by December 2007 at the latest by the EU Directive 113/04 on goods and services. We intend to follow the Equal Opportunities Commission guidance and apply the duty to the provision of services to transsexual and transgender people in advance of the legal requirement.

To that end, we recognise we need to further raise the awareness of our managers in respect of the provisions of the Gender Recognition Act, particularly section 22 relating to confidentiality and disclosure (see box). For our customer-facing staff, we plan to roll out awareness raising events relating to the extension of the Sex Discrimination Act to goods and services, which comes into effect in December 2007.

Areas of particular relevance that have been noted include: transsexual people who need to annul their marriage in the courts as a condition of gaining a full Gender Recognition Certificate; handling court files of transgender people correctly in order to protect gender histories; and labelling files and correspondence with the correct titles for the same reason. We will work to improve awareness among court staff of the procedures that apply in these cases.

We also set out what we will do for transgender staff and potential staff in Section 4.

The Gender Recognition Act

The Gender Recognition Act enables transsexual people to apply for legal recognition in the gender in which they wish to live. The Gender Recognition Panel, for which the DCA has responsibility, assesses such applications. All judiciary on this panel received training from the Gender Trust into issues relevant to transsexual people. All panel members received diversity training as part of their role as salaried or fee-paid members of the Social Security and Child Support Appeals Tribunal. The administrative staff received training with Gender Trust for a day discussing the Act and the issues for transsexual people. They also received two days' training with the policy team who went through the Act, the application pack and what the necessary evidence should look like.

The decisions are reached by consideration of the written evidence, in conjunction with the other panel member. The applications contain reports from medical experts (if not the expert, then medical notes they have made)

¹⁰ The term transsexual is used in law to describe a person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery).

who have supported and diagnosed the individual applicants. Fairness is ensured by applying the terms of the statute and the advice provided by the President in his guidance note. The Deputy President gives advice to the administration and judiciary on the application of the law, with a view to providing a consistent approach to the legislation. The Panel is required by the legislation to grant a Gender Recognition Certificate if the statutory requirements are met.

Raising awareness

In 2005, a Court Service Project Board in partnership with Learning and Development, produced a "Staff Desktop Guide" for managers of family courts, to enable them to brief their staff on the business process changes and work implications under the Act, including section 22. After this, four further newsletters were sent to all family, civil and probate court managers, and to all Regional Directors, Area Directors, Circuit Administrators and Group Managers. These provided updates on the implementation of the Act including section 22. In addition, a Risk Control Framework was established and posted on the Family Business Branch intranet site.

3.3 Legal aid reform

'Legal Aid Reform: The Way Ahead' published on 28 November 2006, set out the Government's programme of legal aid reform. This followed a period of public consultation on the recommendations in Lord Carter's final report and the proposals in the joint DCA/Legal Services Commission (LSC) consultation paper 'Legal Aid: a sustainable future', published in July 2006.

As part of the public consultation exercise, ministers and officials engaged directly with legal aid suppliers and other key stakeholders. This led to fine tuning of the proposals in 'The Way Ahead' and commitments to further local and national consultations on the detail of a number of the individual strands.

The DCA and LSC published a partial regulatory impact assessment of the 'Way Ahead' proposals on 20 December 2006. This refers to a forthcoming report by the Legal Services Research Centre which will provide information on the ethnicity, gender, age and disability profile of providers of legal aid services, their employees and their clients. This will be based on the results of diversity monitoring forms completed by 44.7% of providers with legal aid contracts, and data from the LSC corporate information system.

Additionally, the LSC are publishing the Equalities Annual report 2005-06 by the end of April 2007. The Equalities Annual Report presents the results of equal opportunity monitoring carried out under the LSC's Equalities Scheme. The report includes information about the LSC as a service provider and as an employer, such as the ethnicity, gender and disability of clients and LSC staff.

The 2004-05 LSC Equalities Annual report recorded gender data on clients applying and receiving civil representation. The report shows that the number of applications received for civil representation by gender for 2004-05 (60.8% women, 39.2% men) has remained similar to those recorded for 2003-04. The trend illustrates that there was a higher proportion of female applicants for representation for family and housing law cases, while there were more male applicants in actions against the police etc, education, employment, immigration and mental health cases. An analysis of the gender of applicants by region did not show any significant variances from the total national figures provided. As for 2003-04, female and male applicants had similar success rates during 2004-05 when applying for civil representation (90.6% for female and 89.8% for male applicants).

