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CONFIDENTIAL

# 10 DOWNING STREET

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FILE TITLE:

POLICY

SERIES

EQUALITY &  
DIVERSITY

Annex 1: SU report on Ethnic Minorities & the labour market

PART

5

PART BEGINS

20 Feb 2003

PART ENDS

30 April 2003

CAB ONE

PREM 49/3009/1

Labour Administration

~~Part 1 of 2~~  
p7 CLOSED

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T.S.O. Order No. N0064510 3/98 C5 59064



**PART**  
*5*  
**CLOSED**

<b>DATE CLOSED</b>	<i>30.4.03</i>
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Series : **EQUALITY & DIVERSITY**  
 File Title : **POLICY**  
 Part : **5**

Date	From	To	Subject	Class	Secret
15/04/2003	CST	DPM	Civil Partnership Opposite sex cohitants	R	
16/04/2003	PUS/HO	DPM	Article 13 Race Directive : Implentation	U	
17/04/2003	PUS/HO	DPM	Race Relations (Amendment) Act 2000 - Duty to Promote Race Equ	U	
22/04/2003	DPM	SS/WAP	Regulations to implement the Disability provisons of the Article 13 E	U	
22/04/2003	DPM	SS/WAP	Amending the Disability Discrimination Act (DDA)	U	
22/04/2003	SS/SO	DPM	Review of the Sex Discrimination Act (as Amended by the Gender R	U	
23/04/2003	HS	DPM	EC Article 13 Race Directive: Charities Issue	U	
23/04/2003	DPM	LC	Transsexual People	U	
25/04/2003	SS/DWP	LP	Disability Bill	R	
26/04/2003	lco	DPM	Gender equality action plan Clearance for publication	C	
28/04/2003	dpmo	DPM	Article 13 race relations Implementation	C	
29/04/2003	HO	DPM	Gender equality action plan Clearance for publication	C	
29/04/2003	ss/dti	HO	Race Relations (Amendment Act) 2000 - Duty to Promote Race Equ	U	
30/04/2003	pus/ODPM	ss/dti	Gender Equality Action Plan	U	
30/04/2003	PUS/HO	DPM	EC Article 13 Race Directive : Charities Issue	U	
30/04/2003	ms/ODPM	DPM	Civil Partnership Registration for Same-Sex Couples - Draft Consulta	U	
30/04/2003	HO	PD(NA)	EC Article 13 Race Directive: Charities	U	



Series : **EQUALITY & DIVERSITY**

File Title : **POLICY**

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Date	From	To	Subject	Class	Secret
20/02/2003	PD(SV)	dpmo	Strategy Unit Report on Ethnic Minorities and the Labour Market	R	
20/02/2003	MS/DPMO	PM	Strategy Unit Report on Ethnic Minorities and the Labour Market	U	
21/02/2003	PPS	HO	Strategy Unit Report on Ethnic Minorities and the Labour Market	R	
26/02/2003	HO	PPS	Strategy Unit Report on Ethnic Minorities and the Labour Market	R	
27/02/2003	LP	DPM	Civil Partnership Registration for Same Sex Couples	R	
28/02/2003	HS	DPM	Article 13 Race Directive: Implementation	U	
07/03/2003	HS	PIU	Strategy Unit Report on Ethnic Minorities and the Labour Market	C	
07/03/2003	POL	PM	Meeting with Trevor Phillips	R	
10/03/2003	SS/WAP	DPM	Amending the Disability Discrimination Act DDA	U	
10/03/2003	MOD	PD(SV)	Strategy Unit Report on Ethnic Minorities and the Labour Market	U	
10/03/2003	DWP	PD(SV)	Strategy Unit Report on Ethnic Minorities and the Labour Market	R	
10/03/2003	DTI	PD(SV)	Strategy Unit Report on Ethnic Minorities and the Labour Market	U	
10/03/2003	LCD	First Min/Scot Asse	Transsexual People	U	
12/03/2003	CST	PD(SV)	Strategy Unit Report on Ethnic Minorities and the Labour Market	C	
12/03/2003	NIO	PD(SV)	Strategy Unit Report on Ethnic Minorities in the Labour Market	U	
17/03/2003	PD(SV)	ODPM	Strategy Unit Report on 'Ethnic Minorities and the Labour Market'	R	
19/03/2003	ss/defra	DPM	Amending the Disability Discrimination Act (DDA)	U	
20/03/2003	MS/DPMO	LPO	Disabled people (Duties of Public Authorities) Bill	U	
24/03/2003	DoH	SS/DWP	Amending the Disability Discrimination Act	U	
24/03/2003	ss/dti	SS/DWP	Amending the Disability Discrimination Act (DDA)	U	
24/03/2003	LP	SS/DWP	Disabled People (Duties of Public Authorities) Bill	U	
24/03/2003	MOD	SS/DWP	Armed Forces exemption from Part 2 (employment provisions) of the	U	
26/03/2003	SS/DWP	DPM	Regulations to Implement the Disability Provisions of the Article 13 E	R	
26/03/2003	ss/dfes	DPM	Amending the Disability Discrimination Act - DA Clearance	U	
27/03/2003	DoT	DPM	disability discrimination act lifting the transport exemption	C	
31/03/2003	LC	DPM	Civil Partnership - Opposite Sex Cohabitants	U	
31/03/2003	PUS/DoH	DPM	Transexual People	U	
31/03/2003	DPM	DPM	Review of the Sex Discrimination Act (as amended by the Gender R	U	
01/04/2003	ss/dfes	DPM	Transexual People	U	
02/04/2003	ss/dti	DPM	Transsexual People	U	
03/04/2003	SS/DWP	DPM	Transsexual People	R	
03/04/2003	SS/SO	DPM	Transsexual People	U	
04/04/2003	HS	DPM	EC employment and race directives Implementation	C	
07/04/2003	MS/HO	DPM	Transsexual People	U	
07/04/2003	AG	DPM	Civil Partnership Opposite Sex Cohabitants	U	
07/04/2003	ss/defra	DPM	Regulations to Implement the Disability Provisions of the Article 13 E	U	
07/04/2003	MS/HO	DPM	Transsexual People	U	
08/04/2003	ms/ODPM	DPM	Amending the Disability Discrimination Act (DDA)	U	
08/04/2003	ms/ODPM	DPM	Transsexual People	U	
09/04/2003	ss/dfes	DPM	Regulations to Implement the Disability Provisions of the Article 13 E	C	
09/04/2003	dpmo	DPM	Disability discrimination act Lifting the transport exemption	C	
09/04/2003	CDL	DPM	Disability discrimination act Lifting the transport exemption	C	
10/04/2003	SS/DCMS	DPM	Disability Discrimination Act - Lifting the transport exemption	U	
10/04/2003	ss/dti	DPM	Gender equality action plan : Clearance for publication	U	
11/04/2003	ss/dti	DPM	Disability Discrimination Act - Lifting the transport exemption	U	
11/04/2003	dpmo	DPM	Civil Partnership Registration for Same-Sex Couples - Risk Manage	U	
11/04/2003	HS	SS/DWP	Transsexual People	U	
14/04/2003	PD(CS)		Letter to lawrence - letter of support Anniversary memorial service	C	
14/04/2003	LCD	DPM	Review of the Sex Discrimination Act (As amended by the Gender R	U	
15/04/2003	SU		ANNEX to Simon Virley Ethnic minorities and the Labour market final	U	
15/04/2003	MS/DPMO	DPM	Regulations to implement the disability provisions of the article 13 e	U	



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# Home Office

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The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
London  
SW1A 2AU

30 APR 2003

Dear John,

## EC ARTICLE 13 RACE DIRECTIVE: CHARITIES ISSUE

The Home Secretary wrote to you on 23 April with his view that it would be inappropriate, because of the potentially adverse impact on Jewish and Sikh charities, to amend the provisions of the Race Relations Act 1976 (RRA) which allow charities to target benefits on the grounds of race (section 34 of the RRA), as part of the implementation of the EC Article 13 Race Directive. The Home Secretary explained that we were seeking the assistance of Counsel in developing a legal case in support of this view. He asked colleagues to let him know whether they had any concerns.

We have now received Counsel's advice and I am writing to set out our rationale for not amending the RRA in this area.

### Policy issues

In the Home Secretary's letter of 28 February he explained that our original proposal had been that the exception from the provisions of the RRA that allows charities to target their services to people of a particular racial or ethnic group be repealed, but that charities could continue to rely on the RRA's special needs provisions where appropriate. The Home Secretary explained, however, that Sikh and Jewish groups had, as part of the consultation exercise "Equality and Diversity: The Way Ahead", raised concerns that this would have an adverse effect on Jewish and Sikh charities because, as a result of UK case law, Jews and Sikhs are regarded, in the terms of the RRA, as racial groups as well as religious groups.

Further investigation into this issue suggests that there could be a significant problem for Jewish and Sikh charities, and that these problems would not be experienced by other religious charitable organisations. We understand that there are in the region of 1,900 registered Jewish and Sikh charities in Britain. Whilst it is not clear what proportion of these charities are performing functions which would be affected by the proposed amendment – i.e. those that are providing goods, facilities or services on the grounds of race rather than religion, and which are not meeting special needs – it



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is highly possible that a significant number would be affected. We would find it difficult to justify taking a step that could potentially be very damaging to charitable activities. Apart from the fact that it would be seen as an irrational and unnecessary step, the fact that it would bite disproportionately on two particular religious groups would also call it into question. We have already been lobbied by the Jewish and Sikh organisations on this issue and we could expect significantly more adverse reaction were we to carry through with this amendment.

### Legal issues

After discussions with the Attorney General and Advocate General for Scotland we sought the advice of leading Counsel on this issue. Counsel's view is that we may be able to rely on two legal arguments in support of not making the proposed amendments to the RRA. First, it could be argued that, by virtue of Articles 48 and 55 of the Treaty of Nice, the provision of services by charities, where the services are paid for, do not fall within the competence of the European Commission. Whilst Counsel does not regard this as a decisive factor in itself, he considers that it can be regarded as raising a question mark over the scope of Community competence in respect of the provision of services for remuneration by charities. Counsel considers that this point could be put forward in mitigation if a challenge were made.

Second, Counsel considers that Article 5 of the Directive and recital 17 of the preamble to the Directive, which relate to positive action and special needs considerations, may provide some justification for retaining section 34, on the basis that the activities of charities providing benefits to racial minorities could, arguably, be said to be preventing or compensating for disadvantages linked to racial or ethnic origin (as set out in Article 5 of the Directive). This argument is not watertight, as the charities provisions of the RRA are not confined to protecting the work of charities which target their benefits at racial minorities. However, these two legal arguments taken together provide, in our view, sufficient mitigating arguments which would at least allow us to put up a very good defence against a challenge from the Commission.

### Risks

The risks involved in leaving the goods, facilities and services element of section 34 RRA unamended would fall into two areas: the risk of infraction proceedings from the Commission; and the risk of an individual seeking "Francovich" damages against the Government for the Government's failure to provide protection from discrimination in line with the requirements of the Directive.

On the first of these, it is possible that the Commission might mount a challenge. Article 14(a) of the Directive requires that provisions contrary to the principle of equal treatment be abolished, hence our original proposal in respect of section 34. If a challenge were to be mounted we would seek to defend the position on the grounds of the mitigating arguments put forward by Counsel. I should add that we can find no evidence that this issue was raised specifically during the negotiations on the Directive, and it is therefore conceivable that it was not the intention of the Commission to create the situation that has occurred in respect of Jewish and Sikh charities. In addition, there is no evidence that a similar situation is occurring in other EU states. We are only in this position because of the make-up of our race equality legislation and because of the unique position, as a result of UK case law, of Jews and Sikhs within that legislation. There may therefore be no incentive for the Commission to mount a challenge on the basis that the UK was acting inconsistently in comparison with other states.



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On the second risk, an individual would need to consider that he or she had been denied access to benefits because these benefits were being restricted to a particular racial group. In these circumstances, the individual must be able to seek damages against the Government in the European Courts. We do not consider that the risk is high. We have no evidence that the existing provisions cause difficulties and have no reason to believe that leaving them extant would lead to challenge.

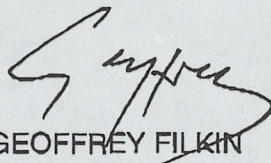
### Conclusion

On balance we have reached the view that the risks involved in amending section 34 in respect of the provision of goods, facilities and services, in terms of the damage that would potentially be done to a large number of existing charities, outweigh the potential risks involved in making an amendment. We cannot rule out these risks but we consider, on the basis of Counsel's advice, that they are manageable.

We therefore propose to leave section 34 unamended in respect of goods, facilities and services. In view of the fact that the regulations implementing the Race Directive must be laid before Parliament in the week beginning 6 May, we appreciate that colleagues may not have the opportunity to comment in full. My officials have been contacting DA Committee members' officials in an attempt to identify any difficulties that might exist in respect of my proposal. We would hope that, on the basis of this, colleagues will permit the regulations to be laid – with no provision amending the goods, facilities and services element of section 34 – in the absence of a formal sign-off.

I am copying this to the Prime Minister, to members of DA Committee, to the Attorney General, to the Advocate General for Scotland and to Sir Andrew Turnbull

*Yours ever,*



GEOFFREY FILKIN





## Home Office

Lord Filkin  
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The Rt Hon John Prescott MP  
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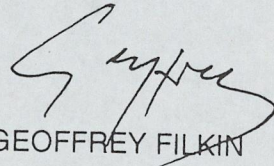
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*Yours ever,*



GEOFFREY FILKIN





Tony McNulty MP  
Parliamentary Under Secretary  
of State

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Secretary of State for Trade and Industry  
Department of Trade and Industry  
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Our Ref: P /TM/007687/03

30 APR 2003

*Den Pat*

*cc: rel*

## GENDER EQUALITY ACTION PLAN

I have seen your letter of 10 April to the Deputy Prime Minister in which you were seeking agreement to the publication of the Gender Equality Action Plan (GEAP).

I support your proposal to publish the Gender Equality Action Plan and am therefore content to sign off the activities ODPM have responsibility for, subject to the following minor amendments in the GEAP report:

To replace reference to DTLR Public Appointments target (Chapter 4 page 10), with ODPM's target of 35% by 31<sup>st</sup> December 2003.

Chapter 6 page 3 – delete the word 'recent' as the 'Room at the Top' research was published in May 2001. It should also be noted that the Women in Leadership group was set up under DTLR and is now under the auspices of ODPM.

Mainstreaming gender equality is an integral part of ODPM's delivery agenda and I am therefore content to be a signatory to the 'Message from Ministers'. I would add that within ODPM we recognise that the GEAP is a starting point for action and within the department, we are committed to building on this work over the coming months.

I am copying this letter to colleagues on DA and DA(EQ) Committees, the Prime Minister, Barbara Roche and Sir Andrew Turnbull.

TONY MCNULTY





# Home Office

Lord Filkin

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Natalie Acton  
Prime Minister's Office  
10 Downing Street  
London SW1

*Dear Natalie*

30 APR 2003

## EC ARTICLE 13 RACE DIRECTIVE: CHARITIES

The Home Secretary wrote to John Prescott on 23 April to explain that he had reached the view that it would not be appropriate to amend the provision of the Race Relations Act 1976 (RRA) which allows charities to target benefits to people on the grounds of their race.

The Home Secretary has written again to John to confirm this view and to set out the arguments. I wanted also to write to you so that there is no doubt about why we have reached this view.

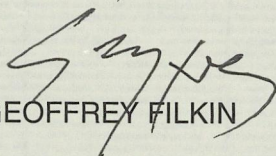
Our original proposal was that section 34 of the RRA should be amended so that charities would no longer be able to target benefits on the grounds of race. During the course of the recent consultation on this and other proposals it became clear that an unforeseen side-effect of this would be that Jewish and Sikh charities would be adversely affected. This situation arises because Jews and Sikhs have been determined by UK caselaw to be racial groups within the meaning of the RRA, as well as being religious groups.

There are in the region of 1,900 Jewish and Sikh charities in Britain and, whilst they would not all be affected, it is likely that a significant number would. We clearly would not wish to prevent charities from going about their normal business, especially when there is no evidence that the EC intended to create such an effect. We have therefore reached the conclusion that the common sense approach would be for us to take no action to amend this provision of the RRA.

This approach does carry some risks. It is possible that the EC might question whether the UK was adequately implementing the Race Directive, and it is also possible that an individual might seek to claim damages against the Government. We believe that the risk of an individual seeking damages is low. We have taken the view of leading Counsel on the legal aspects of the issue and believe that, if the Commission were to challenge our implementation arrangements, we would be able to mount a credible defence on the basis of mitigating arguments put forward by Counsel.



In conclusion, we have reached the balanced view that, whilst there is a risk that our approach will be challenged, our overriding concern is that we should not pursue a policy which would potentially damage a large number of charities and which would, at the same time, cause upset amongst two significant minority communities. We therefore intend not to amend the RRA as we initially proposed.

Yours sincerely,  
  
GEOFFREY FILKIN





**Barbara Roche MP**  
**Minister of State**  
**Minister for Women**

**OFFICE OF THE  
DEPUTY PRIME MINISTER  
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*File*

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cc: CS  
✓ OG  
Q's*

**URGENT**

**DATE:** 06/05/03

**FROM:** BARBARA ROCHE MP (MINISTERIAL SUPPORT TEAM)

**MESSAGE:** PLEASE FIND ANNEXES A, B & C WHICH WERE MISSING FROM LETTER DATED 30 APRIL (FAXED TO YOU ON 01 MAY), ENTITLED ' CIVIL PARTNERSHIP REGISTRATION FOR SAME SEX COUPLES-DRAFT CONSULTATION PAPER.





MATRIX



BARBARA ROCHE MP

MINISTER FOR SOCIAL  
EXCLUSION & EQUALITY

OFFICE OF THE  
DEPUTY PRIME MINISTER  
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The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
ODPM  
26 Whitehall  
London  
SW1A 2WH

30 April 2003

Dear John

**CIVIL PARTNERSHIP REGISTRATION FOR SAME-SEX COUPLES - DRAFT  
CONSULTATION PAPER**

Colleagues are aware that I have been leading a cross-Government review of civil partnership registration. They have expressed support for the early introduction of a civil partnership registration scheme, which the Law Officers have confirmed would mitigate the risks of a challenge under the Employment Directive. The Government is committed to consulting on civil partnership registration this summer. I now seek colleagues' agreement to publish the attached draft consultation paper. I also urgently need a contribution on tax issues. I would be grateful for responses by 12<sup>th</sup> May.

As I explained in my letter to you of 13<sup>th</sup> November last year, civil partnership registration would be an important equality measure for same-sex couples, who currently have no way of gaining legal recognition for their relationships, and are consequently denied many of the rights and responsibilities currently afforded to opposite-sex couples who marry. Colleagues were supportive in principle of the idea, but there were further issues to be resolved before any final decisions could be made. Much progress has been made on these issues, and I am now in a position to put forward a detailed set of proposals in the attached draft consultation paper.

An additional strong motivation for bringing forward civil partnership registration has arisen this year. In January, the Law Officers advised that it was probably incompatible with the Employment Directive for employers to provide benefits only to married partners of their employees. A successful challenge by an unmarried partner could increase the cost of public service pensions by as much as £1,000 million per year. On 20<sup>th</sup> March, I wrote to colleagues, proposing that the introduction of civil partnership registration for same-sex couples, with pension rights for registered partners, could mitigate this risk by removing the discrimination on grounds of sexual orientation. The Law Officers have since confirmed this

Barbara.Roche\_MP@odpm.gsi.gov.uk

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view. The regulations implementing the Directive must come into force in December 2003, so there will inevitably be a period during which we are at risk of challenge under the Directive, before any civil partnership registration scheme can be introduced. It is therefore important that we make progress on civil partnership registration as quickly as possible, to reduce the risk of a challenge by minimising the period of breach and demonstrating clear movement towards rectifying the problem.

#### **Proposals in the draft consultation paper**

I attach a draft of the consultation paper, which, subject to colleagues' views, I propose to publish. Following discussion of this issue with DA(EQ) colleagues and a clear steer from them, this consultation paper is more white than green in nature. Part A of the paper covers the form that the new legal status of "registered partnership" should take, and the arrangements for registering and dissolving a partnership. Part B contains proposals for the package of rights and responsibilities to be afforded to registered partners, and covers a wide range of policy areas across Government. The proposed eligibility requirements, practical arrangements for registering or dissolving a partnership and the rights and responsibilities flowing from registration have been drawn up bearing in mind Treasury Counsel's advice that same-sex partners would be likely to be able to bring a challenge where there is a difference in treatment between them and opposite-sex partners who can marry. The Government would not be acting unlawfully in introducing differences between the new status and marriage, provided it could show that such differences were justified (ie that it is in pursuance of a legitimate and identified policy objective and is a proportionate means of achieving that objective). The proposed legal consequences of registered partnership therefore differ from those of marriage only where we are satisfied that the difference in treatment is justifiable in that sense.

#### **Costs**

The attached partial regulatory impact assessment sets out the likely costs of the proposed scheme. Both initial start-up and ongoing annual costs are expected to be low, because of the low number of couples likely to register. The highest initial outlay costs to Government would come from one-off payments in public service pensions (between £70 million and £380 million) if registered partners were entitled to survivor pensions based on their partners' entire length of service, rather than entitlement accruing after the introduction of civil partnership registration. Total annual costs to Government are expected to rise eventually to between £25 million and £200 million by 2050, depending on how many couples register civil partnerships. These total costs are far lower than the costs to public service pensions that might result from a challenge by an unmarried couple under the Employment Directive, if civil partnership registration were not introduced (up to £10 billion one-off and £1000 million per year thereafter).

