

A brief guide to the
Gender Equality Duty and
its implications for sport

The line of duty

Duty-bound

Hot on the heels of the Race and Disability Duties, the **Gender Equality Duty (GED)** has finally arrived. The much anticipated legislation finally became law on April 6th 2007.

So what does the duty actually mean? Essentially, it requires a change of mindset. Discrimination law, including the Sex Discrimination Act, has traditionally relied on individuals proving discrimination has occurred to them, and then making a complaint. Now the emphasis is on proactive promotion of opportunities for all. Anyone can bring a complaint if they believe practices are discriminatory, even if they themselves are not affected.

Why does sport need the GED?

WSF's aim is to ensure that the GED is applied for the betterment of women and girls, who, at present, are under-represented in sport and physical activity. In an average month, only half of women do any meaningful sport or activity.

The problems are particularly poignant amongst the young – just 24% of 16-24 year old girls take part in regular activity compared to 41% of young men. Women from low socio-economic backgrounds, or who are disabled or black or minority ethnic, are particularly unlikely to be active. Just 13% of Asian women do any regular exercise.

WSF believe that the GED has the potential to close these gaps. The duty recognises that equality does not mean treating everyone the same, but instead asks authorities to better understand the differences between men and women and offer relevant, but not necessarily identical, provision. The GED could make a significant contribution to increasing the number of women enjoying, competing and working in sport at every level.

The Basics

The Equality Act amends the Sex Discrimination Act and places a statutory obligation on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between men and women
- eliminate unlawful discrimination and harassment

All public authorities will be subject to a general duty to comply. Some organisations (listed in the code of practice) will be tasked with specific duties (see page 4).

Still confused? Not sure whether your organisation needs to comply? Interested in how best to persuade your colleagues to be positive about the duty?

WSF is here to help.



An example to follow, not a duty to be evaded

So only public authorities are subject to the duty?

Within sport, there is a lack of clarity as to the definition of a public authority and which bodies are included. There is no definitive list, and surprisingly a private or voluntary sector organisation, could also be subject to the duty.

Women's Sports Foundation believes that rather than searching for an excuse not to conform, organisations unsure of their status should respect the spirit of the law and see it as an example to follow and not a duty to be evaded.

Complying with the Duty shouldn't just be another tick-box exercise. It deserves to be bigger than that. The duty requires organisational commitment from the top down, to properly embed equality in all work and decision-making processes. In sport, we are looking for a simple recognition that men and women have different needs in sports provision, use them in different ways, and face distinct barriers.

Guidelines issued by Equal Opportunities Commission (EOC) use the following definition:

A public authority is a "body whose functions are those of a public nature". A private body may be held to be performing public functions and thus subject to the gender equality duty in relation to those functions if:

- it is publicly funded*
- it is exercising powers of a public nature directly assigned to it by statute*
- it is taking the place of central or local government*
- it is providing a public service*
- its structures and work are closely linked with the delegating or contracting-out state body*
- there is a close relationship between the private body and any public authority*

The EOC advises that if any organisation is unsure of its status then it should seek legal advice

In the line of duty Who will be affected in sport?

Subject to specific duties

- UK Sport
- Olympic Delivery Authority (ODA)
- Local Authorities
- Local Education Authorities
- Schools, colleges and universities
- Sport Scotland

Subject to the general duty

- Sport England
- Sports Council for Wales

Equality Standard accredited (need to consider GED status)

- Sports' governing bodies
- County Sports Partnerships

What are the specific duties?

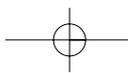
The specific duties are a means of meeting the general duty. By April 30th 2007, authorities such as UK Sport and the ODA will need to have prepared and published a gender equality scheme and begin to put into place ways to address any pay gaps.

Specific duties only apply to a core group of public authorities named in the code of practice. Whilst many authorities aren't bound by these specific duties, it may be advisable for others to consider conducting them to ensure that they successfully meet the General Duty.