3.4 Voter Participation

The DCA's Electoral Policy Division has responsibility for strengthening the engagement of all parts of society with the democratic process.

The findings in the Electoral Commission report 'Understanding Electoral Registration' indicated that there is little difference between the percentages of men and women who are registered to vote. In all age groups except 65+, women are slightly more likely to be registered. Office of National Statistics data on voter turnout also support this with the only significant difference being in the 18-24 age group where only 46% of women voted compared with 60% of men. However, the differences in the other age groups were less marked and in all but one, women were slightly more likely to vote than men.

The success of policies in terms of gender equality will be looked at within the scope of the registration strategy project (completing July 2007), which is exploring ways of reaching those groups that are under registered. For instance, allowing people to register at health clinics might help encourage registration by making it more convenient for those women who would not otherwise take the opportunity to register.

The electoral modernisation programme encompasses a range of pilots into voting methods. Future pilots will include advance voting and Internet and telephone voting. All pilots will be evaluated and impact assessed by the Electoral Commission. The Commission will look at benefits arising from these pilots and will identify any differential impacts with regard to gender to help inform future policy. For instance, parents with caring responsibilities may benefit from the opportunity to vote remotely.

Section 4

4. Key priorities and areas of particular relevance to gender equality in employment

The DCA runs the courts, tribunals and related services in England and Wales – as well as a number of tribunals in Scotland – and has responsibility for the Wales Office, the Scotland Office and a number of associated offices (see Appendix D). The staff of all these offices come under the DCA's jurisdiction.

In order to provide the most effective services for its customers, the DCA recognises that its staff should reflect the population it serves. We are committed to ensuring that:

- all men and women (including transgender men and women) have equality of opportunity in relation to employment and career development; and
- staff feel fairly treated, are not discriminated against or harassed on the grounds of gender or gender identity.

The DCA's Human Resources Directorate maintains an equality and diversity policy which sets out how the Department's commitment to equality and diversity applies to issues of employment. This section further details the areas of relevance to gender equality – including our two other key priorities, the gender pay gap and issues relating to transgender staff in DCA – and sets out current and future arrangements for meeting the gender duty in employment.

Promoting equality of opportunity

The DCA aims to provide equal opportunities for men and women to progress and achieve their full potential in their careers. Ensuring equality of opportunity in career development is at the heart of, and affected by, all other facets of employment. It will help the DCA workforce more closely reflect the society it serves. However, we recognise that there still appears to be a level beyond which the percentage of women in post in the DCA falls. This is apparent from examining the staff profile (see following section).

The 2005 staff opinion survey shows that 71% of staff (both men and women) felt that they were treated with fairness and respect. However, only 58% (56% of men, 59% of women) agreed that the Department offered equality of opportunities to all its staff (considerably below central government benchmark norms). There is no significant difference between the views of men and women, however it is apparent that some staff still feel that there are obstacles to equality in their career development.

The DCA would like to address this apparent imbalance and increase the proportion of women in senior positions. In doing so we must examine some of the reasons behind the issue.

4.1 Staff profile¹¹

As at December 2006, the DCA employs 27,711 staff. Of these 67.4% are women. This compares with 64.5% in April 2005 and 64.3% in 2004, 52.3% in the Civil Service (as at 1 April 2004) and 45.4% in the economically active population of working age in England and Wales. Of the regions the Courts operate in, the Midlands has the highest proportion of women (72.7%). All of the regional and organisational groupings have a higher representation of women, although the split is more even in some regions than in others.

Women represented 68.2% of permanent staff in the predominantly administrative grades in 2005 (Court Service Span 2-3 68.3%, DCA HQ Span 2-3 70.7%, Public Guardianship Office Span 1-3 53.3%)¹². This compares with 67.5% of the Department's workforce as a whole and 62.6% of administrative grades in the Civil Service in 2004. The number of women also exceeds the number of men in the key middle management grades at every level from EO to SEO. The percentage of women at all levels in DCA from EO to Senior Civil Service (SCS) exceeds that in the wider Civil Service.

However in common with the wider UK labour market, women remain under-represented at senior levels in the organisation (SCS feeder grades and SCS). SCS applicant data shows that the number of applications to the SCS received from men is more than double that from women, but that women are more likely to be successful in their applications. If the reason for them not applying is that they feel that they will not be successful, then the evidence can refute this.