Impact on business would be minimal, except for those employers currently providing defined-benefit survivor pensions only for spouses, who would need to increase their contributions by between 0.013% and 0.125% and could face higher one-off costs in retrospective contributions if benefits were to be given based on entire length of service.

#### **Devolution**

The consultation paper covers England and Wales only. It will be for the new Scottish Ministers to decide whether to introduce a scheme in Scotland and whether to consult in parallel with England and Wales. Officials from the Scottish Executive have been closely



involved in the policy-making process and will be able to advise their Ministers on the issues as soon as a new administration is in place. There are currently no plans to introduce a scheme in Northern Ireland, but officials from the Northern Ireland Executive are monitoring work on civil partnership registration and have been involved in drawing up the consultation paper.

However, as I explained last November, many of the rights and responsibilities fall into non-devolved areas, and some difficult questions have arisen over the treatment of couples who register a partnership in England and Wales and subsequently move to another part of the UK. We propose that such couples should continue to be entitled to those rights and responsibilities in reserved areas that flow from registration, and the consultation paper makes this clear. Further issues, such as whether to set up a mutual recognition framework for UK schemes, will arise if Scottish Ministers choose to introduce a scheme. I believe that it would not be appropriate to pre-empt any decisions for Scottish Ministers by discussing these possibilities in our consultation paper. It is a natural consequence of devolution that different approaches will be taken in different parts of the UK, and we are confident that the integrity of non-devolved systems such as the frameworks for tax and benefits can be maintained, whatever decisions about civil partnership registration are taken in Scotland or might be taken at a future date in Northern Ireland.

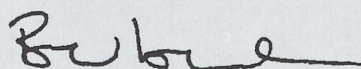
#### **Tax and tax credits**

One important issue remains to be finalised before the consultation paper can be published. There is currently no mention of tax or tax credits in the paper, since I understand that Ministers are waiting to see the final shape of the proposals before taking a decision on whether the rights and responsibilities of spouses in these areas should be extended to registered partners. I hope that the attached draft now gives a sufficient indication of the proposed scheme to enable such a decision to be taken. I do not believe that it is tenable to publish a consultation paper on civil partnership registration without proposals on taxation. Inheritance tax, in particular, is a key concern for same-sex couples and has been frequently mentioned in the public debate on civil partnership registration. I am also concerned that the possible exclusion of taxation and tax credits from the package would be contrary to our legal advice, discussed above, which states that the legal consequences of civil partnership registration should not differ from those of marriage without justification.

#### **Presentational issues**

Progress reports on the review of civil partnership registration generated a significant amount of positive media interest last year, and it is to be expected that the launch of the consultation paper will promote further public debate on the issues. We will make appropriate arrangements for media handling in preparation for publication.

I am copying this letter to the Prime Minister, members of DA Committee and Sir Andrew Turnbull.

Yours ever  


**BARBARA ROCHE**



**ANNEX C - LIST OF CONSULTEES (PAGES 1-3)****Organisation**

2 as 1

Affinity Trust - also Alzheimer's Society

Age Concern

Al-Fatiha UK

Amnesty International

Armed Forces Lesbian and Gay Association

Asian family counselling Service

Bar Lesbian and Gay Group ( BLAGG )

British Humanist Association

CAFCASS

Campaign for Homosexual Equality

CARE

CBI

Childline

Church of England Synod

Citizenship 21 Project

Commission for Racial Equality

Confederation of NHS Trusts

Consortium of Lesbian, Gay &amp; Bisexual Voluntary and Community Organisations

Criminal Injuries Compensation Appeals Panel

Criminal Injuries Compensation Authority

Discrimination Law Association

Dr Robert Wintemute (King's College)

DRC

Electoral Commission

Equal Opportunities Commission

Family Welfare Association

Federation of Small Businesses

FFLAG Families and Friends of Lesbians &amp; Gays

Forum Against Islamophobia &amp; racism (FAIR)

Gay &amp; Lesbian Humanist Association

Gendys Network

GLADD (Gay and Lesbian Association of Doctors and Dentists)

Greater London Authority

Help the Aged

Immigration Advisory Service

Immigration Law Practitioners Association

Institute of Directors

IPPR



Jennifer Moore (UK bi community)  
Jewish Marriage Council  
Joint Working Group on Occupational Pensions  
Kenric  
LACORS  
LAGLA  
Law Commission  
Law Society  
Legal Services Commission  
Lesbian & Gay Foundation  
Lesbian and Gay Christian Movement  
Lesbian and Gay Employment Rights  
Lesbian and Gay Mediation Project  
Lesbian and Gay Police Association  
Lesbian Information Service  
Lesbian Line  
Lesbian, Gay & Bisexual Consortium for Voluntary & Community Organisations  
LGB Forum Cymru  
LGB Network  
Liberty  
Local Government Association  
Local Government Management Board  
London Marriage Guidance  
Mark Bell (University of Leicester)  
Marriage Care  
National Association of Citizens Advice Bureaux  
National Council for One Parent Families  
National Family and Parenting Institute  
National Family and Parenting Institute  
National Family Mediation  
National Secular Society  
Navajo Group  
Naz Project London  
NCH  
Northern Older Lesbian Network  
Nuffield Foundation  
NUT Lesbian and Gay Commission  
Odysseus Trust  
One Plus One  
PACE  
Parenting Education and Support Forum  
Parentline Plus  
PCS Proud  
PCS Wales  
Polari  
Press for Change  
Public & Commercial Services Union  
REGARD  
RELATE



Representatives of the Family Proceedings Court  
Representatives of the judiciary dealing with family work  
Safra Project  
Schools Out  
Small Business Service  
Social Market Foundation  
Social Security Advisory Committee  
Stonewall  
Stonewall Cymru  
Tavistock Marital Studies  
The Christian Institute  
The Gender Trust  
The President of the Family Division of the High Court  
The Solicitors family Law Association  
TUC  
TUC - Lesbian and Gay Section  
UK Advocacy Network  
UK College of Family Mediators  
UNISON  
UNISON - Lesbian and Gay Section  
Withers Solicitors  
Women's National Commission



## ANNEX B - EQUALITY IMPACT ASSESSMENT (PAGES 1-2)

### Civil Partnership Registration - Policy Appraisal for Equal Treatment

- The Government's proposals for civil partnership registration are designed to address a current difference in treatment between opposite-sex and same-sex couples. At the moment, same-sex couples have no way of entering into a legally-recognised relationship, and are consequently denied access to many of the rights and responsibilities that might flow from such a status.
- In exploring the shape of a possible civil partnership registration scheme, the Government has considered carefully whether its proposals would disadvantage any groups of people. These considerations are discussed in detail in the consultation paper, and are summarised below.

#### Eligibility

- Although restricting the availability of civil partnership registration to same-sex couples introduces a further difference in treatment between same-sex and opposite-sex couples, the Government believes that this difference is justified within the wider picture. Opposite-sex couples already have the ability to gain a formal legal status for their relationship by getting married. The Government does not believe that the needs of couples who choose not to marry would be met by a partnership registration scheme designed for couples who do want to formalise their relationship.

#### Arrangements for Registration

- The Government believes that the delivery of a scheme through the national framework of registration officers would ensure adequate coverage for people living in all parts of England and Wales.
- The Government proposes that the Registrar General should be able to authorise special arrangements for registration in cases where he considers there to be exceptional circumstances eg. where a member of the forces is being posted on active service and needs to register a civil partnership quickly, where one of the couple is dying, or at the residence of someone who is housebound or detained in prison.
- Under the 2002 White Paper 'Civil Registration: Vital Change', it is proposed that the provision of local registration services will become a duty of local authorities. If these changes were implemented, this duty would include the provision of civil partnership registration. Local authorities are under an obligation to ensure disabled people's access to services and this would extend to any provision of civil partnership registration. Likewise we will consider any arrangements



that would need to be put into place so that those with disabilities have access to, and use of, relevant documents and the public register.

- In line with the Government's legal duty to promote race equality, we are considering, together with the registration service, what need there may be for the translation of registration guidance, documents and the public register into minority ethnic languages.
- We have carefully considered whether or not same-sex couples should be allowed to keep their forthcoming registration private for fear of homophobic attack. While we recognise the genuine concern that gives rise to these issues, the Government believes that civil partnership registration represents so significant a commitment that they should be a matter of public record. Other formal arrangements for changes of legal status are already a matter of public record and opposite-sex couples proposing to marry against the wishes of their family etc. who may also fear attacks do not have the choice of keeping these facts out of the public gaze.

#### Summary

- The Government is content that the proposed arrangements for civil partnership registration are largely consistent with the principle of equal treatment. We continue to be aware of the need to think carefully about the equality impact of civil partnership registration and would be grateful to hear of any further areas to consider.



## ANNEX A - REGULATORY IMPACT ASSESSMENT (PAGES 1-8)

### Civil Partnership Registration - Regulatory Impact Assessment

#### 1. Intended Effect

- To give same sex couples in England and Wales the opportunity of gaining a legal status for their relationships through a civil partnership registration scheme. Couples who enter into this new status will gain a package of rights and responsibilities.

#### 2. Who would be affected?

##### 2.1 Users of the registration scheme

- Those directly affected by the introduction of a civil partnership registration scheme would be the potential users - the lesbian, gay and bisexual (LGB) population of England and Wales. Stonewall estimates that LGB people constitute 5-7%<sup>1</sup> of the total adult population.

##### 2.2 Providers of the registration service

- There would be an impact on the civil registration service in England and Wales, which would operate the partnership registration system.

##### 2.3 Taking account of the new status

- There would be an impact on all employers, both private and public sector, in terms of employment benefits and occupational pension rights for

<sup>1</sup> There is very little reliable data about the size of the LGB population. This figure is based on the findings in a number of different studies. The National Survey of Sexual Attitudes and Lifestyles (NATSAL 2000) of 16-44 year olds, found that 5.4% of men and 4.9% of women had ever had a homosexual partner compared to just 2.6% of both genders who had had recent experience in Johnson et al, Sexual behaviour in Britain: Partnerships, Practices and HIV Risk Behaviours, The Lancet, Volume 358, Number 9296, Dec 1, 2001, pp 1835-42. About 5% of those questioned in exit polls identified themselves as 'gay' in US Voter News Service exit polls 1996 and 2000. Plug, E and Berkhout, P (2001) found that about 5% of their Dutch sample had gay, lesbian or bisexual sexual preferences in Effects of Sexual Preferences on Earnings in the Netherlands. About 6% of a national sample of Americans identified as gay or lesbian in Yankelovich Monitor Research (1994). Laumann et al found the incidence of homosexual desire was just over 7% of both men and women in the USA. Janus and Janus (1993) found that 9% of men and 5% of women identified as gay or lesbian. Some studies have found higher estimates, such as Kinsey (1948) and Sell et al (1995), whilst others using estimates of cohabiting same sex couples have found much lower estimates, for example the LFS finds just 0.2% of UK households consist of same sex couples.



registered partners.

- Changes to the tax and benefits systems would involve administrative changes for Government and Local Authorities.
- The new status would have an impact on practice for treating patients and their families within the National Health Service.
- The creation of the new status would affect all other areas in which family status is taken into account eg. financial service providers, schools, prison service. Organisations might need to consider changing their policies and practice, any guidance and any forms on which people are asked to declare their status.

### 3. Overall Benefits

- This section covers the benefits stemming from the creation of the new status itself. Financial benefits and costs stemming from the additional rights and responsibilities that might be afforded to registered couples are discussed in sections 5 and 6 below.

#### 3.1 Stable relationships

- Civil partnership registration would bring increased security and stability to those same-sex couples who registered, and to their children. The Cabinet Office Life Satisfaction survey, published in December 2002, found that marriage increased people's life satisfaction and happiness by an amount equivalent to an additional annual income of £72,000. Civil partnership registration could provide similar social and psychological benefits to same-sex couples. It is hoped that increased stability of registered civil partnerships would reduce the likelihood of relationship breakdown, which has a proven link to both physical and mental ill-health.
- Civil partnership registration would encourage stable relationships, which are an important asset to the community as a whole. As the Government said in its 1998 Consultation Document *Supporting Families*, "Strong and stable families provide the best basis for raising children and for building strong and supportive communities". Strengthening adult couple relationships not only benefits the couples themselves, but also other relatives they support and care for, and, in particular, their children, as they grow up and become the couples, parents and carers of tomorrow.
- Stable relationships also benefit the economy. It is expected that registered couples would share their resources and support each other financially, reducing demand for support from the State and, overall, consuming fewer resources. Increased stability would help to reduce the



burden on the State in terms of family breakdown, which cost the taxpayer an estimated £5 billion in 1999.

### 3.2 Social Attitudes

- A 1999 survey<sup>2</sup> found that over two-thirds of gay, lesbian and bisexual people had been the victim of homophobic incidents such as threats, intimidation, verbal abuse or physical assault. The creation of a new legal status for same-sex couples would play an important role in increasing social acceptance of same-sex relationships, reducing homophobia and discrimination and building a safer and more tolerant society.

## 4. Costs of registration system

This section covers the costs of setting up and running the registration system. Costs associated with the additional rights and responsibilities that might be afforded to registering couples are covered in sections 5 and 6 below.

### 4.1 Costs to Civil Registration Service

- The impact on the civil registration service of setting up a civil partnership registration scheme is likely to be low. Systems already in place for civil marriage can be adapted and utilised for civil partnership registration, although registrars may need some additional training to raise awareness and sensitivity to LGB issues. The number of couples expected to register is relatively low (a few thousand) and costs would be recovered from registering couples.

### 4.2 Costs to registering couples

- Couples would cover the cost of their partnership registration through nationally set statutory fees. This would cover the cost of giving notice to the registration officer and for the registration officer's attendance at a civil partnership registration.
- There would also be costs associated with dissolution. Couples would need to pay court fees (likely to be in the region of £200), as well as a fee for removing their names from the register. In addition they may need legal advice and assistance. This could result in costs of around £3,000 for legal advice in cases concerning financial settlement on divorce.

### 4.3 Costs to court service

<sup>2</sup> Breaking the Chain of Hate. A National Survey Examining Levels of Homophobic Crime and Community Confidence towards the Police Service' - National Advisory Group (1999).



- The numbers of civil partnership dissolutions taken through the courts are likely to be small even at the higher take-up rate; approximately 826 (individuals) per year by 2030 at the lower take-up rate and 7,500 (individuals) per year by 2030 at the higher take-up rate. There would, therefore, be few costs other than that of additional training and guidance to the court service of extending their services to include the dissolution of civil partnerships.

#### 4.4 Costs to Community Legal Service Fund

- Some of the couples dissolving partnerships would be eligible for public funding (formerly legal aid). Initial outlay would be very low given the few civil partnerships likely to be registered and the likelihood of those registered partnerships dissolving quickly also being very low. The long-term annual cost of public funding for dissolution is estimated to be between £1 million and £10 million.

### 5. Employment

- Employers would need to adapt their policies to recognise registered partners in some areas where they currently recognise other forms of legal status such as marriage. The key area for change would be the survivor benefits provided by defined-benefit, occupational pension schemes.

#### 5.1 Benefits to individuals

- Some registered partners would benefit from access to survivor pensions to which they would not previously have been entitled. Some private pension providers do already pay survivors' pensions to long-term partners (including same-sex partners), but this is often done on a discretionary basis and the partners may have to meet criteria such as a set period of cohabitation or proof of financial interdependence.
- It is hoped that recognition of registered couples' relationships by employers would set an example to employees and encourage a more inclusive work environment.

#### 5.2 Benefits to business

- It is hoped that businesses would see improvements in recruitment and retention from offering equal employee benefits to same-sex partners in a registered partnership. Recent research by Stonewall into the attitudes of LGB graduates found that equality of terms, conditions and benefits was one of the key factors for organisations to focus on if they were to attract high calibre LGB employees. We estimate there to be between 1.5 and 2



million LGB people in the labour force.<sup>3</sup>

### 5.3 Impact on business

- Our initial assessment is that the administrative impact of introducing a Civil Partnership Registration Scheme on businesses (private pension providers) would be negligible as private pension schemes already have systems in place to pay out to married dependants which could be extended to registered civil partners.
- There would be additional costs for those employers who currently only offer survivor pensions to married partners. We estimate that to provide survivor pensions for registered partners contributions would need to be increased by between 0.013% and 0.125%, depending on the take-up rate of partnership registration. This would result in total additional costs of £2.5m - £20m per year. The cost impact on individual employers would therefore be low.
- There would be a greater impact on employers if survivor pensions for registered partners were to be based on entire length of the pension scheme member's service, rather than contributions accruing from the date of introduction of civil partnership registration. Then there would be an additional one-off cost in back-dated contributions of between £100m and £1bn depending on take-up.

### 5.4 Impact on Government as an employer

- Public service pension schemes already have systems in place to pay survivor pensions and injury benefits to married dependants of scheme members, so the administrative impact on them would be low.
- There would be additional costs to Government from extending survivor benefits to registered partners. We estimate that provision of survivor pensions for registered partners would require a minor increase in annual payroll - between 0.006% and 0.033%, depending on the take-up rate of partnership registration. This would result in total additional costs to Government of £7m - £37m per year.
- If survivor pensions for registered partners were to be based on entire length of the pension scheme member's service, there would be an additional one-off cost of between £70m and £380m.

<sup>3</sup> The total labour force is about 29.315 million. We, therefore, estimate there to be between  $29.315m \times 0.05 = 1.466$  million and  $29.315m \times 0.07 = 2.052$  million lesbians, gay men and bisexual people in the labour force.



## 6. Recognition for state pensions and benefits

### 6.1 Benefits to individuals

- Registered couples would benefit from increased financial security, through arrangements designed to reflect more accurately their situation. Partners may become entitled to state or occupational pension rights, as well as state bereavement benefits, based on the contributions of the other partner.

### 6.2 Savings to Government

- There may be some savings associated with recognising same sex partners in the income related benefits. However, as there is only limited information about the same sex population who are living together as partners and the likelihood of them claiming income related benefits savings are difficult to assess.

[DN Nothing in here about tax and tax credits, as requested by Inland Revenue.]

### 6.3 Costs to Government

- Changes would result in a net increase in annual costs to Government from state pensions and bereavement benefits, set out in the table in section 10. Costs are calculated on the assumption that changes in these areas come into effect in 2010, due to practical considerations. Rights and responsibilities in many other areas could, however, be afforded to couples before 2010.

## 7. Impact on Small Businesses

- It is not possible to give a general indication of the effect on small businesses; the impact on any business will depend on whether it operates a contracted-out, defined benefit pension scheme, and on the number of lesbian, gay or bisexual employees.
- Only 26% of private sector employers with 1 - 19 employees provide any pension provision compared to 64% with 20 or more employees. The impact



on small businesses may therefore be proportionally lower than on larger businesses.<sup>4</sup>

## 8. Competition

- No market has been identified where these proposals would have an adverse impact on competition.

## 9. Summary

- The greatest impact of the proposals would be on central and local Government. These costs are considered to be justified by the social policy reasons for introducing a civil partnership registration scheme for same-sex couples.
- There would be minor costs and substantial benefits for the individuals who chose to register a partnership.
- The impact on business would be negligible, except for a minor cost increase for occupational pension providers and a small increase in demand for the hospitality industry.
- There would be no direct impact on charities and voluntary organisations other than their own responsibilities as employers.

Table 1: Total Costs to Government (£000,000) [DN Does not include anything on tax or tax credits.]

	State Pension and Bereavement Benefits	Public Service Pensions	Public Funding for Dissolution	TOTAL
<b>LOW TAKE-UP SCENARIO</b>				
One-off costs:		70		70
Annual costs:				
2010	0	7	0	7
2020	3	7	0	10
2030	6	7	1	14
2040	10	7	1	18
2050	17	7	1	25
<b>HIGH TAKE-UP SCENARIO</b>				
One-off costs:		380		380

<sup>4</sup> Source: Table 4.1 (p39) in Employers' Pension Provision 2000, Alison Smith and Stephen McKay, December 2001.



Annual costs:					
	2010	3	37	2	42
	2020	41	37	5	83
	2030	67	37	7	111
	2040	95	37	9	141
	2050	160	37	10	207

Table 2: Total Costs to Private Sector Employers

COSTS TO PRIVATE PENSION DEFINED BENEFIT SCHEMES		Annual Costs (Benefits accrue from date of implementation)		Additional (one-off) start up costs (If benefits accrue retrospectively on past service)
		Annual cost increase as % of contributions	Total annual cost increase (£m)	
Eligible population				
Dependents in all same-sex couples who have a registered Civil Partnership	Low take-up	0.013%	£2.5m	£100m
	High take-up	0.125%	£20m	£1bn



## ANNEX A - REGULATORY IMPACT ASSESSMENT (PAGES 1-8)

### Civil Partnership Registration - Regulatory Impact Assessment

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##### 2.2 Providers of the registration service

- There would be an impact on the civil registration service in England and Wales, which would operate the partnership registration system.

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- There would be an impact on all employers, both private and public sector, in terms of employment benefits and occupational pension rights for

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- Stable relationships also benefit the economy. It is expected that registered couples would share their resources and support each other financially, reducing demand for support from the State and, overall, consuming fewer resources. Increased stability would help to reduce the



burden on the State in terms of family breakdown, which cost the taxpayer an estimated £5 billion in 1999.

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<sup>2</sup> Breaking the Chain of Hate. A National Survey Examining Levels of Homophobic Crime and Community Confidence towards the Police Service' - National Advisory Group (1999).