Specific duties include:

- Gathering and using information – on how policies and practices affect gender equality (e.g. how men and women use sports facilities differently)

- Consulting stakeholders & taking account of relevant information (e.g. a school should ask its pupils about which sports they enjoy)
- Preparing and publishing a Gender Equality Scheme
- Implementing the actions set out in its scheme within three years



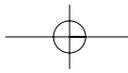
Realistic and proportional

It is understandable that steps such as these (and indeed just conforming to the general duty) can be expensive and time-consuming. However, a lack of resources is not a justification – resources must be reallocated.

Encouragingly, the code recognises that the weight given to the need to promote gender equality be proportionate to its relevance. In practice, this means that authorities should focus on those policies that have the most effect on service users or employees. So a school may focus on promoting sport to girls, rather than ensuring that the catering providers comply.

The Numbers Game

One important part of the GED is that authorities will now have to collect gender disaggregated data about those who use their services. Different groups of women will have different needs and it is therefore good practice to collect data in areas such as ethnicity and disability. So, instead of just measuring the number of women who use a leisure centre for example, an authority should also count the number of Asian women, disabled women etc and make changes to ensure that opportunities are equally available to all.



Some questions answered

The GED has only been law for a short time, and therefore it is hard to predict what impact it will have. In the last few months, WSF have received a number of questions regarding the duty. Here we try to answer them.

"I run a women's football team and we struggle for pitches and space at the local facility. Will the GED help me?"

If your pitches are owned by the local authority, then we hope the duty will help. As part of its specific duties, your LA will have to monitor who uses their services and then put in place steps to redress any discrimination.

"My daughter complains that only netball and hockey teams are offered at school. Will the GED help her campaign?"

By April 30 2007, schools will need to have published a gender equality scheme and Action Plan for how they will tackle discrimination and promote equality. Schools should have consulted with their pupils when putting this together. Check the school's web-site or ask to see a copy. Schools must recognise that sports provision has to address the needs and preferences of girls and boys, and indeed will be more likely to succeed if it does so.

"I work for a governing body and we've just passed the Foundation level of the Equality Standard. Isn't that enough to satisfy the general duty?"

It may well be. However, you may want to consider whether you are expressly complying with the duty to promote equality of opportunity in relation to gender. One way of doing this is consider some of the specific duties – why not ask some of your customers or consider carrying out gender impact assessment on new policies? And remember that future decisions are only part of the duty. The general duty also requires you to take action to tackle the ongoing consequences of decisions made in the past. A one-size fits all approach to design and delivery no longer meets the need of 21st century Britain.

What does this mean for single-sex sessions?

"I run a martial arts class. Does this mean that my women's only classes are under threat again?"

The law for single sex service provision has not changed under the GED. In some cases, single sex approaches are appropriate and sometimes necessary. However, to be within the law under the SDA, you must ensure that your session is covered by an exemption. There are plenty though, including embarrassment or state of undress, or if physical contact between the opposite sex is likely and one party may object.

What's next? The Equalities Review

In February 2007, a commission, led by Trevor Phillips, published The Equalities Review. The review recognised the problems that three separate duties (race, sex and disability) may produce and recommended a single Equality Act.

Equalities Review – Definition of 'equality'

An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish.

An equal society recognises people's different needs, situations and goals, and removes the barriers that limit what people can do and can be.

A new Commission for Equality and Human Rights (CEHR), again chaired by Trevor Phillips, will replace the current equality bodies for sex, disability and race. The CEHR will therefore have the responsibility to enforce the Gender Equality Duty. WSF will be closely monitoring its work.

We're here to help (but we'd like your help too)

Our vision is of a society that encourages, enables and celebrates active and healthy women and girls. WSF will campaign to:

- Make sport equally appealing to women and girls,
- Make exercise compelling to women and girls and
- Make fit and healthy women and girls social and cultural role models.

We will do this through comprehensive and definitive research, PR and lobbying to promote these issues and innovative solutions. And key to our GED work, we will do this through a partnership-orientated approach to work with and connect those organisations with shared goals.

The GED is an important tool to use to achieve our goals. Whether you are a teacher at a primary school, a Chief Exec of a governing body or a Sports Development Officer within a local authority, WSF is keen to hear how you are tackling your new duties. Equally, we are keen to hear from any individuals, teams or clubs who feel that the duty could help them to campaign for equality in provision of a particular sport.

WSF is also here to offer help, support and advice in complying with your duties.

Get in touch.
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