In 2007-08 the DCA will continue to encourage, develop and support women applying for the SCS. We will also undertake further analysis to monitor whether there are any significant differences between groups applying for and gaining promotion at different levels and to identify further actions. Specific targets have been set for the SCS and the immediate feeder grades (see box below).

The Ten Point Plan

The DCA continues to strive to ensure that its workforce at all levels represents the society it serves. One area where there is an obvious difference in the numbers of male and female staff is in senior management positions, and we are seeking to redress the balance. The Ten Point Plan is a

¹¹ It must be noted that much of the current available data on staff (for instance, that broken down by grade) excludes Magistrates' Courts staff and staff in those tribunals which joined the Department after 1 April 2005. As part of the DCA Transformation Programme a single HR database (CHRIMSON) which incorporates this data is being developed. Limited workforce monitoring statistics from CHRIMSON were published in December 2006 and these statistics have been included where relevant detail is available. Statistics with full coverage of the restructured DCA should be available in time for the review of the Scheme in April 2008.

¹² Please see Appendix E for an explanation of DCA job gradings.

Civil Service wide action plan designed to increase the numbers of under-represented groups in key decision-making positions. The DCA has already reached the April 2008 Civil Service target for 37% of the SCS to be composed of women (as at December 2006). At the outset of the Ten Point Plan the DCA set aspirational targets for both the representation of women in the SCS and women in top management positions. The DCA's Ten Point Plan target is to increase the proportion of women in the SCS to 45% by April 2008. Progress towards these targets is reviewed every quarter by the SCS Management Committee.

4.2 The gender pay gap¹³

According to the Department for Trade and Industry's Women and Equality Unit, the gender pay gap currently stands at 12.6% nationally. No figures exist at present to identify whether there is an overall gender pay gap at the DCA. As a result we have identified this as a key priority for action.

A number of factors are generally considered to be at the root of this issue: direct differences in pay; occupational and workplace segregation; and disadvantages associated with caring responsibilities. This section outlines the significance of each of these in the DCA's case, and the work which we will be undertaking to investigate them.

4.2.1 Equal pay

The DCA is committed to ensuring that work of equal value is rewarded by equal pay. An equal pay audit was last conducted in 2005 following the 2004 pay award. The number of significant¹⁴ pay gaps within DCA pay ranges had decreased since 2004. Only three of 23 DCA spans showed a significant gap between men and women's pay, and the small numbers of staff involved in these cases rendered the averages unlikely to be statistically significant.

Since then the DCA has undergone major changes. The DCA doubled in size in 2005 when nearly 13,000 people from 41 separate Magistrates' Courts Committees and the Greater London Magistrates' Courts Authority merged with the former Court Service to create HMCS. The Department grew further in 2006 with the creation of the Tribunals Service, which saw 1,800 staff from five other parent departments join to sit alongside the DCA's centre, its associated organisations and its other agencies.

This means the DCA currently has staff on more than 50 different sets of terms and conditions of service, including different rates of pay and paybands. Because of previous mergers in the Magistrates' Courts Service there are

¹³ The gender pay gap is defined as the difference between men and women's median full-time hourly earnings.

¹⁴ A significant gap is defined by ACAS as a difference of over 5% of the higher salary.

also a significant number of people who remain on even older legacy terms and conditions. This wide variety of terms and conditions represents a risk from a range of inequalities (not only gender-based), and makes it very difficult to assess at this stage if the aim of equal pay is being achieved.

The DCA's Pay and Grading project will address this issue as from August 2007. By that date all staff (excluding the SCS and fast-streamers, whose terms and conditions are set centrally by the Cabinet Office) will have completed an options exercise. Staff will need to decide, on an individual basis, whether to move onto the DCA Deal (a new set of standard terms and conditions of service including pay scales) or to remain on their current terms and conditions.

Following the completion of the Pay and Grading Project, the next equal pay audit will be carried out in 2008. Thereafter audits will be carried out annually. This will indicate whether the project has been a success and will allow a more accurate assessment of equal pay in the Department than is possible at present. Any pay inequalities identified at that point will be addressed in a future revision of the Gender Equality Scheme.

4.2.2 Occupational and workplace segregation

Whilst women make up the majority of the DCA's workforce, in terms of proportions of men and women working for the DCA by grade, the employment profile for one is the inverse of the other. Women constitute a higher proportion of lower grades, whilst men make up a higher proportion of the management grades.