- The numbers of civil partnership dissolutions taken through the courts are likely to be small even at the higher take-up rate; approximately 826 (individuals) per year by 2030 at the lower take-up rate and 7,500 (individuals) per year by 2030 at the higher take-up rate. There would, therefore, be few costs other than that of additional training and guidance to the court service of extending their services to include the dissolution of civil partnerships.

#### **4.4 Costs to Community Legal Service Fund**

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### **5. Employment**

- Employers would need to adapt their policies to recognise registered partners in some areas where they currently recognise other forms of legal status such as marriage. The key area for change would be the survivor benefits provided by defined-benefit, occupational pension schemes.

#### **5.1 Benefits to individuals**

- Some registered partners would benefit from access to survivor pensions to which they would not previously have been entitled. Some private pension providers do already pay survivors' pensions to long-term partners (including same-sex partners), but this is often done on a discretionary basis and the partners may have to meet criteria such as a set period of cohabitation or proof of financial interdependence.
- It is hoped that recognition of registered couples' relationships by employers would set an example to employees and encourage a more inclusive work environment.

#### **5.2 Benefits to business**

- It is hoped that businesses would see improvements in recruitment and retention from offering equal employee benefits to same-sex partners in a registered partnership. Recent research by Stonewall into the attitudes of LGB graduates found that equality of terms, conditions and benefits was one of the key factors for organisations to focus on if they were to attract high calibre LGB employees. We estimate there to be between 1.5 and 2



million LGB people in the labour force.<sup>3</sup>

### 5.3 Impact on business

- Our initial assessment is that the administrative impact of introducing a Civil Partnership Registration Scheme on businesses (private pension providers) would be negligible as private pension schemes already have systems in place to pay out to married dependants which could be extended to registered civil partners.
- There would be additional costs for those employers who currently only offer survivor pensions to married partners. We estimate that to provide survivor pensions for registered partners contributions would need to be increased by between 0.013% and 0.125%, depending on the take-up rate of partnership registration. This would result in total additional costs of £2.5m - £20m per year. The cost impact on individual employers would therefore be low.
- There would be a greater impact on employers if survivor pensions for registered partners were to be based on entire length of the pension scheme member's service, rather than contributions accruing from the date of introduction of civil partnership registration. Then there would be an additional one-off cost in back-dated contributions of between £100m and £1bn depending on take-up.

### 5.4 Impact on Government as an employer

- Public service pension schemes already have systems in place to pay survivor pensions and injury benefits to married dependants of scheme members, so the administrative impact on them would be low.
- There would be additional costs to Government from extending survivor benefits to registered partners. We estimate that provision of survivor pensions for registered partners would require a minor increase in annual payroll - between 0.006% and 0.033%, depending on the take-up rate of partnership registration. This would result in total additional costs to Government of £7m - £37m per year.
- If survivor pensions for registered partners were to be based on entire length of the pension scheme member's service, there would be an additional one-off cost of between £70m and £380m.

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<sup>3</sup> The total labour force is about 29.315 million. We, therefore, estimate there to be between  $29.315m \times 0.05 = 1.466$  million and  $29.315m \times 0.07 = 2.052$  million lesbians, gay men and bisexual people in the labour force.



## 6. Recognition for state pensions and benefits

### 6.1 Benefits to individuals

- Registered couples would benefit from increased financial security, through arrangements designed to reflect more accurately their situation. Partners may become entitled to state or occupational pension rights, as well as state bereavement benefits, based on the contributions of the other partner.

### 6.2 Savings to Government

- There may be some savings associated with recognising same sex partners in the income related benefits. However, as there is only limited information about the same sex population who are living together as partners and the likelihood of them claiming income related benefits savings are difficult to assess.

[DN Nothing in here about tax and tax credits, as requested by Inland Revenue.]

### 6.3 Costs to Government

- Changes would result in a net increase in annual costs to Government from state pensions and bereavement benefits, set out in the table in section 10. Costs are calculated on the assumption that changes in these areas come into effect in 2010, due to practical considerations. Rights and responsibilities in many other areas could, however, be afforded to couples before 2010.

## 7. Impact on Small Businesses

- It is not possible to give a general indication of the effect on small businesses; the impact on any business will depend on whether it operates a contracted-out, defined benefit pension scheme, and on the number of lesbian, gay or bisexual employees.
- Only 26% of private sector employers with 1 - 19 employees provide any pension provision compared to 64% with 20 or more employees. The impact



on small businesses may therefore be proportionally lower than on larger businesses.<sup>4</sup>

## **8. Competition**

- No market has been identified where these proposals would have an adverse impact on competition.

## **9. Summary**

- The greatest impact of the proposals would be on central and local Government. These costs are considered to be justified by the social policy reasons for introducing a civil partnership registration scheme for same-sex couples.
- There would be minor costs and substantial benefits for the individuals who chose to register a partnership.
- The impact on business would be negligible, except for a minor cost increase for occupational pension providers and a small increase in demand for the hospitality industry.
- There would be no direct impact on charities and voluntary organisations other than their own responsibilities as employers.

**Table 1: Total Costs to Government (£000,000) [DN Does not include anything on tax or tax credits.]**

	State Pension and Bereavement Benefits	Public Service Pensions	Public Funding for Dissolution	TOTAL
<b>LOW TAKE-UP SCENARIO</b>				
One-off costs:		70		70
Annual costs:				
2010	0	7	0	7
2020	3	7	0	10
2030	6	7	1	14
2040	10	7	1	18
2050	17	7	1	25
<b>HIGH TAKE-UP SCENARIO</b>				
One-off costs:		380		380

<sup>4</sup> Source: Table 4.1 (p39) in Employers' Pension Provision 2000, Alison Smith and Stephen McKay, December 2001.



Annual costs:					
2010	3	37	2	42	
2020	41	37	5	83	
2030	67	37	7	111	
2040	95	37	9	141	
2050	160	37	10	207	

Table 2: Total Costs to Private Sector Employers

COSTS TO PRIVATE PENSION DEFINED BENEFIT SCHEMES		Annual Costs (Benefits accrue from date of implementation)		Additional (one-off) start up costs (If benefits accrue retrospectively on past service)
Eligible population		Annual cost increase as % of contributions	Total annual cost increase (£m)	
Dependents in all same-sex couples who have a registered Civil Partnership	Low take-up	0.013%	£2.5m	£100m
	High take-up	0.125%	£20m	£1bn



## ANNEX B - EQUALITY IMPACT ASSESSMENT (PAGES 1-2)

### Civil Partnership Registration - Policy Appraisal for Equal Treatment

- The Government's proposals for civil partnership registration are designed to address a current difference in treatment between opposite-sex and same-sex couples. At the moment, same-sex couples have no way of entering into a legally-recognised relationship, and are consequently denied access to many of the rights and responsibilities that might flow from such a status.
- In exploring the shape of a possible civil partnership registration scheme, the Government has considered carefully whether its proposals would disadvantage any groups of people. These considerations are discussed in detail in the consultation paper, and are summarised below.

#### **Eligibility**

- Although restricting the availability of civil partnership registration to same-sex couples introduces a further difference in treatment between same-sex and opposite-sex couples, the Government believes that this difference is justified within the wider picture. Opposite-sex couples already have the ability to gain a formal legal status for their relationship by getting married. The Government does not believe that the needs of couples who choose not to marry would be met by a partnership registration scheme designed for couples who do want to formalise their relationship.

#### **Arrangements for Registration**

- The Government believes that the delivery of a scheme through the national framework of registration officers would ensure adequate coverage for people living in all parts of England and Wales.
- The Government proposes that the Registrar General should be able to authorise special arrangements for registration in cases where he considers there to be exceptional circumstances eg. where a member of the forces is being posted on active service and needs to register a civil partnership quickly, where one of the couple is dying, or at the residence of someone who is housebound or detained in prison.
- Under the 2002 White Paper 'Civil Registration: Vital Change', it is proposed that the provision of local registration services will become a duty of local authorities. If these changes were implemented, this duty would include the provision of civil partnership registration. Local authorities are under an obligation to ensure disabled people's access to services and this would extend to any provision of civil partnership registration. Likewise we will consider any arrangements



that would need to be put into place so that those with disabilities have access to, and use of, relevant documents and the public register.

- In line with the Government's legal duty to promote race equality, we are considering, together with the registration service, what need there may be for the translation of registration guidance, documents and the public register into minority ethnic languages.
- We have carefully considered whether or not same-sex couples should be allowed to keep their forthcoming registration private for fear of homophobic attack. While we recognise the genuine concern that gives rise to these issues, the Government believes that civil partnership registration represents so significant a commitment that they should be a matter of public record. Other formal arrangements for changes of legal status are already a matter of public record and opposite-sex couples proposing to marry against the wishes of their family etc. who may also fear attacks do not have the choice of keeping these facts out of the public gaze.

#### Summary

- The Government is content that the proposed arrangements for civil partnership registration are largely consistent with the principle of equal treatment. We continue to be aware of the need to think carefully about the equality impact of civil partnership registration and would be grateful to hear of any further areas to consider.



## ANNEX C – LIST OF CONSULTEES (PAGES 1-3)

### Organisation

2 as 1

Affinity Trust - also Alzheimer's Society

Age Concern

Al-Fatiha UK

Amnesty International

Armed Forces Lesbian and Gay Association

Asian family counselling Service

Bar Lesbian and Gay Group ( BLAGG )

British Humanist Association

CAFCASS

Campaign for Homosexual Equality

CARE

CBI

Childline

Church of England Synod

Citizenship 21 Project

Commission for Racial Equality

Confederation of NHS Trusts

Consortium of Lesbian, Gay & Bisexual Voluntary and Community Organisations

Criminal Injuries Compensation Appeals Panel

Criminal Injuries Compensation Authority

Discrimination Law Association

Dr Robert Wintemute (King's College)

DRC

Electoral Commission

Equal Opportunities Commission

Family Welfare Association

Federation of Small Businesses

FFLAG Families and Friends of Lesbians & Gays

Forum Against Islamophobia & racism (FAIR)

Gay & Lesbian Humanist Association

Gendys Network

GLADD (Gay and Lesbian Association of Doctors and Dentists)

Greater London Authority

Help the Aged

Immigration Advisory Service

Immigration Law Practitioners Association

Institute of Directors

IPPR



Jennifer Moore (UK bi community)  
 Jewish Marriage Council  
 Joint Working Group on Occupational Pensions  
 Kenric  
 LACORS  
 LAGLA  
 Law Commission  
 Law Society  
 Legal Services Commission  
 Lesbian & Gay Foundation  
 Lesbian and Gay Christian Movement  
 Lesbian and Gay Employment Rights  
 Lesbian and Gay Mediation Project  
 Lesbian and Gay Police Association  
 Lesbian Information Service  
 Lesbian Line  
 Lesbian, Gay & Bisexual Consortium for Voluntary & Community Organisations  
 LGB Forum Cymru  
 LGB Network  
 Liberty  
 Local Government Association  
 Local Government Management Board  
 London Marriage Guidance  
 Mark Bell (University of Leicester)  
 Marriage Care  
 National Association of Citizens Advice Bureaux  
 National Council for One Parent Families  
 National Family and Parenting Institute  
 National Family and Parenting Institute  
 National Family Mediation  
 National Secular Society  
 Navajo Group  
 Naz Project London  
 NCH  
 Northern Older Lesbian Network  
 Nuffield Foundation  
 NUT Lesbian and Gay Commission  
 Odysseus Trust  
 One Plus One  
 PACE  
 Parenting Education and Support Forum  
 Parentline Plus  
 PCS Proud  
 PCS Wales  
 Polari  
 Press for Change  
 Public & Commercial Services Union  
 REGARD  
 RELATE



Representatives of the Family Proceedings Court  
Representatives of the judiciary dealing with family work  
Safra Project  
Schools Out  
Small Business Service  
Social Market Foundation  
Social Security Advisory Committee  
Stonewall  
Stonewall Cymru  
Tavistock Marital Studies  
The Christian Institute  
The Gender Trust  
The President of the Family Division of the High Court  
The Solicitors family Law Association  
TUC  
TUC - Lesbian and Gay Section  
UK Advocacy Network  
UK College of Family Mediators  
UNISON  
UNISON - Lesbian and Gay Section  
Withers Solicitors  
Women's National Commission



dti

29 April 2003

The Rt Hon Patricia Hewitt MP  
SECRETARY OF STATE  
FOR TRADE AND INDUSTRY

Lord Filkin  
Parliamentary Under Secretary of State  
Home Office  
50 Queen Anne's Gate  
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GN  
WP

Dear Geoff,

**RACE RELATIONS (AMENDMENT) ACT 2000 – DUTY TO PROMOTE RACE EQUALITY**

You copied to me your letter to John Prescott seeking the views of DA on your proposals to amend schedule 1A to the Race Relations (Amendment) Act, which lists those bodies subject to the duties of the Act.

My officials had sent to yours the names of DTI-linked bodies which should be added in to the Schedule, and I am satisfied that they are in the list.

I see however that the "suggestions for inclusion" in the Schedule name the Radiocommunications Agency (RA). This is an executive agency of the DTI and is specifically covered by DTP's Race Equality Scheme. I therefore see no need to name it in the Schedule. In addition, at the end of December, the RA will merge with OfTel, the Radio Authority, the Broadcasting Standards Commission and the Independent Television Commission (also named in the Schedule) to form the new communications regulator OFCOM. No doubt OFCOM will wish to prepare its own Race Equality Scheme in due course.

Other than this I am content with your proposals. I am copying this letter to the Prime Minister, members of DA Committee and to Sir Andrew Turnbull.

Best wle,

Patricia

**PATRICIA HEWITT**

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Lord Filkin

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The Rt Hon John Prescott  
Deputy Prime Minister and First Secretary of State  
Office of the Deputy Prime Minister  
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SW1A 2WH

29 APR 2003

*Dear John*

### GENDER EQUALITY ACTION PLAN – CLEARANCE FOR PUBLICATION

Further to the letter from Patricia Hewitt on 10 April 2003 seeking agreement to publication of the Gender Equality Action Plan.

I welcome the preparation of this action plan, which provides an important oversight of work being done across Whitehall on initiatives which will help to promote gender equality. The GEAP will be a valuable working document and I am glad to see that you plan to use it as a benchmark against which later progress can be measured.

I confirm that I am content for the action plan to be published. (My officials will pursue with yours an outstanding minor technical drafting point.)

I am copying this reply to DA and DA(EQ) colleagues, Barbara Roche and Sir Andrew Turnbull.

*Yours ever,*

GEOFFREY FILKIN



INVESTOR IN PEOPLE

BUILDING A SAFE, JUST AND TOLERANT SOCIETY





The Rt Hon Nick Raynsford MP  
Minister of State for Local  
Government and the Regions

Rt. Hon. John Prescott MP  
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Our Ref: P/R/007388/03

28 APR 2003

JR

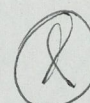
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*John John*

**ARTICLE 13 RACE DIRECTIVE: IMPLEMENTATION**

I have seen Alistair Darling's letter to you of 10 April seeking DA agreement to proposals to amend Section 9 of the Race Relations Act 1976 in respect of seafarers recruited abroad as part of the implementation of the Article 13 Race Directive.

I support Alistair's arguments that a full repeal of Section 9 would have an adverse effect on UK shipping and that the narrow discrimination proposed - i.e. that foreign seafarers can be paid at local rates where the contract of employment is entered into outside of Great Britain - is reasonable. I note that this is the approach being maintained by all other EU flag states in their implementation of the Directive.

I am copying this letter to the Prime Minister, Alistair Darling, Members of DA Committee and Sir Andrew Turnbull.

*Yours ever*

*Nick*

NICK RAYNSFORD





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**ROSIE WINTERTON MP**  
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The Right Honourable John Prescott MP  
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CO  
W. EN  
NA  
JR

26<sup>th</sup> April 2003

*Dear John*

**GENDER EQUALITY ACTION PLAN: CLEARANCE FOR PUBLICATION**

I have seen Patricia Hewitt's letter to you of 10 April, enclosing a copy of the Gender Equality Action Plan (GEAP).

While I am content with the proposal to publish the GEAP in early May, I would like to request a slight amendment to the document. I understand that officials in my Department previously provided the Women and Equality Unit with information on the Community Legal Service (CLS) for inclusion in the GEAP, however due to the length of the document, this information had subsequently been removed. Whilst I appreciate consideration needs to be given to the length of the document, I would like to request the information provided by my officials on the CLS be included in the final version of the GEAP. Our work in the CLS fits in well with the examples given under Chapter 4B 'Social and Civic Inclusion - Tackling poverty, homelessness and social exclusion' and I would like to see the targets set by my Department included in this chapter of the GEAP. A copy of the CLS contribution is attached to this letter.

I am copying this letter to the Prime Minister, members of DA and DA(EQ) Committees, Barbara Roche and Sir Andrew Turnbull.

*Best wishes,  
Rosie*

**ROSIE WINTERTON**



LCD Chapter contribution 290103

### **Community Legal Service**

The Community Legal Service (CLS) was launched in April 2000 to improve access to effective legal and advice services. The distribution of legal help and advice services is uneven. To identify local need, we commissioned the Legal Services Research Centre to undertake a long-term research project. The first part of the National Periodic Survey was carried out in 2001, and the Legal Services Research Centre recently released an Interim report for internal circulation; publication of the final report is expected in early summer 2003. The initial findings showed little gender disparity in many of the headline areas. For example no gender disparity was found in the number and proportion of problems encountered. However, the interim report estimates that 45,000 domestic violence problems go unreported because people are too scared to do anything about them; the vast majority of people to suffer domestic violence are women. In addition, female respondents were more likely than males to use advisers other than Citizens Advice Bureaux or solicitors.

LCD officials are currently considering what further enquiries can be made of the 2.5 million pieces of data held within the survey, and as part of this process will be examining the need for greater scrutiny of gender issues. Consideration of any policy action to address issues identified by the survey will take place after publication of the report.

#### **Target**

- To utilise the findings of the National Periodic Survey planning and delivering changes in Legal Services Commission and CLS Partnership working to address gender differences. This information will be particularly useful when working with the programmes of other government departments. Since the final report is not due until summer 2003, it is too early to predict what effect the findings might have on future policy decisions at this time.

LCD and the Legal Services Commission have conducted a series of workshops designed to examine the difficulties of access to legal services by certain groups in society, such as women, children and young people and people with disabilities. The overall aim of these workshops was to see how access to legal help and advice can be improved for these particular groups.

The aim of the women's workshop was to consider ideas on developing partnership work with women and women's groups and to raise awareness of issues affecting women with local CLS Partnerships. The workshop looked at the following issues:

- the need for advice;
- advice in areas most likely to be sought, and why;
- the usual barriers to advice;
- the importance of knowing legal rights, and the impact and social consequences of not knowing those rights; and



LCD Chapter contribution 290103

- ideas for developing CLS Partnership work for women.

The workshop brought together a range of key organisations involved with women on a day to day basis to discuss these issues. LCD and the Legal Services Commission are currently considering what follow-up work to the CLS Diversity workshops might be taken forward.

**Target**

- To publish the outcomes of the Community Legal Service Diversity Workshop for women's issues on the LCD/Just Ask website by the end of February 2003. To publish a response to the report setting out progress against the issues raised by the end of November 2003.





From the Secretary of State  
for Work and Pensions

**DWP**

*he*  
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*AA*

**RESTRICTED – LEGISLATION**

Rt Hon John Reid MP  
Leader of the House of Commons and  
President of the Council  
2 Carlton Gardens  
London SW1Y 5AA

25 April 2003

*Dear Leader of the House,*

**DISABILITY BILL**

1. Many congratulations on your appointment as Leader of the House. I look forward to continuing to work with you to deliver our priorities. It is on one such priority, a programme Disability Bill, I am writing. It may help if I briefly outline some of the background first.
2. As you will be aware, our 2001 Manifesto commits us to extending basic rights and opportunities for disabled people as indicated in our 2001 consultation document "Towards Inclusion". I am already taking forward the main proposals on employment by using Regulations to implement the disability provisions of the EU Article 13 Employment Directive.
3. However, that leaves some highly significant changes which require primary legislation if we are to extend disabled people's civil rights and meet the Manifesto commitment by the end of this Parliament. These include, introducing new anti-discrimination and equal opportunity duties on public bodies, bringing transport operators within scope of the DDA, and extending the definition of disability in the DDA to cover more



## RESTRICTED - LEGISLATION

people with HIV and cancer. I have recently consulted DA colleagues on the scope and content of the Bill and have received clearance for the policy changes in John Prescott's letter of 22 April.

4. LP Committee has already given approval to start work on drafting of a Bill and to announce that a draft Bill would be published later in 2003, and be subject to pre-legislative scrutiny. I made that announcement on 22 January. It was widely welcomed by disability organisations, MPs, Peers and the Disability Rights Commission (DRC).

5. Instructions for a draft Bill are already with Parliamentary Counsel. In accordance with the contract with LP, my intention is to publish a draft Bill in early June and, subject to LP agreement, introduce a Bill into Parliament around November.

6. However, First Parliamentary Counsel has advised that unless the Disability Bill is given a significantly higher priority, his drafting team will be unable to meet a June deadline for publication of a draft. Indeed, First Counsel has said that a draft might not be available until the autumn. That would significantly delay pre-legislative scrutiny and introduction. That could have a knock-on effect and possibly jeopardise the chances of successfully meeting our Manifesto commitment.

7. Clearly, such a turn of events would be seized upon by the lobby. We would be accused of reneging on existing commitments and a head of steam would build up to broaden the scope and content of the Bill. Conversely, publication of a draft Bill in June would help to contain that type of reaction and signal that we are very much on track with delivering our promised action on civil rights for disabled people.