This pattern is exacerbated by the fact that women make up a higher proportion of the workforce in the courts and tribunals, where there are more administrative jobs, whilst men form a higher proportion of DCA HQ, which is where most of the senior managerial positions are found. These two types of segregation suggest that the average pay for a woman in the Department will be lower than that for a man, though the current state of the Department's pay system means the figures are not available at present.

We will examine the reasons behind the occupational segregation observed and draw up suitable measures to address it. For instance, the DCA will continue to explore ways not only of helping women successfully apply for promotion into the senior grades, but also of encouraging men and women to apply for the whole range of roles that the DCA offers. It may also be necessary to examine why men are less likely to apply for, or be recruited into the DCA as a whole, and particularly the administrative grades.

4.2.3 Reduced hours, flexible working and caring responsibilities

This is also closely linked to the possibility of a gender pay gap because women tend to be the primary carers (and therefore more of them work

reduced hours and take maternity leave and career breaks). The DCA recognises that a range of benefits accrue from supporting carers and promoting flexible working. These include maintaining a skilled, happy and productive workforce, better reflecting the society the DCA serves, projecting a responsible corporate image and endorsing the Government's National Carer's strategy.

As of December 2006 a total of 6,351 permanent staff were working a reduced-hours pattern. Of these, 5,326 were women – in other words, 83.9%. The working patterns of DCA staff are agreed locally and, with current systems, we are unable to monitor other flexible working patterns (such as home working or compressed hours) or to analyse these by gender. However it is planned that the phased introduction of the new electronic Human Resources management system (CHRIMSON) from 2007-08 will enable this.

The DCA has a champion at board level for all parents and carers. In 2004, it won the Carers UK Carers in Employment Award and was a finalist in the Working Families Public Sector Award for its work life balance policies in 2007. The Network for Caring played a major role in this success.

Yet evidence collected by the Network for Caring survey¹⁵ conducted in 2007 shows that 46% of members felt that they did not have the same opportunities for career development as a non-carer. Of this figure, 34% stated that they had been prevented from or put off from applying for a vacancy because it was advertised as full-time only. 71% of the respondents to this survey were female, indicating agreement with the anecdotal evidence that women are still the primary carers.

DCA recruitment policy states that all posts must be open to reduced hours or job-share working unless there are genuine business reasons for not doing so. However some jobs are still advertised as not being suitable for reduced hours or job-share, which is a barrier to those who do not work full time – predominantly women. The Network for Caring monitors job advertisements and challenges those where the need for full-time work is not fully justified.

The 2005 staff opinion survey indicated that working patterns can be a cause for concern, particularly where reduced hours are worked or where staff have caring responsibilities. 70% of respondents feel that they are able to achieve a balance between work and their lives outside but only 58% agree that they can meet the requirements of the job without working long hours. Only 53% of respondents agree that the DCA supports staff who have caring responsibilities. Staff further indicate in the survey that the most common reason for being discriminated against is their working hours (12% of those who work reduced hours). It is also of concern that 3% of staff feel that they have been discriminated against as a result of their age/caring

¹⁵ There were 603 respondents to this survey from a Network membership of around 1300. While we recognise that this represents a small proportion of the total number of DCA staff, we believe these concerns should be taken seriously.

responsibilities. Once again there was no significant difference between the responses of men and women.

The Network for Caring membership

The Network for Caring is currently updating its member database to make it accurately reflect the gender of its members (though the majority are female). Its 2007 survey showed that 71% of respondents were female and only 14% male (15% not answered). This is a concern for the Network, as, according to statistics from Carers UK, 42% of carers in England and Wales are men.

The Network is currently looking at ways in which it can specifically target male carers in the DCA as well as women. Caring is often associated as being a “typically female role”. In order to address this, the Network for Caring regularly uses male case studies in network publications and at events, and are considering an increased advertising campaign aimed at men. They have also recently introduced a workshop aimed at new fathers.

Quality flexible working at senior levels

Judith Killick and Maggy Piggott are Joint Executive Directors (Chief Executives) of the Judicial Studies Board, the organisation that trains the judiciary. They began job-sharing in 1988 while working part-time as Government lawyers in the Criminal Appeal Office. Since then they have job-shared in a range of policy and operational jobs including five different SCS posts such as heading a division dealing with Senior Judicial Appointments.

The Department has always supported the job-sharing arrangement and Judith and Maggy achieved promotion to the SCS together. They currently work three days a week each, overlapping on Wednesdays. They decide, once in post, how the job-share will operate and although each job is different, some areas, such as strategy, leadership and management issues are always done jointly.

Maggy says of the arrangement: “We believe that trust in your partner, flexibility, supportive line managers and staff, good communications, commitment and team working have all been essential to making our job-sharing a success. Job-sharing has enabled us to combine being at home for four days a week whilst bringing up our children with pursuing an exciting and challenging career.”

4.2.4 Managing pregnancy and maternity leave and leave for parents and carers

In addition to the provision of departmental maternity schemes, the Department has a range of both paid and unpaid special leave provisions which are available to staff and go beyond statutory requirements. These

include: adoption leave; parental leave; childbirth (unforeseen difficulties); career breaks; paternity/maternity support; and breakdown of care arrangements.

All of these types of leave are available on a pro rata basis to reduced hours staff. A new special leave policy is being developed to be implemented later in 2007 and this will also cover special leave provisions for IVF and gender reassignment. DCA maternity policy ensures that returning women always return at the same level of responsibility and level of pay. This reflects statutory requirements.

Annual leave is managed locally and managers are encouraged to take into account the needs of staff when agreeing leave requests, taking particular account of those with caring or parental responsibilities.

When women (or men) return after a career break a calculation is used on their return to make sure that they are not disadvantaged in terms of pay progression because of their absence from the workplace. Career break returners would also return to the same grade that they occupied when they went on their career break.

Staff on maternity leave or career break are eligible to apply for job vacancies, including promotion. They are kept up to date by their line managers on opportunities through DCA News (the DCA internal staff magazine). Details of the DCA's 'Keep in Touch' policy are included in sick absence and maternity leave booklets.

The Network for Caring has recently introduced two new workshops, a return to work course for new mothers and a separate one for new fathers. Both workshops look at the difficulties that new mothers and fathers face upon returning to work after they become a parent or carer of a child.

4.3 Gender-based violence

As one of our priority areas for action, the DCA is committed to offering support for its staff who are victims of gender-based violence. In particular, the DCA has taken steps to provide support for victims of domestic violence.

Workplace Support collates statistics on domestic violence – due to the small numbers involved, however, these cannot be published. It has undertaken to highlight domestic violence in its 'roadshow' events and use it as an example of the kind of services available.

It has also worked with the Domestic Violence Policy Unit and Hearsay, the staff magazine, to produce a well-received article. The purpose of the article was to raise awareness on domestic violence issues, both internally and externally, whilst also giving a wider legislative view.

All Workplace Support Team members have received some training in handling domestic violence issues as part of their basic welfare training. In addition, some have been on 'Relate' courses to gain greater insight into handling relationship issues. The head of the team is presently looking at whether further/refresher training should be rolled out.

The DCA signed up to the Corporate Alliance against Domestic Violence in 2006, and is in the process of developing a statement of intent on domestic violence.

4.4 Issues relating to transgender staff

As mentioned earlier, as the lead on the Gender Recognition Act, the DCA seeks to be at the forefront of raising awareness of transgender issues and thus promote equality of opportunity. Whilst all our policies apply equally to transgender people as they do to others we recognise that there are specific issues concerning transgender people which merit further attention (see box below). We also recognise that discrimination on the grounds of sex includes discrimination on the grounds of gender reassignment in employment and vocational training.

The DCA Equality and Diversity Policy specifically commits us to ensuring that no one will receive less favourable treatment on the grounds of gender reassignment, or identifying as transgender or intersex. Detailed practical guidance to assist Human Resources team leaders in supporting individuals who may be considering gender reassignment will be developed. The DCA will continue to ensure that, from the point an employee declares their intention to undergo gender reassignment, or are undergoing gender reassignment or have undergone gender reassignment they will be managed sensitively and supported. We will also extend protection from discrimination and harassment to those who identify as transgender or intersex but may not fit the legal definition of 'transsexual'.

Monitoring workforce data on gender identity presents difficulties due to the small numbers of people involved and the issue of confidentiality. However, we will look at practical ways of carrying this out (see box below).