8. LP next meets on 6 May to consider priorities for the Legislative Programme. I realise that we have a heavy legislative agenda and that there are many competing priorities around. It is no easy task to balance such demands. Nevertheless, I strongly urge you, and members of LP Committee, to consider a higher priority for the Disability



**RESTRICTED - LEGISLATION**

Bill so that we can achieve early publication of a draft.

9. I am copying this letter to the Prime Minister, to members of LP Committee, Andrew Turnbull and First Parliamentary Counsel.

*Chas 15th April*  
PP. **ANDREW SMITH**

*(approved by the Secretary of State and  
signed in his absence)*





DEPUTY PRIME MINISTER

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The Rt Hon the Lord Irvine of Lairg  
Lord Chancellor  
House of Lords  
LONDON  
SW1A 0PW

23 April 2003

*John Prescott*

*to Clones.*

**TRANSSEXUAL PEOPLE**

Your letter to me of 26 March sought agreement to matters of detail concerning policy on transsexual people. Your letter also sought views on issues concerning existing marriages, further to the meeting of DA Committee in February. It has been proposed that existing marriages be allowed to continue past the point of recognition in a new gender of one the parties, should both parties so wish.

On the matters of policy detail, this letter gives you clearance to proceed as outlined in your letter subject to the views of colleagues recorded below. On existing marriages, this letter gives you clearance to proceed on the basis that marriages should not be allowed to continue following recognition of one of the partners in a new gender.

Ten responses were received to your letter: from Peter Goldsmith, Ruth Kelly, Hazel Blears, Charles Clarke, Patricia Hewitt, Helen Liddell, Beverly Hughes, Nick Raynsford, Andrew Smith and David Blunkett.

Peter said that he had considered the analysis of the legal issues prepared by departmental lawyers and circulated with your letter and said that he was in broad agreement with the conclusions reached. Peter said that the legislature is afforded a wide margin of discretion by the ECHR in matters of social policy such as arise in the case of existing marriages and that therefore if Parliament decided to pursue any particular course as a matter of policy, the risks of successful legal challenge to that



policy are for the most part low. Other than sharing departmental lawyers' misgivings about the possibility of treating people in existing marriages as though they belonged to their original gender for the purposes of all benefits, Peter did not think that the legal risks were sufficiently serious to influence the policy decision in any particular direction.

Ruth welcomed the proposal to set up an authorising body known as the Gender Registration Authority but expressed the reservation that the proposed name of the Authority and of the certificate they will issue may cause some confusion with the role of the Registrar General, who will register the gender and issue new birth certificates. Ruth was also content with provisions for protection against disclosure for transsexual people.

Hazel confirmed that she was content to proceed along the lines that you have proposed. However, Hazel said that the Human Fertilisation and Embryology Authority was concerned about the proposal to allow existing marriages to continue. Should a married couple present themselves for fertility treatment following the husband's change of gender from a man to a woman, the transsexual woman would automatically be recognised as the legal father of the child.

Charles said that the proposals for dealing with existing marriages had implications for his department in respect of the Teachers Pension Scheme, but that he had no strong view on this issue and was happy to abide by the decision of other colleagues in this particular case. Charles welcomed the assurance that LCD officials will continue to work closely with officials from DfES and other departments on the exemptions to the non-disclosure power. On your proposed further submission to colleagues on the handling of the Sex Discrimination Act, Charles said that he would appreciate early notice if changes to Part III of the Act were in prospect.

Patricia noted that Barbara Roche would soon be writing to colleagues to seek policy clearance for the proposed changes to the Sexual Discrimination Act as a result of the ECHR decisions in *Goodwin v UK* and *"I" v UK*. Patricia was content for policy clearance to be given for the detailed matters set out in your letter and indicated support for your proposal that existing marriages should be allowed to continue, subject to an appropriate benefit regime as identified by Andrew Smith.

Helen confirmed that the Scottish Executive had not yet decided whether they wanted the proposed Bill to extend to Scotland so far as devolved matters were concerned. Helen said that although the preliminary position of the Executive was that it would be preferable for the UK Bill to cover devolved matters, there could be no guarantee that the required Sewel motion would be passed by the Scottish Parliament. Helen said that the Scottish Executive had concerns about allowing existing marriages to continue. However, whilst respecting these concerns, Helen said that she agreed with you that such marriages should be allowed to continue. Helen also expressed concern about the visibility of UK departments and the strong opposition expressed by some



pressure groups in Scotland to the legislation being taken in the UK Parliament. In order to help persuade these groups of the UK Government's commitment to legislate in these areas, Helen asked that your officials participate in future meetings with them. Finally, Helen said that we would need to ensure that the Bill reflects the concerns about insurance expressed by transsexual people and by the insurance industry.

Beverly said that she agreed with the detailed proposals outlined in your letter on which clearance had been sought. However, Beverly recorded David Blunkett's view that existing marriages should be allowed to continue, under whichever benefit regime Andrew Smith considered to be best.

Nick wrote to say that he was happy to support your proposals on the policy details. On the issue of existing marriages, Nick said that he supported your view that such marriages be allowed to continue, subject to the views of others, principally Andrew Smith.

Andrew said that he supported the majority of proposals set out in your letter, with the exception of the proposal on existing marriages. However, Andrew maintained the view that the distinction in law between marriage as an event and marriage as a continuing state was not sustainable for the practical purposes of giving operational definition to rights and responsibilities and was concerned about the logical inconsistencies created by maintaining that two people of the same sex could be married. Andrew was also concerned about the potential costs associated with losing a legal challenge brought on the grounds of inconsistencies of treatment by comparison with other married people, with other same-sex couples or with both. Andrew commented that gender reassignment was a voluntary process and as such it was not unreasonable or inconsistent with a desire to treat people humanely in these circumstances to expect those individuals who undergo gender reassignment to accept the consequences of this decision - including not being able to be married to a person of the same sex. Finally, on a separate issue, Andrew did not agree with your proposal of an exception to the general position on inheritance in the case of hereditary titles.

I understand that, in the light of Andrew's continuing concerns about proposals on marriage as expressed both in his recent letter, in past DA correspondence and at our DA meeting in February, you have decided to revise your original proposal. You now wish to proceed on the basis that such marriages should not be allowed to continue past the point of gender reassignment of one of the parties. Instead, the State will need to provide a mechanism of annulment for the marriage of such couples. I also understand that, with the exception of David, those DA colleagues who have expressed a view on the issue have indicated that they are content with your revised approach. David has since written to express his view that marriages should be allowed to continue following gender reassignment.

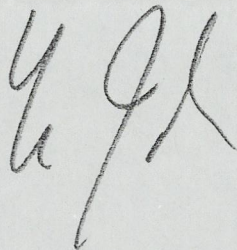
The Government is required to come to a decision on this issue soon to enable work to be taken forward on legislation to implement court judgements on rights for



transsexual people. I am conscious that this particular issue has been under discussion between DA colleagues for some months now and we have not yet been able to find a position on which everyone agrees. I am pleased that you and Andrew, as the two Ministers with the strongest interest in the proposals, have now been able to reach a common position. I am also satisfied that DA Committee members, with the exception of David, have now reached a consensus position in support of your revised proposals. On this basis, I am willing to give you DA clearance to proceed on the basis of your proposal that such marriages should not be allowed to continue. However, given your initial views on the matter and David's continuing concerns, you will of course wish to ensure that your proposals are presented with all necessary sensitivity when draft legislation is published. I note that, in due course, proposals for a same sex civil registration scheme may provide a means of addressing some of these concerns.

Finally, I understand that Andrew is now content to proceed in respect of hereditary titles as outlined in your original letter. You can take it that you have DA approval to this and other detailed policy matters raised in your letter of 26 March.

I am copying this letter to the Prime Minister, members of DA and LP Committees, Sir Andrew Turnbull and First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to be 'JP' or 'John Prescott', written in a cursive style.

JOHN PRESCOTT





# Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

File

Tp: PD (CO)

PD (SH)

PD (WP)

PD (NA)

PD (JR)

PD (EM)

The Rt Hon John Prescott MP  
Deputy Prime Minister and First  
Secretary of State  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
London  
SW1A 2AU

23 APR 2003

Dear John

## EC ARTICLE 13 RACE DIRECTIVE: CHARITIES ISSUE

I wrote to you on 28 February with proposals for implementing the EC Article 13 Race Directive. In that letter I referred to the strong concerns that had been raised about the Government's proposal in respect of charities as providers of goods and services. I am writing now to indicate how I propose to take this issue forward.

The Government originally proposed that the exception from the provisions of the Race Relations Act 1976 (RRA) that allows charities to target their services to people of a particular racial or ethnic group should be repealed, but that charities should continue to be able to rely on the Act's special needs exception where appropriate.

It has become increasingly apparent that this policy would be likely to have an adverse effect on a large number of Jewish and Sikh charities because of the unique position of Jews and Sikhs under the RRA compared with the rest of the EU – under the RRA they are regarded as racial as well as religious groups whereas in Europe they are religious groups only. There would be a real risk of undermining or even curtailing a large number of charitable activities. It has already been made plain to me by Jewish and Sikh representative groups that we would meet fierce opposition if we were to pursue this policy. Other organisations, such as the Church of England, Liberty, Age Concern, the Law



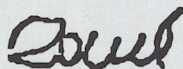
Society, the TGWU and the GLA, have also signalled their opposition to our proposals. There is also a risk that we would be seen as gold-plating the implementation of the Directive. In the light of this I have reached the view that the common sense approach would be not to make the amendments we had previously envisaged.

This approach might carry some risk of being questioned by the EC if it were to consider that there was a possibility of our under-implementing the Directive, and the Law Officers have advised that there may be such a possibility. However, if it were to happen, we would seek to persuade the EC of the merit of our position.

Following discussions with the Attorney General and the Advocate General for Scotland we are seeking the assistance of Counsel in developing our legal case in support of this policy. Because we shall not have Counsel's opinion until the end of the month I may need to write to Committee members again for a quick view on this issue. In the meantime, however, it would be helpful to know whether colleagues have any concerns about my proposal to leave the relevant provisions of the RRA untouched.

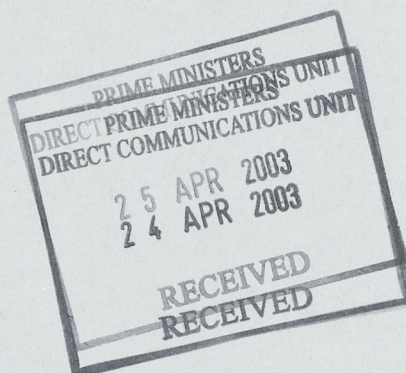
I am copying this letter to the Prime Minister, members of DA Committee, the Attorney General, the Advocate General for Scotland and Sir Andrew Turnbull.

Best wishes,



DAVID BLUNKETT





DCO?  
SCOTLAND OFFICE  
DOVER HOUSE  
WHITEHALL  
LONDON SW1A 2AU

Rt. Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
LONDON  
SW1A 2WH

~~CO  
WCS  
Pnt.~~

22 April 2003

**REVIEW OF THE SEX DISCRIMINATION ACT (AS AMENDED BY THE GENDER REASSIGNMENT REGULATIONS 1999): GENUINE OCCUPATIONAL QUALIFICATIONS**

I am responding to Barbara's letter of 31 March.

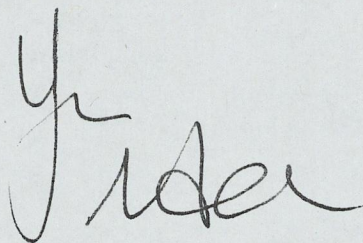
The Sex Discrimination Act is a reserved matter and extends to Scotland. However, it is still not clear how far the Gender Registration Bill will extend to Scotland. Procedures to legally recognise people in a new gender are a devolved matter in Scotland. The Scottish Executive will not reach a view until after the Scottish elections on whether to table a Sewel motion in the Scottish Parliament to allow the UK Parliament to legislate for Scotland in relation to devolved matters and transsexual people.

If the Executive decide not to table a Sewel motion, it would be difficult to amend the Sex Discrimination Act as Barbara proposes, so far as Scotland is concerned, because there will be no legal procedures in place to recognise people in a new gender. However, given that the UK as a whole is currently in breach of the ECHR, action will have to be taken in Scotland. If the Scottish Executive should decide to promote a Bill in the Scottish Parliament, it would be possible for this to cover "incidental or consequential" reserved matters. In addition, section 104 of the Scotland Act allows UK Ministers to make secondary legislation which is "necessary or expedient" after the passage of an Act of the Scottish Parliament.

We will not be able to reach a final view on the best way forward until we know how the Executive intend to proceed. We are staying close to the Executive on this issue and I will keep colleagues informed of developments.



I am copying this letter to the Prime Minister, Barbara Roche, Rosie Winterton, other members of DA Committee, Sir Andrew Turnbull and First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to read 'Helen Liddell', written in a cursive style.

**HELEN LIDDELL**





DEPUTY PRIME MINISTER

R 23/14

OFFICE OF THE  
DEPUTY PRIME MINISTER  
26 Whitehall  
London  
SW1A 2WH

Tel: 020 7944 8623

Fax: 020 7944 8621

The Rt Hon Andrew Smith MP  
Secretary of State for Work and Pensions  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

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SV

22 April 2003

**REGULATIONS TO IMPLEMENT THE DISABILITY PROVISIONS OF THE  
ARTICLE 13 EMPLOYMENT DIRECTIVE**

You sought policy agreement in your letter to me of 26 March to a number of policy proposals in relation to the implementation of the disability aspects of the Article 13 Employment Directive. These were in respect of: Occupational Pension Schemes Group Insurance Schemes; Discriminatory Advertisements; and, Office Holders. This letter gives you DA clearance to proceed.

Replies were received from Helen Liddell, Margaret Beckett and Charles Clarke.

They each confirmed that they were content with the proposals, you may therefore take it that you have DA agreement to proceed.

I am copying this letter to the Prime Minister, members of DA and LP Committees and Sir Andrew Turnbull.

JOHN PRESCOTT





DEPUTY PRIME MINISTER

R 23/4

OFFICE OF THE  
DEPUTY PRIME MINISTER  
26 Whitehall  
London  
SW1A 2WH

Tel: 020 7944 8623  
Fax: 020 7944 8621

The Rt Hon Andrew Smith MP  
Secretary of State for Work and Pensions  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

CS  
CO  
SV

22 April 2003

#### AMENDING THE DISABILITY DISCRIMINATION ACT (DDA)

You sought policy agreement in your letter to me of 10 March to include a number of new measures in a draft Bill to amend the Disability Discrimination Act (DDA). These were to extend the definition of disability to more people with HIV, MS and cancer; and, the introduction of a questionnaire process in county court cases about goods facilities and services. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

Replies were received from Patricia Hewitt, Margaret Beckett, Charles Clarke, Jacqui Smith, Lewis Moonie.

Lewis said he welcomed the general principle of the proposals, however, he said that the provisions and the duties they impose would have to be subject to the usual qualifications in respect of recruitment and employment activities in the armed forces. In terms of the proposal to broaden Part 3 of the DDA, he said that when providing transport services for other Government Departments it was not practical to expect the Armed Forces to be governed by the same statutory duties as regular transport providers. He said it was for Defence Ministers to decide what was 'reasonable' in matters affecting operational effectiveness and not the courts.

Patricia said she was content with the proposals. She asked you to ensure that references to the Employment Tribunals Service were correct before publication.

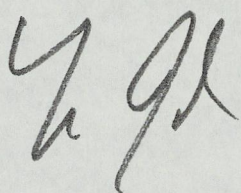
Jacqui said she looked forward to playing a part in the cross-Whitehall consultation on taking this work forward.



Charles said he fully supported the proposals. He said that whilst HIV and cancer were named in the first measure concerning the extension of the definition disability to more people, the remainder of the document referred only to MS. He asked you to confirm that the same principles would apply HIV and cancer as to MS.

Margaret said she welcomed you proposals.

I am copying this letter to the Prime Minister, members of DA and LP Committees and Sir Andrew Turnbull.

A handwritten signature in dark ink, appearing to read 'JP' or 'John Prescott', written in a cursive style.

**JOHN PRESCOTT**



02072733965



# Home Office

Lord Filkin

PARLIAMENTARY UNDER SECRETARY OF STATE

50 Queen Anne's Gate, London SW1H 9AT

Office number: 020 7273 3495 Fax: 020 7273 2565

www.homeoffice.gov.uk

→ NA  
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The Rt Hon John Prescott MP  
Deputy Prime Minister  
Cabinet Office  
70 Whitehall  
LONDON  
SW1A 2AS

Dear John

17 APR 2003

## RACE RELATIONS (AMENDMENT) ACT 2000 - DUTY TO PROMOTE RACE EQUALITY

This letter makes proposals in respect of the laying of an Order under Section 71 of the Race Relations Act 1976 (RRA), as amended by the Race Relations (Amendment) Act 2000. I should be grateful for the views of DA Committee by 14<sup>th</sup> May 2003.

The Race Relations Act 1976 was strengthened by the Race Relations (Amendment) Act 2000. The 2000 Act placed a general duty on specified public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups in carrying out their functions. The public authorities subject to the general and specific duties of the Act were set out in a Schedule to the Act.

The duty to promote race equality is a long-term initiative and it was foreseen that there would need to be opportunities to bring additional bodies within the scope of the Race Relations Act, remove bodies from the list of those subject to the duty and amend references to those subject to the duty where appropriate.

I would now like to take steps to amend schedule 1A to the RRA accordingly. I attach three lists - a) bodies to be added to the Schedule of those subject to the Act; b) bodies to be removed from the Schedule to the Act; and c) bodies to whom references need to be amended. I should be grateful for comments on these lists. If DA is content with these lists, my department will write to the bodies proposed for inclusion to seek their views.



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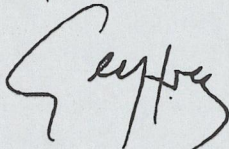
Once we have consulted with the bodies proposed for inclusion we will prepare regulations. I would then write again to DA members to seek agreement to the regulations. I would envisage laying the regulations before Parliament in the Autumn with them coming into force by the end of the year. We would then expect the bodies newly subject to the duty to publish their race equality schemes in May 2004, in line with the requirements on the bodies already subject to the duty.

It would be particularly helpful to have colleagues' views on the proposed inclusion of the bodies highlighted in list a). These bodies have been included since the official-level trawl took place.

I would like to put in place arrangements for amending the list of bodies subject to the duty on an annual basis. I am currently developing proposals on this and will write again to DA committee in due course.

I am writing separately to the devolved administrations.

I am copying this letter to the Prime Minister, members of DA Committee and Sir Andrew Turnbull.

*Yours ever,*  


GEOFFREY FILKIN



a) - Suggestions for Inclusion in the Second Order  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Advisory Committee on Business and the Environment (ACBE)	DEFRA	General.
Advisory Committee on Hazardous Substances (ACHS)	DEFRA	General.
Arts Council	CRE	General.
The Assets Recovery Agency	HM Treasury	General.
Association of International Accountants	DTI	General.
British Computer Society	DTI	General. In respect of its public functions.
British Institute of Non-Destructive Testing	DTI	General. In respect of its public functions.
CENTREX (Central Police Training and Development Authority)	Home Office/NPT	General and Specific duties.
Chartered Institute of Building Services Engineers	DTI	General. In respect of its public functions.
Chartered Institution of Water and Environmental Management	DTI	General. In respect of its public functions.
The Chartered Society of Physiotherapy	CRE	General.
Commission for Patient and Public Involvement in Health	DoH	General and Specific duties.
Comptroller and Auditor General	National Assembly for Wales	General.
The Connexions Service	CRE	General and Specific duties.



a) - Suggestions for Inclusion in the Second Order  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Coroners	CRE	General
Council for the Regulation of Health Care Professionals	DoH	General and Specific duties.
Countryside Agency	DEFRA/CRE	General and Specific duties.
Criminal Cases Review Commission	CRE	Public funded body carrying out public functions. Also has Home Office appointed Commissioners /Members. Quasi judicial?
The Criminal Records Bureau	HM Treasury	General.
Financial Reporting Review Panel	DTI	General. Exempt from employment duty.
The General Teaching Council for England	DfES	Specific duty. (Already subject to General duty.)
The Historic Environment Advisory Council for Scotland	Scottish Executive	General. Exempt from employment duties.
Immigration Detention/Reception Centre	Home Office	General. Exempt from employment duty.
Independent Living Fund	CRE	General.
Independent Monitoring Boards Secretariat	Home Office	General.
Independent Police Complaints Commission	Home Office/CRE	General and Specific duties.
Independent Review Service	CRE/DWP	General and Specific duties.