Recommendations to improve the experience of transgender staff

The Equality Diversity and Human Rights Division organised a focus group involving the Gender Trust, a:gender (the support network for Government staff who identify as transsexual, transgender and intersex) and the DCA's Rainbow Network to discuss how the Scheme could address transgender issues. We also took advice from some other organisations such as Press for Change through our consultation. A number of recommendations relating to staff emerged, and we plan to take the following forward:

- Improved awareness and understanding throughout DCA of issues affecting transgender staff, not just those undergoing transition.
- Detailed practical guidance to assist Human Resources team leaders in supporting individuals who may be considering gender reassignment will be developed.
- A new special leave policy covering absence during gender reassignment is being drafted for later in 2007.
- Awareness-raising of the Gender Recognition Act, particularly regarding confidentiality and disclosure of a person's gender history under section 22 should be reviewed.
- Protection should be extended to staff who may identify as transgender or transsexual but do not have a Gender Recognition Certificate.
- Liaise with a:gender to ensure any monitoring is conducted in a sensitive manner.

4.5 Access to work-based learning and development opportunities

The DCA is committed to developing the appropriate skills, knowledge and competencies that staff need to support them in the delivery of high quality services as set out in the Lord Chancellor's Manifesto and the DCA Strategy. The over-riding principle is that managers should guide and support their staff in their development, coaching and mentoring them to continuously improve their performance. Training interventions are increasingly taking a blended approach, combining on-the-job training, coaching by managers, open learning, formal training etc. This approach makes training and career development more accessible to those who might find it harder to attend courses.

No individual will be excluded from Learning and Development activities on the basis of gender, race, disability, religion or belief, age, marital status, caring responsibilities or sexuality. Staff with different working patterns will be given the same development opportunities as those in full-time employment. In response to concerns raised by the Network for Caring, Learning and Development has significantly reduced the number of residential courses, and all residential courses remaining have a non-residential option. In addition most courses start and finish at suitable times. Line-managers and staff are expected to work together to ensure that arrangements are made appropriate to each individual.

Analysis of the available statistics on the uptake of training shows that the percentage of women being trained and developed by grade largely mirrors the percentage of women represented in each grade.

All new entrants to the service will receive diversity awareness training as part of the mandatory induction programme

The Department is committed to ensuring that diversity matters are fully incorporated into all Learning and Development activities, so that they

become embedded in everything that we do. In support of this, external training providers are rigorously assessed on their ability to promote equalities policies and to support the development of an environment that values diversity, before being admitted to the Department's Approved List of Training Providers. All training provided and all training materials are similarly assessed.

Training and Career Development Schemes in DCA

The following courses and training programmes are available to DCA staff:

- **The Leaders Unltd scheme** is designed specifically for talented people in groups currently under-represented in the Senior Civil Service. It is open to Spans 8-9 (SCS feeder grades) UK civil servants who are either women, or who have a disability, or are from minority ethnic backgrounds. The scheme seeks to equip participants with the leadership skills they need to prepare for entry to the SCS, and make the most of their leadership talent.
- **The Future Leaders Scheme** is a DCA programme for Spans 3-7 (or equivalent). It is a Talent Management Programme aimed at those with the potential to be the future leaders both in the DCA and in the wider civil service. It is not specifically aimed at under represented groups but seeks to identify people who are keen to develop the necessary knowledge, skills and experience to competently perform future leadership roles at senior levels.
- **The departmental mentoring scheme** is open to all staff, and we particularly encourage applicants from under represented groups. The aim of the scheme is to support mentees' career development by having a mentor from outside their management chain over a six to nine month period.

- The Network for Caring has recently piloted a **Personal Development Course for Carers** (both men and women). This focuses on improving skills needed to move towards career progression and development. We are currently working on adapting this in order for it to be run on a regular "in house" basis.
- **Manager's awareness sessions** are used to increase managers understanding of the needs carers might have both long and short term, and managers are encouraged to consider requests for flexible or reduced hours working favourably.
- A **return to work from maternity leave** course has been introduced which focuses on the emotional difficulties women may experience when returning from maternity leave.

The Women's Issues Network

One of the functions of the Women's Issues Network (WIN) is to help promote and develop women in the DCA. Currently 92% of WIN members from within the Department are women and 4% are men. The remaining membership

consists of external stakeholders who support the membership. We would like to target more men to join the network and we are currently looking at ways to encourage more support from men.

WIN helped the DCA to receive recognition from Opportunity Now as an exemplar employer on women's issues. As well as the co-coaching initiative (see below), WIN is in the process of implementing the WIN Skills Audit which is aimed at all span levels. The audit has identified skills and knowledge within the network with the aim of sharing expertise and assisting members in their career progression.

WIN Co-Coaching

DCA in partnership with PricewaterhouseCoopers (PwC) developed a public-private co-coaching initiative and piloted it with 20 women from DCA and PwC during 2006. The DCA is now rolling out an expanded co-coaching scheme involving 60 women across public and private sector. Twelve feeder grade women from the DCA will be matched with women from PwC, the Department for International Development, the Ministry of Defence, BT or SERCO. The DCA has secured trainers from each of these organisations to work in partnership to initiate a launch event, develop an initial matching up session, follow up meetings, and provide support throughout the nine months. There will also be a consultation at the end of the programme.

4.6 Performance management

Analysis of appraisal box markings awarded by gender indicates no significant differences between men and women (2004-05). The 2005 staff opinion survey shows that 76% of staff have had a performance evaluation in the last 12 months, and 81% of respondents feel that their last performance evaluation accurately reflected their performance, nine percentage points above the central government benchmark. In the same survey only 41% of men and 38% of women respondents agree that they are given regular and constructive feedback on their performance. This result is less positive than staff in other central government organisations. However 62% of men and 58% of women are satisfied with the recognition they received for doing a good job.

A new corporate performance management system was introduced in April 2007. This will establish a common basis for assessment and identification of development needs including career development. We will monitor outcomes of this system to identify any gender issues and required actions.

A corporate Competence Framework was introduced in April 2007. All vacancies, including temporary promotion, will be filled on the basis of staff applying against a clear set of competencies. The Cabinet Office has introduced the Professional Skills for Government, which are embedded in the Competence Framework. We strive to ensure that the development of all staff reflects their competencies rather than their gender or any other factor.

4.7 Eliminating sexual discrimination and harassment

Our Equality and Diversity policy applies to the conduct of all our staff in carrying out their duties and responsibilities and we have a zero-tolerance approach to bullying, harassment and discrimination. The Equality Diversity and Human Rights Division has established a Harassment, Bullying and Ten Point Implementation Committee whose brief encompasses ongoing examination of the issues of harassment and bullying in the context of diversity and operation of the Department's 'zero-tolerance' policy. All interested parties have representation on this Committee.

The 2005 staff opinion survey asked respondents to indicate whether they had experienced discrimination on the basis of any personal characteristics, and if so, whether they reported this and feel it was dealt with effectively. 2% of respondents indicated they had been discriminated against on the basis of gender, 29% reported it and felt that it had been dealt with effectively. Staff indicated that the most common reason for being discriminated against was their working hours (6%). 3% felt they had been discriminated against as a result of their caring responsibility. The survey also asked staff whether they had been subjected to harassment or bullying. 11% of respondents indicated they had, 50% reported it and 35% felt it was dealt with effectively.

Men are less likely to report incidents of discrimination relating to gender, ethnicity, religion and sexual orientation but seem happier than female staff to speak up about discrimination relating to caring responsibilities and working hours. Men appear to be more concerned than women that speaking up about discrimination or harassment would have a negative impact on them. In most cases, where discrimination was reported, female staff were considerably more satisfied with the way in which their complaint was handled.

We do not intend to develop a separate harassment policy specifically on transgender issues because our equality and diversity policy ensures that nobody receives less favourable treatment. However as indicated by responses to our Gender Equality Survey and our consultation, we recognise that transgender awareness is an area for development and have made this one of our priorities (see box on 'Recommendations to improve the experience of transgender staff in the DCA').

Grievance and disciplinary procedures

We monitor the number of grievance and discipline cases which have resulted in formal action (employment tribunal). In the last four years, there have been ten cases involving discrimination and sexual harassment, of which five were upheld or partly upheld.

Reported grievances which are based upon equality issues (including gender-related grievances) always go to the Human Resources Directorate's Dispute Resolution Team. Complainants have the option of different forms of dispute resolution, including mediation where appropriate. The Trade Union Side are

available to provide advice upon request, support and representation for staff. Representatives from the staff networks are also available to provide specialist advice and support in resolving disputes. For example, those involving issues relating to discrimination and harassment on the grounds of gender reassignment (Rainbow Network).

4.8 The employment cycle

We have identified key priorities for meeting the Gender Equality Duty in employment, and we have examined these through a number of aspects of employment above. We also wish to make sure that we are promoting equality of opportunity throughout the employment cycle, and this is considered briefly below.