**a) - Suggestions for Inclusion in the Second Order**  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Institute of Acoustics	DTI	General. In respect of its public functions.
Institution of Agricultural Engineers	DTI	General. In respect of its public functions.
Institute of Cast Metal Engineers	DTI	General. In respect of its public functions.
Institution of Chemical Engineers	DTI	General. In respect of its public functions.
Institution of Civil Engineers	DTI	General. In respect of its public functions.
Institution of Electrical Engineers	DTI	General. In respect of its public functions.
Institute of Energy	DTI	General. In respect of its public functions.
Institution of Engineering Designers	DTI	General. In respect of its public functions.
Institution of Fire Engineers	DTI	General. In respect of its public functions.
Institution of Gas Engineers and Managers	DTI	General. In respect of its public functions.
Institute of Healthcare Engineering and Estate Management	DTI	General. In respect of its public functions.
Institute of Highway Incorporated Engineers	DTI	General. In respect of its public functions.
Institution of Highways and Transportation	DTI	General. In respect of its public functions.
Institution of Incorporated Engineers	DTI	General. In respect of its public functions.



a) - Suggestions for Inclusion in the Second Order  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Institution of Lighting Engineers	DTI	General. In respect of its public functions.
Institute of Marine Engineering Science and Technology	DTI	General. In respect of its public functions.
Institute of Materials, Minerals and Mining	DTI	General. In respect of its public functions.
Institute of Measurement and Control	DTI	General. In respect of its public functions.
Institution of Mechanical Engineers	DTI	General. In respect of its public functions.
Institution of Nuclear Engineers	DTI	General. In respect of its public functions.
Institute of Physics	DTI	General. In respect of its public functions.
Institute of Physics and Engineering in Medicine	DTI	General. In respect of its public functions.
Institute of Plumbing	DTI	General. In respect of its public functions.
The Institution of Railway Signal Engineers	DTI	General. In respect of its public functions.
Institution of Structural Engineers	DTI	General. In respect of its public functions.
Institution of Water Officers	DTI	General. In respect of its public functions.
The League for the Exchange of Commonwealth Teachers	Scottish Executive	General.
National College of School Leadership	DfES	General.



a) - Suggestions for Inclusion in the Second Order  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Director General of National Crime Squad	CRE	General and Specific duties.
Director General of National Criminal Intelligence Services	CRE	General and Specific duties.
National Parks in Scotland	Scottish Executive	General.
Occupational Pensions Regulatory Authority	CRE/DWP	Specific duty. (Already subject to General duty.)
Office of the Immigration Services Commissioner (OISC)	OISC	May be performing some quasi-judicial functions. How should it therefore be listed?
Office of the Surveillance Commissioner	Home Office	General and Specific duties.
OFTEL	HM Treasury	General and Specific duties.
Parole Board	Home Office	General and Specific duties.
Parole Board in Scotland	Scottish Executive	Scottish Exec have concerns re. Judicial nature of body but Parole Board in England is being added.
Pensions Compensation Board	CRE	General.
Pensions Ombudsman	CRE	General.
The Press Complaints Commission	CRE	General.
Radio-communications Agency	HM Treasury	General.



a) - Suggestions for Inclusion in the Second Order  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Registrars of Births, Marriages and Deaths	CRE	General and Specific duties.
REMPLOY	DWP	General
Royal Aeronautical Society	DTI	General. In respect of its public functions.
Royal College of Physicians	Scottish Executive	General. In respect of its public functions.
Royal College of Physicians and Surgeons of Glasgow	Scottish Executive	General. In respect of its public functions.
Royal College of Surgeons of Edinburgh	Scottish Executive	General. In respect of its public functions.
Royal College of Veterinary Surgeons	-	General and specific duties.
Royal Commission on Environmental Pollution	DEFRA	General.
Royal Institution of Naval Architects	DTI	General. In respect of its public functions.
Scottish Children's Reporters Administration	Scottish Executive	Include in respect of its non-judicial/quasi-judicial functions.
Scottish Commission for the Regulation of Care	Scottish Executive	General. In respect of its public functions.
Scottish Criminal Cases Review Commission	Scottish Executive	In respect of its non-judicial/quasi-judicial functions?
Scottish Information Commissioner	Scottish Executive	General.
Scottish Legal Services Ombudsman	Scottish Executive	What is position in England and Wales? If included, exempt from employment duties.



**a) - Suggestions for Inclusion in the Second Order**  
(In alphabetical order)

BODY	SUGGESTED BY	SUBJECT TO GENERAL/SPECIFIC DUTIES/REMARKS
Scottish Public Services Ombudsman	Scottish Executive	In respect of its non-judicial/quasi-judicial functions?
Scottish Social Services Council	Scottish Executive	General. In respect of its public functions.
Scottish Water	Scottish Executive	General and Specific duties.
Sector Skills Development Agency	DiES	General.
The Security Industry Authority	Home Office	General
Simpler Trades Procedures Board Ltd	DTI	General.
The Society of Environmental Engineers	DTI	General. In respect of its public functions.
The Society of Operations Engineers	DTI	General. In respect of its public functions.
Strategic Health Authorities	DoH/CRE	General and Specific duties.
Water Customer Consultation Panels	Scottish Executive	General.
The Welding Institute	DTI	General. In respect of its public functions.
Womens National Commission	DTI	General. Exempt from employment duty.



b) - Bodies to be deleted from the Schedule to the Race Relations (Amendment) Act 2000

BODY	SUGGESTED BY	REMARKS
A water or sewerage authority constituted under section 62 of the Local Government etc. (Scotland) Act 1994	Scottish Executive	Delete from schedule - replaced by Scottish Water.
The Ancient Monuments Board for Scotland	Scottish Executive	Delete from schedule - being abolished on 31 <sup>st</sup> May 2003.
Apple and Pear Research Council	DEFRA	Delete from schedule - dissolved 31 <sup>st</sup> March 2003.
The Broadcasting Standards Commission	DTI	Delete from schedule - cease to exist later in 2003.
The Commissioner for Local Administration in Scotland	Scottish Executive	Delete from schedule - no longer exists. Functions transferred to SPSO.
Community Learning Scotland	Community Learning Scotland	Delete from schedule - no longer functioning as a NDPB as of April 2002.
Council for Professions Supplementary to Medicine	DoH	Delete from schedule - disbanded when Health Professions Council formed.
The Historic Buildings Council for Scotland	Scottish Executive	Delete from schedule - being abolished on 31 <sup>st</sup> May 2003.
Independent Television Commission	DTI	Delete from schedule - cease to exist later in 2003.
The Radio Authority	DTI	Delete from schedule - cease to exist later in 2003.



c) - Amendments to the Schedule to the Race Relations (Amendment) Act 2000

BODY	SUGGESTED BY	REMARKS
British Educational Communications and Technology (BECTA)	DfES	Incorrectly spelt in 1 <sup>st</sup> Order.
London Underground Ltd	CRE	LUL transferring to TfL during 2004 - add on interim basis.
Quality Assurance Agency for Higher Education	CRE	Remove from employment duties.

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HOME SECRETARY'S OFFICE → PRIME MINISTER  
02072733965  
2011/011



02072733965



## Home Office

Lord Filkin

PARLIAMENTARY UNDER SECRETARY OF STATE

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The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Office of the Deputy Prime Minister  
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SW1A 2AU

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16 APR 2003

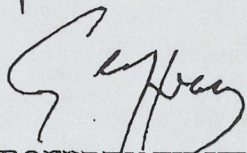
Dear John,

### ARTICLE 13 RACE DIRECTIVE: IMPLEMENTATION

I have seen Alistair Darling's letter of 10 April. I am responding on behalf of the Home Secretary.

I am content to agree to Alistair's proposal in respect of Section 9 of the Race Relations Act. I have noted that Alistair has agreed that his Department will handle the legislative and presentational aspects of this work. As Alistair is aware, the legislation needs to be in place by 19 July in order that we can meet our obligation to implement the Race Directive.

I am copying this to the Prime Minister, Members of DA Committee and Sir Andrew Turnbull.

Yours ever,  
  
GEOFFREY FILKIN





The Rt Hon Nick Raynsford MP  
Minister of State for Local  
Government and the Regions

cc: ~~the~~  
cs

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
LONDON  
SW1A 2WH

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Our Ref: P/R/006539/03

15 APR 2003

**REGULATIONS TO IMPLEMENT THE DISABILITY PROVISIONS OF THE ARTICLE 13  
EMPLOYMENT DIRECTIVE**

I have seen Andrew Smith's letter to you of 26 March seeking clearance on matters that have arisen during further development of draft disability regulations and following consultation.

I am content that the amended proposals meet the concerns raised during consultation and that our overarching aims of enhancing the rights of people with disabilities, and making our society more inclusive will be met, whether through these regulations or through the forthcoming Disability Bill.

I am copying this letter to the Prime Minister, Andrew Smith, members of DA committee, and Sir Andrew Turnbull.

*Yours Sincerely*

NICK RAYNSFORD





HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

RESTRICTED - POLICY

Rt. Hon. John Prescott MP,  
Deputy Prime Minister and First Secretary of State,  
Office of the Deputy Prime Minister,  
26 Whitehall,  
London SW1A 2WH

15 April 2003

**CIVIL PARTNERSHIP – OPPOSITE SEX COHABITANTS**

I note Derry Irvine's proposal in his letter of 31 March that his department will convene a working group to look at the position of unmarried cohabitants, which should on equality grounds also include same sex cohabiting partners who choose not to register under the proposed civil partnership scheme.

2. I am sure that Derry will be reassured that the Law Officers have confirmed in their advice of 4 April, that the civil partnership scheme should be safe from challenge on ECHR and equal treatment grounds.

3. However, if other colleagues see value in looking at cohabitants' rights as a separate stream of work to the Civil Partnership registration scheme, then I would be content for Treasury and IR officials to participate in the working group. Colleagues should note that any work on this issue should be carried out within current spending plans and not disrupt the priorities that have been agreed with the Treasury.





## RESTRICTED - POLICY

4. I am copying this letter to the Prime Minister, to members of DA and LP Committees, to Barbara Roche; and to Sir Andrew Turnbull.

A handwritten signature in black ink, appearing to read 'Paul Boateng', written in a cursive style.

PAUL BOATENG





10 DOWNING STREET  
LONDON SW1A 2AA

CS  
F

From the Senior Policy Adviser

14 April 2003

Dear Doreen ,

I enclose a message of support from the Prime Minister for the 10<sup>th</sup> Anniversary Memorial Service to mark the death of Stephen, and the work of the Charitable Trust.

The Prime Minister has asked me to pass on his best wishes for the event. I understand that the Government will be well represented and I look forward to attending.

Please let me know if I can be of further assistance.

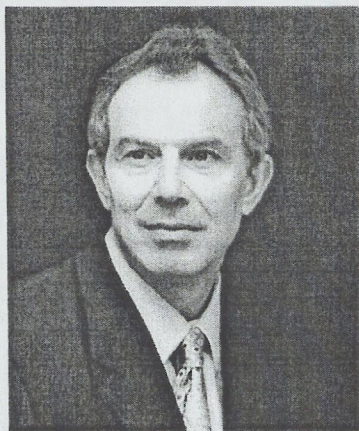
Kind regards,

Clare

CLARE SUMNER

Doreen Lawrence, Director  
The Stephen Lawrence Charitable Trust





THE PRIME MINISTER



10 DOWNING STREET  
LONDON SW1A 2AA

One of Britain's greatest strengths is that it is a country of many races, many cultures and many faiths. The diversity of our society is respected and celebrated. Fairness, tolerance and justice are values that the overwhelming majority of decent citizens share.

But there can be no room for complacency. There is a great deal more to do if we are to build a genuinely fair and inclusive society.

No one has worked harder towards this goal than Doreen and Neville Lawrence. Their courage and dignity at a time of enormous personal tragedy have impressed us all. They have worked tirelessly to improve race relations in this country and to ensure our society learns the lessons from the senseless murder of their talented son, Stephen.

Government has played its part by setting up the Inquiry into Stephen's death and implementing the majority of its recommendations. Race Relations legislation has been strengthened.



There are now, for example, more minority ethnic police officers and staff together with a genuine commitment, shared by all our public institutions, to ensure they are more representative and responsive to all the people and communities they serve.

The work of the Stephen Lawrence Charitable Trust has also been important. It provides hope for youngsters who share the same vision as Stephen himself – a future where there are no racial divisions and everyone has the opportunity to fulfil their potential.

This is a vision I share and, as Prime Minister, am absolutely committed to help achieve. On this 10<sup>th</sup> anniversary of Stephen's tragic death, I applaud the work of Doreen and Neville Lawrence and of the Stephen Lawrence Charitable Trust in helping bring this goal nearer.

Tony Blair

April 2003





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**ROSIE WINTERTON MP**  
Parliamentary Secretary

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Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH

14<sup>th</sup> April 2003

CO ~~CB~~  
✓ E: JR  
NA  
EM

*John*

**REVIEW OF THE SEX DISCRIMINATION ACT (AS AMENDED BY THE GENDER REASSIGNMENT REGULATIONS 1999): GENUINE OCCUPATIONAL QUALIFICATIONS**

I have seen a copy of Barbara Roche's letter of 31 March to you, seeking Cabinet approval for the proposed changes to the Sex Discrimination Act as amended by the Gender Reassignment Regulations 1999, to be contained within the Gender Registration Bill (current working title).

I agree with the proposals outlined in the letter, in particular that provisions should be included in the Bill which ensure that those GOQs which currently permit less favourable treatment of transsexual people who have completed gender reassignment be amended to ensure that sections 7A and 7B(2)(a) and (b) will no longer apply to persons who have undergone gender reassignment. I also agree that the recognised "end" point for gender reassignment for these regulations should be registration in the acquired gender, as prescribed by the Bill. I am grateful for the close involvement which Barbara's officials have had with LCD officials and ask that LCD officials are kept informed of future policy development.

I am copying this letter to the Prime Minister, members of DA Committee, Sir Andrew Turnbull and First Parliamentary Counsel.

*Best wishes,*

*Rosie*

ROSIE WINTERTON





**BARBARA ROCHE MP**  
**MINISTER OF STATE**

**MINISTER FOR SOCIAL  
EXCLUSION & EQUALITY**

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
ODPM  
26 Whitehall  
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**OFFICE OF THE  
DEPUTY PRIME MINISTER**  
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SW1A 2AS

*Tel:* 020 7276 0509  
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// April 2003

*Dear John*

**CIVIL PARTNERSHIP REGISTRATION FOR SAME-SEX COUPLES – RISK  
MANAGEMENT ON EC EMPLOYMENT AND RACE DIRECTIVES**

I welcome colleagues' support for the proposals on completing implementation of the EC Employment and Race Directives, set out in my letter of 20<sup>th</sup> March. I am pleased to inform colleagues that we have now received advice from the Law Officers that confirms it would be compatible with the ECHR and the Employment Directive both for legislation to provide that benefits for married partners should also be provided to registered civil partners, and for employers to give benefits to married and civil partners but not to partners who have no such formal relationship. I also feel that I should address a point raised in David's comments on the specific issue of eligibility for civil partnership registration.

As colleagues will recall, in January the Law Officers advised that it was probably incompatible with the Employment Directive for employers to provide benefits only to married partners of their employees. They were then asked for advice on four issues relating to the introduction of a civil partnership registration scheme for same-sex couples, with broadly equivalent benefits to marriage, to establish whether this might provide an effective solution to the problem of incompatibility. Their advice is that it would not amount to discrimination on grounds of sexual orientation under the ECHR or the Employment Directive:

- (a) for legislation to provide that where benefits are made available to married partners they should also be made available to registered civil partners, and
- (b) for individual employers to provide benefits only to married and registered civil partners.



They also advised that, even though a civil partnership registration scheme is bound to take effect after December 2003, when the regulations implementing the sexual orientation provisions of the Directive come into force, it would not be unlawful for an employer to extend married persons' benefits to registered partners once the scheme took effect but not to unmarried couples.

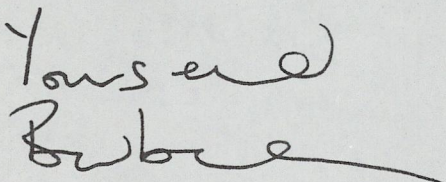
Finally, the Law Officers advised that if civil partners were given pension benefits for their partners based on their entire length of service, even if unmarried couples were to succeed with a claim to equivalent benefits (which they advised was unlikely), the claimants would not be entitled to benefits in respect of periods of service before 2<sup>nd</sup> December 2003.

When I wrote to you on 13<sup>th</sup> November 2002, asking for DA agreement to consult on civil partnership registration, I mentioned that Treasury Counsel's advice was that same-sex partners would be likely to be able to bring a challenge where there is a difference in treatment between them and opposite-sex partners who can marry. In such a case, the Government would need to demonstrate that each difference between marriage and registered partnership, in terms of rights or eligibility, was a result of pursuing a legitimate and identified policy objective and a proportionate means of achieving that objective.

In respect of proportionality, I would like to address David's point about eligibility. He suggests that a qualifying period should be a criterion for eligibility. I understand the objective, but believe we can achieve the important goal of encouraging long-term, committed, stable relationships through the formality of the registration and dissolution procedures. In addition, the Law Officers noted that they "see no particular reason why people of one sexual orientation should be less likely to enter into a binding partnership than those of another orientation." I am concerned that the introduction of eligibility requirements for civil partnership registration going beyond those for marriage could create such a reason, with the consequent risk that restricting benefits to married and registered partners would still be unlawful under the Employment Directive. Separately from these concerns, there would of course be significant practical difficulties in establishing when a relationship had commenced.

I will be writing to DA with a full set of proposals and a draft consultation document in the next month. In the meantime, my officials will discuss this issue further with Home Office officials.

I am copying this letter to the Prime Minister, members of DA Committee and Sir Andrew Turnbull, First Parliamentary Counsel and members of LP Committee for information.

A handwritten signature in dark ink, appearing to read 'Barbara Roche', with a long horizontal flourish extending to the right.

BARBARA ROCHE



The Rt Hon Patricia Hewitt MP  
Secretary of State for Trade and Industry



The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Office of the Deputy Prime Minister  
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11 April 2003

URL <http://www.dti.gov.uk>  
e-mail [mpst.hewitt@dti.gsi.gov.uk](mailto:mpst.hewitt@dti.gsi.gov.uk)

Dear John,

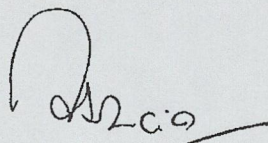
**DISABILITY DISCRIMINATION ACT (DDA) - LIFTING THE TRANSPORT  
EXEMPTION**

I have seen David Jamieson's letter to you of 27 March seeking clearance to include in the draft Disability Bill proposals for removing the exemption for transport vehicles from Part 3 of the DDA. I am content with this proposal.

I was interested to see the outcome of the recent consultation. I welcome your plans to consult on implementation dates as there are concerns about the costs to SMEs. I also welcome your proposal for a narrow exception so that historic vehicles in tourist attractions may remain exempt.

I am copying this letter to the Prime Minister, members of DA Committee and to Sir Andrew Turnbull.

Best wishes,



PATRICIA HEWITT



02072733965

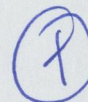


# Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

11 April 2003

The Rt Hon Andrew Smith MP  
Department for Work and Pensions  
Richmond House  
79 Whitehall  
London SW1A 2NS



Dear Andrew,

## TRANSSEXUAL PEOPLE

I have seen the latest correspondence of the issue of pre-existing marriages involving those who have undergone gender re-assignment.

I appreciate the difficulties in this area but such cases will be few and may, of course, involve children. I cannot believe that it is right to insist that these marriages be dissolved. I see the potential anomalies here but I think that we have to work around this in these very exceptional circumstances.

I am copying this letter to the Prime Minister, members of DA Committee, Sir Andrew Turnbull and First Parliamentary Counsel.

Best wishes.

DAVID BLUNKETT



The Rt Hon Patricia Hewitt MP  
Secretary of State for Trade and Industry



The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
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10 April 2003

① PR  
② f.

Dear Deputy Prime Minister,

Co.  
C: OT  
Pm

### GENDER EQUALITY ACTION PLAN: CLEARANCE FOR PUBLICATION

This letter seeks agreement to the publication of the Gender Equality Action Plan (GEAP). I would be grateful for responses from colleagues by 25 April 2003.

For the first time the DTI PSA has a gender equality objective, which reads as follows:

By 2006, working with all departments, bring about measurable improvements in gender equality across a range of indicators, as part of the Government's objectives on equality and social inclusion.

This PSA objective is cross-cutting in nature, and points across a wide spectrum of government activity for which DA ministers are responsible.

It was agreed earlier in the Spending Review process that progress on this objective would be measured by the development of a Gender Equality Action Plan (GEAP). The GEAP outlines the gender related programmes and specific gender targets in key areas of government policy. It also includes other measures being developed, or indeed already underway, across government and within departments which address gender equality.

The development of the GEAP has been overseen by DA(EQ) and has been prepared in conjunction with a cross government officials steering group. As such the document will lead with a 'Message' highlighting the cross-government commitment to gender equality and the GEAP.

The GEAP is structured under eight chapters as follows:

- Foreword
- Message from Ministers
- Introduction
- Gender Equality Priorities





- Economic Participation and Advancement
- Social and Civic Inclusion
- Public Service Delivery
- Public Sector Employment
- Mainstreaming Gender Equality
- Devolved and Regional Administrations

Within each key policy area the nature of the gender issues is presented (with background facts), and gender equality aims, priorities and targets are then articulated. These include areas such as childcare, flexible working, domestic violence, women's representation in public and judicial appointments and the senior civil service.

I particularly draw your attention to the 'Message from Ministers' (after the foreword) which I hope will be signed by ministers who are responsible for the activities set out in the GAEP.

In addition, I ask you to note that the set of priority targets go wider than core DTI policy areas, including key gender equality commitments for other government departments, reflecting the cross-government nature of this PSA commitment.

It is my intention to publish the GEAP in early May immediately after election purdah ends. Therefore, I seek your agreement to publishing the GEAP, which I am enclosing with this letter. If you have any points of detail perhaps your officials could raise these with mine.

I am copying this letter to Ministers on DA and DA(EQ) Committees, Barbara Roche and Sir Andrew Turnbull.

Yours sincerely,

*Patricia Hewitt*

PP · PATRICIA HEWITT

*(Approved by the Secretary of State and signed in her absence)*



# **GENDER EQUALITY ACTION PLAN**

## **Foreword**

## **Message from Ministers**

## **Chapter 1: Introduction**

- Why have an action plan?
- What does it do?

## **Chapter 2: Gender Equality Priorities**

## **Chapter 3: Economic Participation and Advancement**

### **A Introduction**

### **B Increasing Participation Rates for Disadvantaged Groups**

### **C Childcare**

### **D The Gender Pay Gap**

### **E Work-Life Balance**

### **F Women into Under-represented Sectors**

- Women Entrepreneurs
- Women in SET
- Women in ITEC

### **G Men into Under-represented Sectors**

## **Chapter 4: Social and civic inclusion**

### **A Introduction**

### **B Tackling Poverty, Homelessness and Social Exclusion**

- Tackling Poverty
- Housing and Homelessness
- Tackling Social Exclusion

### **C Civic Inclusion: Women's Representation**

- Parliament
- Public Appointments
- The Judiciary



## **Chapter 5: Public Service Delivery**

### **A Introduction**

### **B Education**

- Primary and Secondary School
- Higher Education

### **C Health**

- Mental Health
- The Cancer
- The Patient Experience

### **D Criminal Justice System**

- Violence Against Women
- Women Offenders

### **E Transport**

## **Chapter 6: Public Sector Employment**

### **A Introduction**

### **B Central and Local Government**

- The Senior Civil Service
- Local Government Employees

### **C Frontline Public Service Employees**

- Education: Teachers
- The Criminal Justice System: Police
- Health: The NHS

## **Chapter 7: Mainstreaming Gender Equality**

## **Chapter 8: Devolved Administrations**

- Northern Ireland
- Wales
- Scotland



## Foreword

This is a Government which governs not for the few but for the many. Equality of opportunity is at the heart of our vision of a modern Britain. A Britain where every citizen has access to first class public services. Where a strong economy provides the bedrock for a fairer society and rising national prosperity is shared by all. And where every citizen can participate fully in civic society.

To achieve this vision, Government needs to take a strategic approach to tackling those inequalities which persist in our society. Inequalities that, in most cases, still affect more women than men:

- An hourly pay gap of 19 per cent - a loss of about £240,000 for a mid-skilled woman over her working life.
- Gender stereotyping in the workplace, with men and women segregated into 'men's jobs' and 'women's jobs'.
- One in four women suffering domestic violence at some time in their life - a crime that now accounts for 25 per cent of all violent crime.
- Unequal representation for women in Parliament, local Government, the judiciary and the senior civil service.

Although gender equality is not something that Government can tackle on its own, we have made significant changes. So we've improved parental rights and pay, we've given parents the right to ask to work flexibly, we've introduced legislation to get more women into parliament and we're taking action to tackle domestic violence.

And for the first time, we have signed up as a Government to a specific objective to deliver improvements on gender equality. That objective is included in my Department's Public Service Agreement (PSA) and reads as follows.

"By 2006, working with all departments, bring about measurable improvements in gender equality across a range of indicators, as part of the Government's objectives on equality and social inclusion".

This document highlights both those specific targets and initiatives which underpin that objective - and on which our success against our PSA target will be measured - and other, broader, Government initiatives which fall outside our objective but that are aimed at delivering improvements in gender equality.

This is, therefore, a new enterprise and I am grateful for the support of my Cabinet colleagues in implementing it. I look forward to working with them to deliver measurable improvements in gender equality.

Patricia Hewitt, Secretary of State for Trade and Industry and Minister for Women



## Message from Other Ministers

Equality, prosperity, social inclusion. These are the cornerstones of modern policy making in this country. Building a stronger, more enterprising economy by extending economic opportunity to everyone ensures rising national prosperity from which we can all benefit.

But these are not easy goals. And Government cannot achieve them all on its own. What it can do, however, is to remove some of the barriers that currently exist to achieving these objectives.

In order to do so, we need more extensive co-ordination on equality issues. The key to achieving this is the development of public service agreements (PSAs) and targets across the equality spectrum.

Last year, the DTI set an equality target as part of its PSA. And as a result, there is now a huge amount of activity going on across Government to support that target. For the first time, that activity has been pulled together in the Gender Equality Action Plan, which provides an illustration of what we're doing to promote equality.

We are delighted, as individual departments, to have been given the opportunity to contribute to the Gender Equality Action Plan in one of two ways: by including specific gender equality targets to directly underpin the PSA objective. These targets are reflected in our own various spending plans and have a clear gender focus. Or alternatively by including targets and aims that, although not specifically aimed at promoting gender equality, will have a significant gender impact. By drawing these initiatives together into one document, we are pleased to be able to highlight the variety of initiatives being taken across government to raise standards for everyone. These will then provide a benchmark against which later progress can be measured.

We are confident that this report will prove to be an invaluable tool for policy makers, and equality experts alike.



## Chapter 1: Introduction

### Why have an action plan?

This Government believes in a modern Britain that uses and fosters the talents of all its people. We want to extend opportunity, tackle poverty and social exclusion and deliver higher living standards for all our citizens. Effective and reliable public services, a strong economy and well-functioning labour market, and civic institutions which are representative of society are all key to achieving our vision of a fair and modern Britain.

We need to tackle gender inequalities in every area of life. We will only do this successfully if we are honest about gender inequalities where they exist, and then set out specific action to tackle them one by one.

### What does it do?

For the first time the Department of Trade and Industry PSA has a gender equality objective, which reads as follows:

By 2006, working with all departments, bring about measurable improvements in gender equality across a range of indicators, as part of the Government's objectives on equality and social inclusion.

This document does two things:

- Firstly, it sets out those specific targets and initiatives across Government, which the Ministers for Women believe are key to delivering improvements in gender equality and which they have therefore agreed should formally underpin the gender equality PSA. These targets and initiatives are set out in Chapter 2. Delivery of DTI's gender equality PSA will depend on delivery of these specific targets.
- Secondly, it sets these targets in the broader context of the work going on right across Government to make a positive impact on gender equality. Though not directly underpinning the DTI's PSA, it was felt important that this work should be drawn together in one place, for the first time, to give commentators an overview of the Government's programme in this area.

The government is committed to mainstreaming gender equality into all aspects of policy. Not all policies affect men and women equally. The idea behind gender mainstreaming is to get policy makers to understand that and to encourage them to analyse the differential impact on men and women of any given policy while developing it and before it is implemented.

This report illustrates how far we have progressed in this - it shows that in some areas, this is integrating well into the policy process, but in many areas there is more to be done and there is still a long way to go. We are aware that there are still policy gaps where gender equality needs to be more fully addressed, and we are not complacent in this task.



In addition, the document recognises that gender inequality is not a one-dimensional issue. It overlaps with other factors such as age, disability, race and ethnicity. We have therefore highlighted some initiatives, which show how the government is working to combat multiple discrimination.

The document also complements other work that the Women and Equality Unit has undertaken. For instance, our recent report on the 'Key Indicators of Women's Position in Britain'. This report provides a comprehensive overview of available up-to-date statistics of the position of women in Britain. It outlines the reliability and accessibility of the various data sources and produces a recommended set of indicators that are accurate, relevant and as economical as possible to collect and update. This provides a baseline against which changes can be monitored.

Something that applies equally to the Gender Equality Action Plan (GEAP). All targets will be monitored, so that it is clear where there has been change. Or - for that matter - where there hasn't.



## Chapter 2: Gender Equality Priorities

The DTI's PSA objective is 'By 2006, working with all departments, bring about measurable improvements in gender equality across a range of indicators, as part of the Government's objectives on equality and social inclusion.' The targets outlined in this chapter are those that the Ministers for Women consider priorities for delivering measurable improvements in gender equality. As such they underpin the DTI's gender equality PSA objective. Successful delivery of these targets will mean successful delivery of the PSA objective.

The Department with lead responsibility for delivery of the target is cited in each case. The Women and Equality Unit will work with departments to help in the delivery process and will report on progress throughout the Spending Review period (2003-06).

The wider context to these targets is set out in subsequent chapters, including the broad range of initiatives being taken forward across Government that will have an impact in reducing gender inequalities. The breadth of these initiatives - extending beyond the specific focus of the PSA - shows that gender mainstreaming has begun to become a reality in many key Departments.

### Economic Engagement and Advancement

The position of women in the workplace has improved over the last few decades, but opportunities for women are still narrowed by a lack of childcare, the scarcity of flexible working options and assumptions about traditional 'women's work'. And of course, in some areas, direct discrimination still exists. These factors combine to preserve the pay gap at an unacceptable level and must be tackled.

#### ***Childcare***

Government is committed 'by 2006, to create 250, 000 new childcare places for at least 450,000 children (approximately 280,000 children net of turnover in addition) to the new places for 1.6m children to be created between 1997 and 2004' (Lead: Sure Start Unit).

#### ***Flexible Working***

Government is committed to improving the flexible working opportunities open to mothers and fathers. We will increase the percentage of employees who are satisfied with their work / family balance (Lead: Department of Trade and Industry).

#### ***Women into Under-represented Sectors***

The Government is committed to encouraging women into sectors where they are currently under-represented, and helping women once in those sectors to succeed (Lead: Department of Trade and Industry).

- i) By 2005, we will ensure that women make up 40 per cent of the representation of SET related boards and councils;
- ii) by 2006 we will increase the number of women entrepreneurs to that in comparable economies such as the US and at least 40per cent of Business Links' customers will be women; and
- iii) we aim to reverse the serious under-representation of women in ICT jobs so that the UK matches the best of our competitors.



### ***Equal Pay Audits***

We will support the EOC and Opportunity Now in working towards increasing the number of members of the Equal Pay Forum to 3,000 by March 2006 (all members are committed to doing a pay review) (Lead: Department of Trade and Industry). We will also support all Government departments - who will have carried out equal pay reviews and developed action plans - in implementing those plans (Lead: Cabinet Office).

## **Social and Civic Inclusion**

### **Women's Representation**

We believe that for women to become truly equal, they must become equally represented in key areas of public life. This includes our political institutions - Parliament and local councils alike - and the public bodies which help to frame and shape public policy. It is important, too, that other high profile or influential professions have senior ranks representative of the population.

### ***Public Appointments***

By 2005 boards of public bodies should have an overall balance of men and women. This target is underpinned by individual Departments' targets in respect of the public bodies they sponsor (Lead: Cabinet Office).

### ***Judicial Appointments***

We will ensure the judicial appointments process is accessible to all those who aspire to judicial office, particularly those from under-represented groups which will lead to a more diverse range of applicants for judicial appointment (Lead: Lord Chancellors Department).

## **Public Service Delivery**

### **Reducing Violence Against Women**

Being safe in one's own home - as well as on the streets - is a fundamental right of every citizen. Domestic violence is an appalling crime, which has a terrible impact on the lives of thousands of women, and their children.

### ***Domestic Violence***

Government is committed to taking action to reduce domestic violence, which currently accounts for 25 per cent of violent crime, to bring more perpetrators to justice, and to provide better support to victims (Lead: Home Office).

## **Public Sector Employment**

The Government has a responsibility to show that it takes equality and diversity seriously in its role as employer. It needs to be an exemplar of good practice. This includes in relation to the representation of women at senior levels.



### **Senior civil service (SCS)**

By 2004/5, 35 per cent of all SCS posts and 25 per cent of the top 600 civil service posts should be filled by women (Lead: Cabinet Office).

## **Gender Mainstreaming**

Looking to the longer-term future, we want to make sure that gender mainstreaming becomes a reality wherever public policy is made and delivered. When gender analysis becomes an integral part of any public policy decision and doing gender impact assessments is second nature to us all, then we will have taken a massive step towards achieving gender equality.

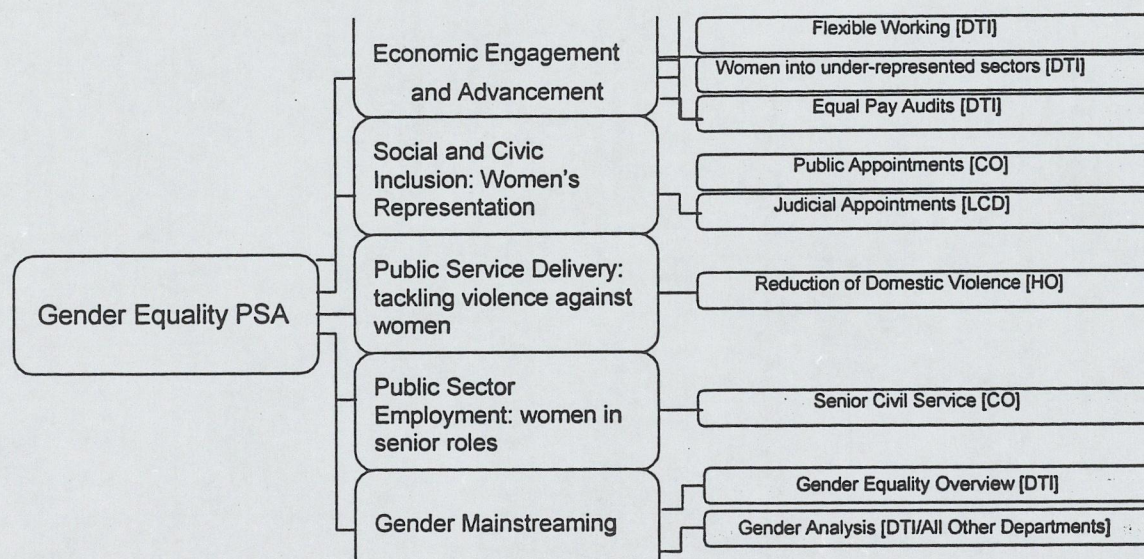
### **Gender Equality Overview**

We will monitor and report regularly on Women's Position in Britain and on the delivery of gender equality across government (Lead: Department of Trade and Industry).

### **Gender Analysis**

As part of the Government's commitment to promote evidence-based policy-making and support gender mainstreaming, the Women and Equality Unit will work to encourage departments to incorporate gender analysis in their policy making process (Lead: Department of Trade and Industry).

## **Summary of the Gender Equality PSA**





## Chapter 3: Economic Participation and Advancement

### (A) Introduction

There have been significant changes in the extent of women's participation in paid work over the last 30 years. More women - and mothers - are in work than ever before and positive trends can be seen across the labour market.

One of the most significant labour market developments over the past two decades has been the rise of female employment, and the improvement of the labour market position of women compared to men. It is estimated that, since 1997, six million of the additional ten million European Union jobs were taken by women, while in the US almost all of the increase in the employment rate over the past twenty years has been among women. In the case of the UK, an estimated 82 per cent of the extra jobs created between 1998 and 2011 will be taken by women.

Britain now has one of the highest rates of female employment in Europe. The increase in employment rates has been concentrated among those women with working partners, and those with higher educational qualifications. The largest increase in employment rates has occurred among women of child-rearing age. This is reflected in a marked change in the age-employment rate pattern for women. In the mid 1970s, the female employment rate pattern was characterised by a peak for women in their late teens and early 20s (of around 80 per cent), followed by a dip for 30 year olds (to around 40 per cent), and then a second, lower peak for women in their late 40s (of around 60 per cent). By 1998, this had been replaced by a much flatter pattern: fluctuating around 70 per cent and falling from around age 50, reflecting more closely that for men.

However, real problems persist. The employment rates for women with dependent children have remained consistently below those of women without dependent children. The employment rates of women without dependent children and men without dependent children have converged, while they are highest for fathers with dependent children.

### **Some Key Facts**

- Women's participation in the labour market has been increasing over the last two decades. In 1984, only 66 per cent of working age women (aged 16 - 59) were in work. This increased to 71 per cent in 1990. During the 1990s the increase slowed and in 2001 it stood at 72 per cent. However, that still falls short of the 80 per cent of working age men in work.
- Employment rates vary significantly according to whether women have dependant children, and the age of their children. Just 48 per cent of women with a child aged under two are in employment, compared to 90 per cent of men with a child under two. However, the employment prospects of women with young children are improving - the employment rate of women with a child under five has grown from 42 per cent in 1991 to 54 per cent in 2001.



- Over two-fifths (43 per cent) of women in employment work part-time, compared to less than a tenth of men.
- Women are heavily concentrated in a few occupations: over 60 per cent of women work in just 10 occupations. These tend to be low-skilled and low paid, which helps contribute to the gender pay gap. Whilst there are a number of occupations that are male-dominated, men are not concentrated in certain occupations to the same degree and the jobs they tend to do are better paid.
- Employment rates for women vary significantly across minority ethnic groups. 72% of white women are in employment compared to 16% of Bangladeshi women and 63% of Indian Women, for example.
- Since 1975 when the Equal Pay Act came into effect the full-time pay gap has closed from 30% to 19% in 2002.
- Women's representation at top levels of management has improved from 7.8 per cent of executives in 1990 to 24.1 per cent in 2001.

### **(B) Increasing participation rates for disadvantaged groups**

The Government's overall objective for people of working age is to promote work, for those who can, as the best form of welfare whilst supporting those who can't. Work is the key long-term route out of poverty for those who can work.

Worklessness is one of the prime causes of poverty for families. 61 per cent of workless families are in poverty and 77 per cent of children in workless lone parent families are in poverty.<sup>1</sup> It is estimated that around two-thirds of families' exits from poverty in any one year are associated with getting a job or increasing earnings in the family.

Underpinning the Government's approach to the labour market are policies that help to create a stable macro economic environment, which makes it easier for employers to create new job opportunities.

Building on the success of the Working Families Tax Credit (WFTC) - which now benefits over 1.3 million families - the Government is introducing two new tax credits, the Child Tax Credit (CTC) (See Chapter 4, paras XXX) and the Working Tax Credit (WTC). These are aimed at furthering progress towards the objectives of eradicating child poverty and making work pay, and will benefit up to 6 million families.

- WTC will replace WFTC and Disabled Persons Tax Credit (DPTC) and extend principles to adults without children or a disability - a single, visible instrument to make work pay, paid through wage packet. It will continue to include support with the costs of childcare building on the success of the childcare element of WFTC.

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<sup>1</sup> Data for 2000/01 from Households Below Average Income 1994/95 - 2000/01.



New tax credits are part of a package of reforms since 1997, which have eased the burden on parents seeking to balance work and childcare, making it easier for one parent in the family to remain at home and care for the children if they choose to do so, but also making childcare more affordable if both parents choose to work.

New tax credits will improve choices for working parents by making it easier to balance work and childcare responsibilities:

- new tax credits respond to falls in income, so they cushion the reduction in family incomes if one earner decides to leave work;
- if both parents do decide to work, the second earner will have improved incentives under the new system;
- couples with children can share work in the way that suits them best and still get the 30-hour element of the WTC if they jointly work 30 hours or more; and
- help with childcare costs continues as part of the Working Tax Credit, in an improved, more flexible form - support for formal childcare costs will respond to changes, enabling parents to change their childcare arrangements to suit their needs; and support will be available for the costs of approved home childcare.

But we must combine all of this with action to make sure everyone has access to the opportunities that arise. The Department for Work and Pensions has a specific goal to improve the labour market position of the most disadvantaged groups.

### Target

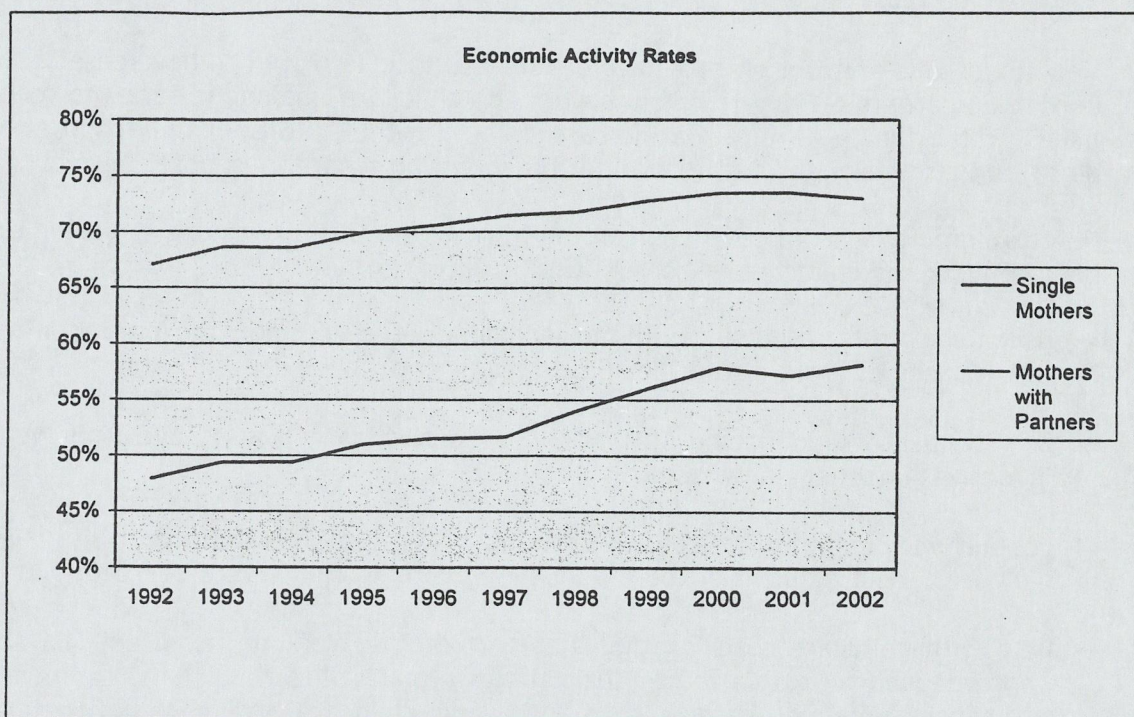
- Over the three years to Spring 2006, increase the employment rates of disadvantaged areas and groups, taking account of the economic cycle - lone parents, ethnic minorities, people aged 50 and over, those with the lowest qualifications, and the 30 local authority districts with the poorest initial labour market position, and significantly reduce the difference between their employment rates and the overall rate.