4.8.1 Recruitment

Recruitment activity has changed considerably reflecting the major restructuring of the Department and the streamlining of the Civil Service by the Government. There are now far fewer people recruited from outside the Civil Service since posts must first be filled from the available pool before they are advertised externally. Statistics show that women represented 60% of applicants and 65% of all new entrants joining DCA between 1 April 2004 and 31 March 2005. This indicates one reason why women make up more of the DCA workforce, particularly in the administrative grades. They are more likely to apply, and marginally more likely to be successful in their applications. It may be necessary to examine why more women than men apply to the DCA.

4.8.2 Staff turnover

The annual Workforce Composition Diversity Statistics report gives data on leavers by gender and cause. In 2004-05 women represented 59.7% of leavers, of whom 62.5% resigned. This is marginally less than the proportion of women in the DCA as a whole and may be further contributing to the gender imbalance in the staff profile.

When staff leave the organisation the process of investigating why they are leaving is managed locally, but a form detailing their reasons should be forwarded to the Human Resources Directorate. The new CHRIMSON database will collect statistics to indicate if there are any issues that may relate to gender.

4.8.3 Redundancy and redeployment

As previously mentioned the Department has been restructured and the process is still ongoing. We recognise that changes to the way we deliver our business can impact on staffing structures. Accordingly there is a clear change management process in place underpinned by the Managing Organisational Change framework. We will monitor the impact of each change in the planning and subsequent stages of implementation and will provide

monitoring data on staff being redeployed or made redundant by December 2008.

4.8.4 Retirement

The normal retirement age for staff in the DCA is 65 for both genders. All staff are entitled to apply year-on-year to stay on at work once they reach retirement age. If they want to work beyond 65, they need to make a request to do so. We will normally agree (although there is no automatic right) as long as they meet the normal standards of health, efficiency, conduct, performance and attendance, and that it helps meet the needs of the Department. We will ensure that all requests are reviewed consistently, and objectively, to guard against discriminatory practices in the approval process.

Section 5

5. Complaints about the Scheme

Any individual who believes that they have been directly affected by a failure to comply with this Scheme is entitled to complain and should do so in writing. Complaints will be handled as follows:

5.1 Staff

- Staff employed by the DCA should submit complaints through the normal internal grievance procedure. This is in the DCA's Employee Manual which is currently being revised to take account of Magistrates' Courts and Tribunals staff.
- This procedure complies with the Employment Act 2002 (Dispute Resolution) Regulations 2004 and covers all employment related issues including discrimination and equal opportunities. Any member of staff who is a member of a union and who wishes to make a complaint may consult their union representative for help and advice.
- The Director of Human Resources will deal with complaints from members of the public about selection and recruitment. The public do have recourse to the Civil Service Commissioners should the matter not be dealt with satisfactorily.

5.2 The public

- Individuals and other organisations or bodies – for example businesses from whom the DCA buys goods or services – should contact the relevant DCA division with whom they usually deal.

5.3 Handling complaints

All cases will be investigated as speedily as possible and normally within three months of receipt of the complaint. In responding to the complainant the DCA will explain the procedure for pursuing the complaint further with the Equal Opportunities Commission (EOC), or the Commission for Equality and Human Rights (CEHR) which will replace it in October 2007. The DCA will co-operate fully in any subsequent investigation by the EOC/CEHR and provide access to any relevant documentation that the EOC/CEHR may require. The DCA undertakes to review its complaints procedure in the light of our experiences in the implementation of the Scheme.

The EOC/CEHR has the power to enforce the specific duties imposed on listed public authorities. If it is satisfied that a public authority has failed to comply with any of its specific duties, the EOC/CEHR may serve a compliance notice. This will require the authority to comply with its specific duties and to inform the EOC/CEHR, within 28 days, of the measures it has taken. If after three months the authority has not complied with the

EOC/CEHR's notice, then the EOC/CEHR can ask the courts to order the authority to comply.

Individuals do not have the right to take legal action against a public authority that has not fulfilled its specific duties. It is open to individuals, organisations and others to notify the EOC/CEHR if they are concerned that a public authority has failed to comply with its specific duties. However, the DCA would prefer that in the first instance, any complaints about its compliance should be raised with the Department directly.

Details of contacts and procedures for all complaints from the public are on the DCA's website at: www.dca.gov.uk/compleng.htm