For the purposes of this document, the most relevant of these groups is lone parents and the Government's commitment to achieving 70 per cent lone parent employment by 2010. As the figures below illustrate, this will also be a key building block in meeting the Government's historic pledge to eradicate child poverty by 2020.

### Some Key Facts

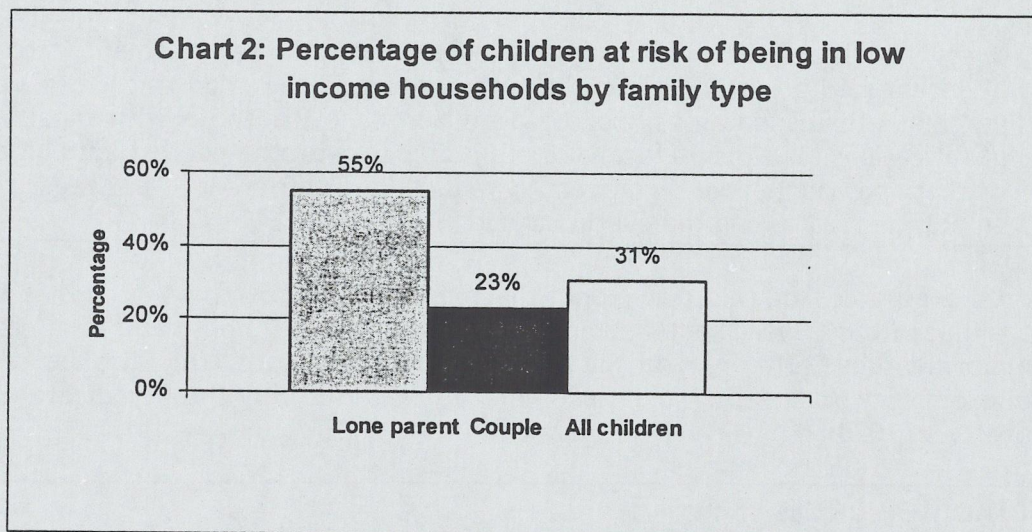
- 95 per cent of lone parents on out of work benefits are female;
- The table below compares economic activity rates of single mothers and mothers with partners, illustrating that single mothers are less likely to be economically active than mothers with partners.





### Some Key Facts

- The number of children living below the low-income threshold (defined as below 60 per cent of median income) has fallen significantly since 1996/97.
- Children living in lone-parent families are particularly at risk of poverty.



The Government wants every child to have the best possible start in life. It has a commitment to abolish child poverty in a generation and halve it in ten years. A substantial body of evidence shows that children who grow up in poverty experience disadvantage and lack of opportunity that affects not only their own current and future experience as adults but also the life chances of their children.



The evidence on the causes and consequences of child poverty is set out in the Treasury Publication *Supporting Children through the Tax and Benefit System* (1999).

Child poverty is a complex problem and therefore requires a multi-dimensional approach. The Government's strategy includes:

- ensuring a decent family income, with work for those who can and extra support for those who cannot;
- access to excellent public services - including a world class education system for all, ensuring that children from poor backgrounds have the skills and education they need to break the cycle of disadvantage;
- targeted interventions such as the Sure Start Programme and Children's Fund, for those with additional needs and at key stages in life; and
- harnessing the power and expertise of the voluntary and community sectors, providing support for innovation and good practice, and fostering a strategic partnership with these sectors to fight child poverty.

#### **Target**

- Reduce the number of children in low-income households by at least a quarter by 2004 as a contribution towards the broader target of halving child poverty by 2010 and eradicating it by 2020.

The Government will take the following steps to achieve this:

- Introducing work focused interviews for lone parents, and providing additional caseload support through New Deal for Lone Parents.
- The Government's childcare strategy aims to help families combine their childcare responsibilities with work. Childcare coordinators will also be established in every Jobcentre Plus district from April 2003 to improve access to information about local childcare provision.
- Ensuring effective implementation of the new tax credits in 2003, in partnership with the Inland Revenue so that advisors are able to give clear information about the financial incentives that are in place to help families with children move into work;
- Introducing compulsory personal adviser meetings (with allowance for exceptional circumstances) for lone parents on Income Support with a youngest child of school age. This is to ensure that lone parents are aware of the help they can get to move into work.
- The new Sure Start Unit, will manage childcare issues with a commitment to deliver affordable, good quality childcare.



## **C Childcare**

The Government's vision for childcare is that every parent is able to access affordable, good quality childcare. This in turn is key to improving the educational and health outcomes for children; and enabling parents, particularly lone parents, to move into work or increase their hours if they wish, thereby lifting their families out of poverty.

Childcare is also an essential part of enabling women, who are still the main carers for dependant children, to participate in paid work. The Sure Start Unit (accountable to both Department for Education and Skills and the Department for Work and Pensions) has lead responsibility across Government on childcare.<sup>2</sup>

The Government wants new childcare places to be created to give parents the choice of returning to work or extending their working hours if they so wish.

### **Gender Equality Priority**

- By 2006, to create 250, 000 new childcare places for at least 450,000 children (approximately 280,000 children net of turnover) in addition to the new places for 1.6m children to be created between 1997 and 2004.

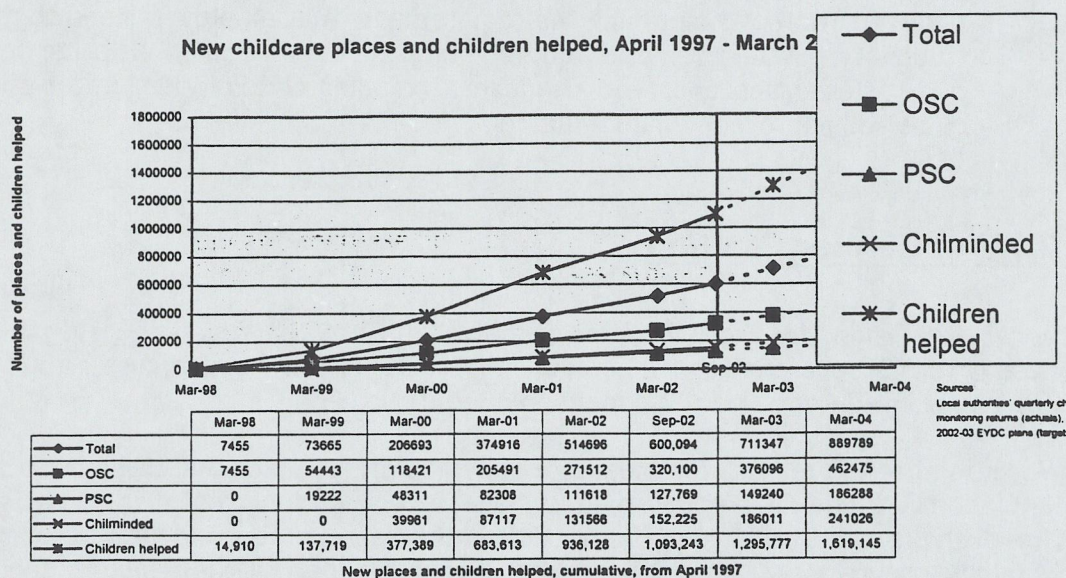
It is the Government's aim that the increased number of places should go some way towards reducing the numbers of parents, especially women, who cite childcare as a barrier to their participation in the labour market (as measured in the Parents Demand for Childcare Survey).

### **Some Key Facts**

In the Parents Demand for Childcare Survey, conducted in 2001, 24 per cent (1.3 million) of all families surveyed experienced some form of unmet demand for childcare. In other words, they had wanted or needed childcare but had been unable to get it - of these, nearly a third said their unmet demand was work related.

<sup>2</sup> National Sure Start Month June 2003 - opening doors for parents and children Children's Information Services in every area Childcare Link: 08000 960296 [www.surestart.gov.uk](http://www.surestart.gov.uk)





The Government will take the following steps to achieve this aim:

- the 2002 Spending Review included a more than doubling of resources for childcare, as part of a combined budget for Sure Start, childcare and early years that will rise to £1.5 billion by 2005-2006. This will fund the development of Children's Centres - bringing together good quality childcare, early years education, family support and health services - and will support the creation of 250,000 new childcare places. This will mean that, between 1997 and 2006, childcare places will have been created to help around 2 million children, 1.25 million after taking into account turnover.<sup>3</sup>
- Supporting the creation of places at local level by Local Authorities, assisted and advised by their Early Years Development and Childcare Partnerships. They will be created in all sectors - private, voluntary and maintained.
- A growth in childcare places across all areas of the country, with particular emphasis on disadvantaged areas. There will be places in new Children's Centres - designed to provide high quality integrated services for children and families - and in an expanded Neighbourhood Nursery programme. Places in day nurseries, out of school clubs and with childminders will be created across the whole of England. Parents who require childcare in their own homes, for instance shiftworkers or parents of disabled children, will be assisted by the new Home Childcarers scheme, introduced in April 2003.
- The DTI working with employers, to put together a business case that encourages more businesses to support working parents either with direct support for childcare, or more guidance on the availability of childcare options.
- The Government is currently consulting on proposals to give a better incentive to employers to support a wider range of good quality childcare

<sup>3</sup> For further information on work being done on childcare see: Childcare Review: [www.strategy.gov.uk/2002/childcare/report/index.htm](http://www.strategy.gov.uk/2002/childcare/report/index.htm)



provision. Key proposals include widening the current workplace nurseries tax exemption by simplifying the requirements that employers need to meet to qualify for the exemption and opening the exemption to all other forms of registered and approved childcare, including childminders, after-school clubs and approved home-childcarers.<sup>4</sup>

### **(D) The Gender Pay Gap**

Since 1975 when the Equal Pay Act came into effect the full-time pay gap has closed from 30 per cent to 19 per cent in 2002. This is good progress, but the Government is determined to do more to close it further.

We know that the reasons for the gender pay gap are complex and interconnected. Key factors include differences in educational levels and length of work experience (for example time taken out of the labour market due to childcare), part-time working, occupational segregation, and discrimination. Other factors include travel patterns.

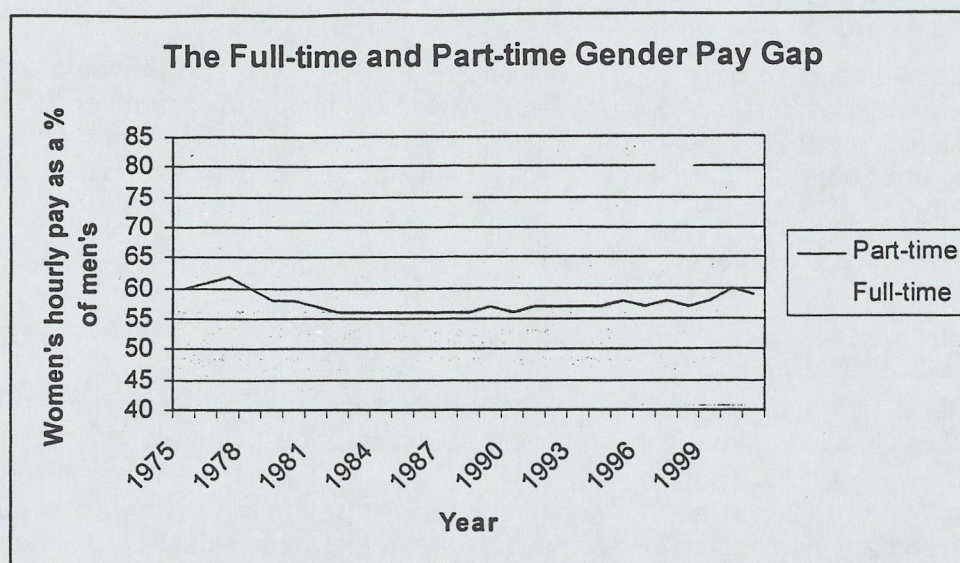
In 2002 the overall gender pay gap for full-time work widened - driven by high pay increases for the very top male earners. Looking at other points of the earnings distribution, however, it is clear that the pay gap is continuing to close.

#### **Some Key Facts**

- The gender pay gap between men and women working full-time currently stands at 19 per cent, compared to 30 per cent in 1975 when the Equal Pay Act came into force.
- Women working part-time experience a gender pay gap of 41 per cent.
- The pay gap for men and women working full-time starts by age 20, and increases with age (see table below).

<sup>4</sup> See [www.inlandrevenue.gov.uk/consult\\_new/esc.pdf](http://www.inlandrevenue.gov.uk/consult_new/esc.pdf)





The pay gap by age (men and women working full-time only)

Age	Women's earnings as a % of men's
18-20	97
21-24	93
25-29	94
30-39	88
40-49	77
50-59	77
60-64	82

### Gender Equality Priority

- Support the EOC and Opportunity Now in working towards increasing the number of members of the Equal Pay Forum to 3,000 by March 2006 (all members are committed to doing a pay review). We will also support all Government departments - who will have carried out equal pay reviews and developed action plans - in implementing those plans.

The Government will take the following steps to achieve this:

- Support the EOC in it's work to tackle the gender pay gap;
- Monitor the EOC's progress in meeting their targets for the percentage of businesses which have undertaken pay reviews. This will help Government develop the appropriate policy response to close the pay gap;
- Work with departments across Government to tackle the broad underlying causes of the pay gap;



- Aim to achieve a year on year increase in the number of applications for the Castle Awards<sup>5</sup>;
- All departments to have carried out an equal pay review and drawn up action plans, where necessary, by April 2003. At the beginning of December 2002, 65 bargaining units had been contacted about their reviews - 14 per cent had completed them, 65 per cent were underway and 21 per cent still had to start;
- Additionally, the Cabinet Office is currently undertaking the SCS equal pay review.

### **(E) Work-Life Balance**

The context in which mothers and fathers have to fulfil their responsibilities as parents has changed dramatically in the past 50 years. This includes:

- a transformation in the way families organise their work, with a strong trend among couples away from single-earner towards dual-earner families and sustained growth in lone parent employment;
- a dramatic increase in the proportion of employees with caring responsibilities; and
- the combination of a competitive business environment and the current labour market context, bringing new challenges for employers and employees.

More employees than ever have caring responsibilities. Women no longer stop paid work when they have children. Whilst many still do, others prefer to find a balance between work and family life. At the same time, more men are saying they want to play more of a role in the family. The workforce is also ageing, with the result that more people are working, caring for children and sick or elderly relatives and want more flexibility in their working hours.

This pattern is likely to continue, and business needs to adapt to it. The Government recognises that helping parents to balance their work and family commitments is central to meeting a number of its policy objectives, including its commitment to halve child poverty by 2010 and eliminate it within a generation.

The Government is committed to helping parents to balance their work and family responsibilities. The HMT/DTI document *Balancing Work and Family Life* sets out the Government's strategy and possible next steps.<sup>6</sup>

### **Some Key Facts**

Currently 35 per cent of the workforce is over 45. By 2010 the figure will be 40 per cent, and only 17 per cent of the workforce will then be aged 16-24.

16 per cent of male employees and 25 per cent of female employees currently work non-standard hours/flexibly.

<sup>5</sup> For further information see <http://www.womenandequalityunit.gov.uk/pay/castle/castle.htm>

<sup>6</sup> See the following:

[www.hm-treasury.gov.uk/topics/topics\\_family/topics\\_family\\_worklifebal.cfm](http://www.hm-treasury.gov.uk/topics/topics_family/topics_family_worklifebal.cfm)

[www.dti.gov.uk/er/workingparents.htm](http://www.dti.gov.uk/er/workingparents.htm)



Working pattern	Women (%)	Men (%)
Flexitime	11	8
Term-time working	7	1
Annualised hours	4	4
Job sharing	1	<1
Nine-day fortnight/4.5 day Week	1	2
Zero hours	1	1
None of these	75	84

### Gender Equality Priority

Government is committed to improving the flexible working opportunities open to mothers and fathers. We will increase the percentage of employees who are satisfied with their work / family balance. In order to do so, we will:

- increase the percentage of businesses offering flexible working options;
- reduce the percentage of employees who regard taking up flexible working as damaging to their careers;
- increase the percentage of employers who perceive that flexible working practices and leave arrangements have an overall benefit to their organisation.<sup>7</sup>

The Government will take the following steps to achieve this:

The DTI is implementing a range of measures to promote better work-life balance for women and men, through the Employment Act 2002.

This new legislation supports the Government's commitment to create highly productive, modern and successful workplaces through fairness and partnership at work. It will deliver a balanced package of support for working parents, at the same time as minimising red tape for employers by simplifying rules governing maternity, paternity and adoption leave and pay, and making it easier to settle disputes in the workplace. It introduces:

- a new duty for employers to consider requests for flexible working;
- new rights for fathers and adoptive parents to paid time-off for the first time;
- improvements to maternity rights;
- an equal pay questionnaire in employment tribunal equal pay cases, to help speed up the process and improve the chances of settlement.

<sup>7</sup> The data for these measures will be collected in the 2003 Work/Life Balance Survey. Results will be available in spring 2003. Progress will be assessed through a repeat survey in spring 2006.



The Work-Life Balance campaign<sup>8</sup> aims to increase awareness of work-life balance options among both employers and individuals. It includes a Challenge Fund element for businesses that gives successful applicants access to subsidised consultancy support - enabling them to learn from best practice elsewhere and tackle the barriers to implementation that may exist within the workplace. Three rounds of the challenge fund have been held to date.

This is in addition to a raft of measures already introduced, including:

- parental leave;
- emergency time off for dependants;
- tax-credits, including the childcare tax credit (See Chapter 4).

Measures outlined elsewhere in this chapter, in particular the steps the Government is taking to increase childcare provision, will also have a significant role to play in helping parents balance their work and parenting roles in the way they want.

### **(F) Women into Under-represented Sectors**

There have been huge changes in women's role in the paid economy over the last 30 years, with more and more women going out to work and more staying in work after having children. But there are still widespread gender inequalities the Government is determined to address - for instance occupational segregation. Apart from restricting the opportunities available (to both men and women), such inflexibility is damaging to the economy because it prevents firms from employing the best person for the job. It can also result in serious skill shortages for particular sectors.

The Government's overall aim is to increase competitiveness and scientific excellence in order to generate higher levels of sustainable growth and productivity in a modern economy.

Specifically, it aims to ensure that all women have the opportunity to play a full role in the economic life of the nation for two key reasons:

- for the individual: to enhance lifetime incomes and economic well-being of all women and their dependants, especially those who are socially excluded; to maximise their personal career development; and to optimise work/life balance at all stages of working life; and
- for the nation: to enhance UK competitiveness and productivity by maximising use of the skills and talents of all its citizens, and maximising returns on public and private investment in education and training.

With women making up nearly half of the workforce, equal opportunities are not only right in principle - they are essential to economic success.

<sup>8</sup> Work-Life Balance Campaign: 020 7215 6249  
<http://www.dti.gov.uk/www.dti.gov.uk/>



### (i) Women Entrepreneurs

Levels of entrepreneurship are an important indicator of the overall health of the economy.

#### **Some Key Facts**

- Despite a significant increase in women's participation in other parts of the labour market, the proportion of businesses started by women has remained roughly constant, at around 27 per cent, since 1998. In terms of business ownership however, only around 12-14 per cent of UK businesses are wholly-owned by women.
- In the US the proportion of businesses started by women was 28 per cent in 2002.
- Women-owned businesses are concentrated in the retail and service sectors and are under-represented in construction, manufacturing, transport and technology.

#### **Gender Equality Priority**

- The Small Business Service will work to increase the number of women entrepreneurs to the number in comparable economies such as the US by 2006, by researching their needs and taking action to tackle any barriers identified.
- Ensuring that every Business Links partnership is attracting and supporting businesses run by women, and by people in ethnic minority communities. By 2006 a minimum of 40 per cent of Business Link Officer customers will be women, and ethnic minority customers will be proportionate to the relevant local/regional population.

The Government will take the following steps to achieve this:

- The Business Link Information and Telephone Service<sup>9</sup> launched in June 2001, is an access channel (website and contact centre) through which small businesses receive first level information and advice and enables them to be referred to relevant experts for more comprehensive support. Specific information on Women in Business has been developed for this site. This service is key to meeting the Government's stated goal of the UK becoming the best place in the world to start and grow a business by 2005.
- The Department for Environment, Food and Rural Affairs will continue to encourage diversification of farm-based business, in particular through its England Rural Development Programme, which provides help to rural businesses and communities. This may have a positive contribution to make to gender equality as evidence suggests that women have a particularly strong role in diversifying farm-based businesses helping to ensure their long-term sustainability.

#### **Case Study**

<sup>9</sup> <http://www.businesslink.org>  
Phone 0845 600 9 006



The Phoenix Development Fund (PDF) supports innovative approaches to promote enterprises in deprived areas and under-represented groups. Over 90 projects are being supported. All of the projects are open to women entrepreneurs, and they are the specific focus of 16.

For example, PROWESS (Promotion of Women's Enterprise Support Services) is a new trade association for women's enterprise organisations, which is being funded through the PDF. Its aim is to help create an environment where equal numbers of women and men are starting businesses. PROWESS services include: information provision; developing quality standards, awareness raising; networking and sharing good practice and helping organisations in their development.

## (ii) Women in science, engineering and technology (SET)

### **Some Key Facts**

- The number of women of working age with SET degrees has risen from 240 000 in 1992 to 290 000 in 2000. The total for both men and women has increased from 1.1 to 1.3 million over the same period.
- 25 per cent of all women SET graduates are employed in SET occupations.
- About 24,000 women SET graduates returned to employment in 2000; about a third of them returned to SET occupations.

In 1993, the Government White Paper, *Realising our Potential*, recognised that women are the country's single biggest most undervalued and underused human resource. The Secretary of State for DTI, in February 2002, reiterated the commitments made in the 2001 White Paper *Excellence and Opportunity: a science and innovation policy for the 21st century*, namely to focus attention on the issue of under-representation of women in SET, and to encourage an increase in numbers.

### **Gender Equality Priority**

- By 2005, to ensure that women make up 40 per cent of the representation on SET related boards and councils.

Baroness Susan Greenfield's Report *SETFAIR*, published at the end of 2002 considered the issues around women in SET. The Report included important recommendations for increasing the participation of women in SET, which the Government is currently reviewing.

## (iii) Women in information technology, electronics and communications (ITEC)

Women are seriously under-represented in jobs in IT, electronics and communications (ITEC), where there are also serious skill shortages. Women's participation in ITEC education and employment is low and, in some areas, declining.

### **Some Key Facts**



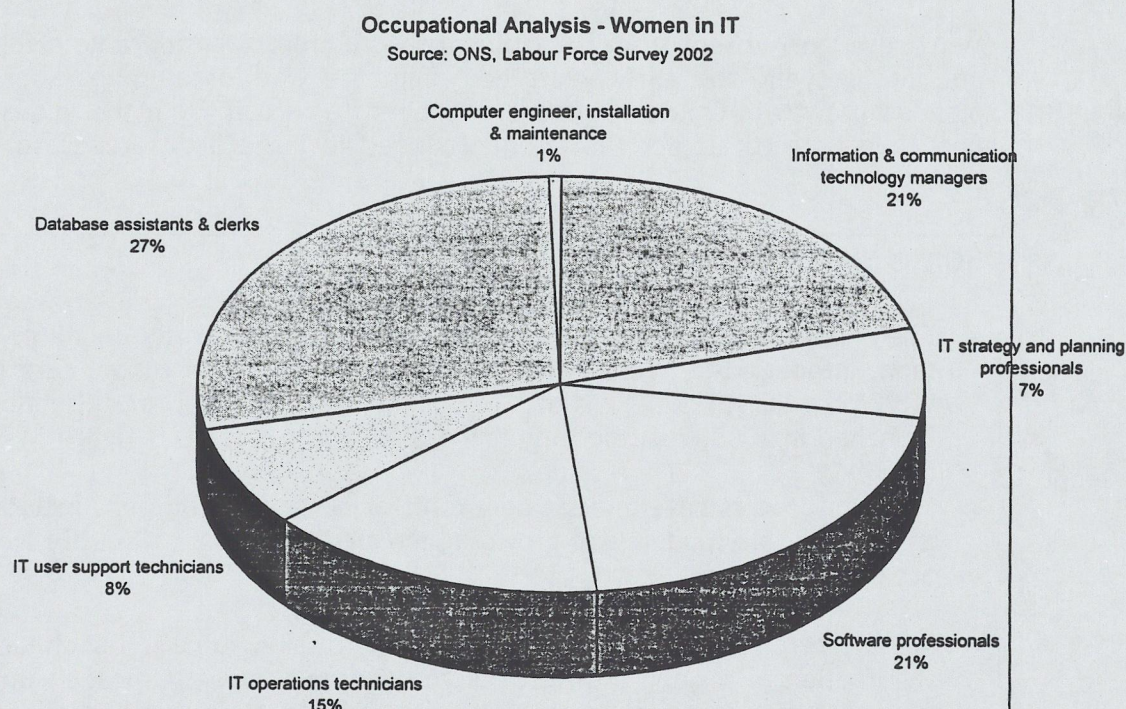
Women are under represented in ITEC employment and especially in jobs at higher skills levels. The proportion of women in IT occupations across all sectors is currently 23 per cent - this compares to 46 per cent of the UK workforce who are women. This participation in the wider workforce has been rising over the past 6 years, whilst the proportion of women in the IT workforce has fallen despite a small increase in 1999, as Table x below shows.

Table x: The percentage of women in IT occupations

	% women in IT occupations, UK
1997	27%
1998	23%
1999	26%
2000	23%
2001	22%
2002	23%

In comparison, women's employment in Science, engineering and technology (SET) related jobs has increased by nearly 30 per cent between 1992 and 2000, but women still only account for 14 per cent of the workforce.

There are also gender differences in the sorts of jobs that women and men do. The chart below shows that most women work in database, user support and operations occupations.



But women are less well represented in design and creation of technological systems - just 17 per cent of software professionals are women. Currently women occupy 19 per cent of all IT management positions and 13 per cent of IT strategy



and planning roles. The good news is the big increase of women in IT managerial occupations - 12 per cent from 2001 to 2002.<sup>10</sup>

### Gender Equality Priority

- With business, work to reverse the serious under representation of women in ICT jobs. Our aim is for the UK to match the best of our competitors with regard to women's employment in ICT.

The Government will take the following steps to achieve this:

A joint Department of Trade and Industry/Department for Education and Skills strategy to address this challenge which proposes a new approach to follow women through education and into ITEC employment:

- to counter the often negative perceptions girls develop about ITEC technologies particularly during secondary education;
- to counter the further drop in girls' participation in ITEC education post-16 and in their first career choices;
- to address the problems women face getting access to appropriate training or re-skilling and to overcome employer prejudice about their potential as ITEC professionals. (Overcoming these hurdles should also benefit men and the disabled);
- to ensure that working practices in ITEC businesses do not make it difficult for women to remain in employment or progress in their chosen career path.

### (G) Men into under-represented sectors

Men are largely absent from the childcare workforce. Considerable effort is being put into growing the early years and childcare workforce, in parallel with the planned growth in childcare places. We need to recruit from the widest possible pool of people to attract the talent we need to make a difference to children's lives.

### Some Key Facts

- The childcare workforce is overwhelmingly female - overall only 2 per cent are men, although the figure rises to 11 per cent for out of school care (Childcare Workforce Survey 2001). As part of our four year national recruitment campaign launched in 2000, specific targets were set to increase this figure to 6 per cent by 2004.
- Male childcarers have a great deal to offer our young children, including acting as positive role models and providing a male figure in a child's life where there are none at home.
- We know from research that the key factor to taking up a job in childcare is the satisfaction of making a difference to children's lives. Almost as important is that the work is often flexible and fits with people's family responsibilities - particularly the case with childminders

<sup>10</sup> Office National Statistics, Labour Force Survey, Spring Quarter Note: Occupational code change from 2000 onwards (SOC 2000)



- Wages in childcare vary considerably, but are generally low. The average pay is £5.29 an hour, which is significantly below average pay for all employees (£9.09 an hour) or for all female employees (£7.77 an hour)<sup>11</sup>. Research suggests that low pay and low status are particular issues in recruiting and retaining men to work in childcare.

### Aim

- As part of a commitment to increasing the diversity of the childcare workforce, to increase the proportion of men in the childcare workforce to 6 per cent by 2004.

The Government will take the following steps to achieve this:

- The national childcare recruitment campaign runs in 4 distinct phases over 2001-04. Phases 1 & 2 targeted the core recruitment group of women aged 16-40 using TV, radio, press and on-line advertising backed by a freephone number to order a free information pack. Phase 3 will include targeted campaigns to attract more men, people with disabilities and ethnic minorities.
- We have produced a video aimed at encouraging more men into the sector. The video features the men themselves talking about their work and shows them doing it, and features comments from their colleagues and parents.
- Other campaign fulfilment pieces such as the TV adverts, leaflets, posters and postcards feature men working in the sector. There are a range of case studies on the campaign website.<sup>12</sup> Most notable is the case study on David Kannerick a disabled man working in childcare.
- Local authority EYDCPs are carrying out specific activity to target men into the sector such as advertising in football grounds and related publications, talks. For example, Sheffield LA/EYDCP in partnership with Sheffield Children's centre are targeting men through a local conference to be held on 28th March where David Jeffery will be speaking about the campaign.
- We will evaluate these approaches, and consider what further work might be needed to recruit the hardest to reach groups, particularly men.

<sup>11</sup> Secondary analysis of the Spring 2001 Labour Force Survey

<sup>12</sup> [www.surestart.gov.uk/childcarecareers](http://www.surestart.gov.uk/childcarecareers)



## Chapter 4 - Social and civic inclusion

### (A) Introduction

The Government believes that every citizen should have the opportunity to participate fully in society and in civic life. Chapter 3 has shown how the Government is widening opportunities for women's economic engagement and advancement - that is, women's progress in the world of work. This chapter looks more broadly at how Government is enabling full participation with underpinning policies to tackle poverty, homelessness and social exclusion; and to promote greater participation of women in public life so that our public and civic institutions are representative of the communities they serve.

### (B) Tackling poverty, homelessness and social exclusion

#### (i) Tackling poverty

##### Enhancing financial support for all families

The Government believes that work is the best route out of poverty - for those of working age, and for their children. Policies described in chapter 3 are supporting lone parents and others to move into work, ensuring that work pays and that appropriate childcare and flexible working options are available. But we also recognise that for some, work is not a feasible option - so we must deliver work for those who can and security for those who cannot.

Alongside making work pay, the Government has demonstrated a clear commitment to providing security through additional financial support to all families. We are tackling the poverty of children and their families - many lone parent families. In the last Parliament alone we:

- increased Child Benefit for all, with a 26 per cent rise for the first child;
- increased the children's allowances in income-related benefits, with rates for children under 11 rising by 80 per cent in real terms;
- increased the Sure Start Maternity Grant by £200 to £500 from April 2002 (this replaced the old maternity payment scheme in March 2000); and
- introduced the Working Families Tax Credit, which went to nearly 1.3 million low income families (719,000 of the recipients were lone parents).

This Parliament, we have further reformed the tax and benefits system, with two new tax credits - the Working Tax Credit (see ch 3, paras xx-xx), and the Child Tax Credit. This Child Tax Credit now brings together the various strands of income-related support for families with children, creating a portable system of support spanning both welfare and work. Nine out of ten families with children will be eligible for the Child Tax Credit, but with the most support going to those on the lowest incomes.

Crucially, the Child Tax Credit and the childcare element of the Working Tax Credit will be paid to the main carer, usually the mother. This recognises research



evidence that most spending on children is by the main carer and will help to ensure the support is spent on the children. This will mean a transfer of up to £2 billion from men to women.

It will also help us deliver on the Prime Minister's historic pledge to eradicate child poverty within a generation, and our interim target of a quarter of children lifted out of poverty by 2004.

### Tackling pensioner poverty

While state and private pension systems have delivered significant improvements in the living standards of pensioners, inequality in pensioners' incomes has increased dramatically. In practice, poorer pensioners are disproportionately likely to be female. This is for a variety of reasons mainly linked to gendered differences in longevity and work histories and historical access to second pensions (or lack of it).

#### **Some Key Facts**

- Because of their longer life expectancy and (currently) lower State Pension age, women make up the majority (64 per cent) of the pensioner population. However, the average female pensioner has far less income than the average male pensioner - £153 a week for a single woman in 2000/01 compared to £194 for a single man.<sup>1</sup>
- Around 70 per cent of today's female pensioner population have no private pension in their own right. Women end up with far less private pension income than men because of their lower levels of participation and lower rates of pay.
- Before housing costs, 23 per cent of single female pensioners have income below 60 per cent of the median compared with 16 per cent of single male pensioners. After housing costs the figures are 30 per cent and 24 per cent respectively.

For future generations, our action to support women's economic engagement and advancement will have a significant impact on women's ability to accrue state and second pensions which will provide a decent standard of living in retirement.

More specifically, we have also introduced two measures, which will improve women's position in retirement.

- The State Second Pension, which will ensure that those with low incomes and broken work records - an estimated 55 percent of them women - have a better income in retirement.
- Stakeholder pensions, which are designed to suit female employment patterns. There are no penalties for breaks in contributions or switching providers. And for those households who can afford it, a woman can contribute to a stakeholder pension and receive tax relief at the basic rate even if she is not currently

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<sup>1</sup> Simplicity, security and choice: working and saving for retirement. Pensions Green Paper, p.110. See <http://www.dwp.gov.uk/consultations/consult/2002/pensions/index.htm>



working. This helps women maintain their own individual pension rights over time and means the funds will be bigger.

But the Government also recognised the need to take action to tackle the scourge of pensioner poverty now. Since 1997 we have taken significant steps to achieve this.

- We introduced the Minimum Income Guarantee (MIG) to provide money for the poorest pensioners. In 2002/03, there are around 1,200,000 female MIG claimants in Great Britain;
- In 2002/03 no pensioner has to get by on less than £98.15 a week under MIG (£149.80 for couples);
- We have increased the basic State Pension above the rate of inflation for the last 2 financial years.

Taken together, these reforms have meant that from 2002, we are spending £6 billion more in real terms than in 1997.

And now we are going further, with the introduction, from October 2003, of the Pension Credit - a major part of the Government's strategy to tackle pensioner poverty and ensure that saving for retirement is rewarded. It replaces the Minimum Income Guarantee (MIG), currently received by around 1.8 million pensioner households.

The Pension Credit will be of particular help to those who, through no fault of their own, have broken work records and are not best served by the basic state pension - typically carers, those raising children and those with low earnings. In other words, women. Many female pensioners have small amounts of private income or have inherited a private pension, but do not have enough income to bring them over the level of the MIG. Since the Pension Credit rewards people in this position, it is particularly good for female pensioners. Over 50 per cent of all households entitled to Pension Credit are likely to be single women.

#### **Target**

By 2006, be paying Pension Credit to at least 3 million pensioner households.

The recent consultation paper issued by the Department for Work and Pensions *Simplicity, security and choice: working and saving for retirement* sets out the Government's pension strategy in more detail. Chapter 7 of that document considers the position of women.<sup>2</sup>

#### (ii) Housing and Homelessness

##### Assessing the gender impact of housing policy

Women are the biggest client group within the social rented housing sector. Different groups of women have different housing issues - for example, affordable housing for single mothers and sheltered housing for the elderly. The Office of the

<sup>2</sup> <http://www.dwp.gov.uk/greenpaper/>



Deputy Prime Minister has made a specific commitment to considering the gender impact of all housing policies as part of its Diversity and Housing Action Plan. This Plan will bring together in a single document the full range of housing initiatives and actions designed to ensure that the housing needs of everyone - regardless of ethnicity, age, disability, faith, gender and sexual orientation - are recognised and addressed. The Plan will set out measurable objectives and performance targets that can be monitored in order to determine how far progress has been made and is an important example of gender mainstreaming in action.

### Women and homelessness

Evidence shows that the stereotype of homeless people as young men living on the streets is no longer valid. Nowadays it is women and children who are increasingly coming to Local Authorities for help because they are homeless. The statistics are stark.

#### **Some Key Facts**

- Of the homeless households who are accepted for re-housing by local authorities, around 65 per cent are families with children or households containing a pregnant woman. Of those with children, around 70 per cent are lone parents.
- In 2001/2, 117,750 households were accepted by councils as being homeless and in priority need. The figures suggest that women appear to be particularly affected by homelessness.
- We estimate that lone female parents make up the single biggest group of households, accounting for just fewer than 40 per cent of all acceptances.
- Couples with children account for a further 15 per cent and single women account for around 18 per cent.

Relationship breakdown is a leading reason for homelessness, with 7 in 10 cases involving domestic violence. Over the last seven years, more than 130,000 homeless households have been re-housed by local authorities because of domestic violence. We know that domestic violence accounts for at least 16 per cent of all acceptances nationally - this figure is likely to be an under-estimate as it will exclude those women who flee to family or friends in the first instance, and then later approach their Local Authority for help.

The Government has recently announced two measures to address this problem, in addition to other work being undertaken to stop domestic violence and bring perpetrators to justice (see Chapter 5 for more detail on what the government is doing to combat domestic violence).

- ♦ We have entered a ground-breaking partnership with Comic Relief in a £2 million initiative to set up a new national 24-hour free helpline to help women and children fleeing domestic violence. Operation of the helpline will be supported by a new 'Refuge Online' service, giving touch of a button access to real-time information about refuge and associated services.
- ♦ The Office of the Deputy Prime Minister, together with the Housing Corporation, will spend in the region of £21 million over three years to



develop new refuge accommodation in partnership with local authorities around the country.

In addition, as part of its work on urban policy, the Office of the Deputy Prime Minister supports a number of projects and programmes undertaken by and through Women's Aid Federation of England (WAFE), in particular in assisting the implementation of Supporting People, through which local refuge provision is now funded on an ongoing basis.

### (iii) Tackling Social Exclusion

Social exclusion is a complex phenomenon. It has many aspects to it, and many causes. Anyone can be affected by social exclusion, though certain groups such as young people in care, those growing up in low income households or with family conflict, those who do not attend school and people from some minority ethnic communities are disproportionately at risk.

Since it was set up in 1997 the Social Exclusion Unit (SEU) has led the Government's drive to tackle social exclusion with a series of in-depth studies and reports looking at key causes of social exclusion. The most relevant to gender equality is the report on *Teenage Pregnancy*, published in 1999.<sup>3</sup>

#### Teenage Pregnancy

The UK has one of the highest teenage birth rates in Western Europe.

#### **Some Key Facts**

- During 1999, almost one in twenty young women in England became pregnant.
- The infant mortality rate for babies of teenage mothers is 50 per cent higher than for babies of older mothers and the health of teenage parents and their children is much worse than average.
- Growing up poor is associated with a much higher risk of getting pregnant young, particularly for 11 to 15 year olds.

The Government has set specific targets to reduce teenage pregnancies - and to reduce social exclusion amongst those teenagers who do fall pregnant - as follows.

#### **Targets**

- To reduce the rate of teenage conceptions, with the specific aim of halving the rate of conceptions amongst the under 18s by 2010, with an interim reduction of 15 per cent by 2004.
- To increase the participation of teenage parents in education and work to 60 per cent, by 2010, to reduce their risk of long-term social exclusion

<sup>3</sup> See [http://www.socialexclusionunit.gov.uk/publications/reports/pdfs/teen\\_preg.pdf](http://www.socialexclusionunit.gov.uk/publications/reports/pdfs/teen_preg.pdf)



The Government's strategy to achieve these targets was set out in the SEU report. Many of the actions set out in that report have already been implemented. For example:

- Every local authority area has produced a ten-year local teenage pregnancy strategy, beginning in 2001. Within these strategies, areas have signed up to under-18 conception rate reduction targets of between 40 per cent and 60 per cent, to underpin the national 50 per cent target.
- The Teenage Pregnancy Standards Fund Grant has invested £10 million in the 48 LEAs with the highest teenage pregnancy rates to help reintegrate mothers aged under 16 back into education.

The strategy has already had a positive impact. During the first two years of implementation, the under 18 conception rate fell by over 6 per cent and 33.5 per cent of teenage mothers are now in education or work, compared to only 17 per cent in 1996.

Building on the success of that strategy, the Government has continued to look for innovative ways to support teenage parents. The Connexions Service is currently producing a publication entitled *Making a Difference - Teenage Pregnancy*. The booklet is for practitioners working in the field of teenage pregnancy - both within the Connexions Service and its partner agencies. The evidence indicates that innovative and creative solutions are being developed to meet the challenge of the Government's teenage pregnancy targets. There is a clear emphasis on the importance of multi-agency working and of collaboration between the Connexions Service and other agencies. The guidance should be available later this year.

## **(C) Civic Inclusion: Women's Representation**

To achieve the Government's goal of a more equal society a diversity of experiences and voices must be reflected in all areas of public life. Women must be encouraged and supported to make their voices heard and their experience felt through full and active participation in civic life. The central aim here is to see in time all institutions with power and influence reflecting the diversity of the population as a whole.

### **(i) Parliament**

We have one of the lowest proportions of women MPs in Europe - just 18 per cent - a level which is not acceptable. Furthermore, for the first time in 20 years, there was a drop in the numbers of women elected to Westminster in 2001.

#### **Some Key Facts**

- 6 women are in the Cabinet out of 22. Overall, there are 29 women in Government, out of 92 posts (32.6 per cent).
- There were 120 women MPs after 1997 election - 18 per cent of the total - double the previous figure.
- In 2001 election 118 women were returned to Parliament, the proportion of women dropped to 17 per cent.



- Since the changes in composition in 1999, women now make up 16 per cent of the House of Lords. The new appointments commission is required to ensure appointed members are broadly representative of British society, therefore 30 per cent of new appointments should be women.
- In 1999 women represented 24 per cent of the UK members of the European Parliament (MEPs).

The Government is seeking to reverse this trend through the Sexual Discrimination (Election of Candidates) Act 2002. This Act removes the domestic legal barrier to political parties who wish to use positive measures to reduce inequality in the numbers of men and women elected. The Act is permissive, meaning parties themselves are free to choose what measures, if any, they wish to take to reduce gender inequality.

The Act covers not only elections to Parliament, but also elections to the Scottish Parliament, the National Assembly for Wales, and the European Parliament. An amendment to the equivalent Order in Northern Ireland means elections there are also covered. The Act has a 'Sunset Clause' that would cause the provisions to expire at the end of 2015. This should allow for at least three elections to have taken place in each body to which the legislation applies.

In Scotland and Wales, where positive measures have been introduced, the numbers of women elected increased to 37 per cent and 40 per cent respectively. We hope that this Act will allow similar progress to be made at Westminster.

## (ii) Public Appointments

It is equally important that our public bodies are representative of the communities they serve. Progress has been made over the last decade, and at local level - for example in NHS Trusts and on school Boards of Governors - bodies are broadly representative. But in relation to national appointments, there is still some way to go

### **Some Key Facts**

- In 1991, 23 per cent of Public Appointments were held by women. This has now risen to 34 per cent in 2002.
- Women are well represented at local level e.g. 47 per cent of magistrates, 48 per cent of NHS Trust positions and 50 per cent of school governors.
- But women hold only 34 per cent (7,391) of national public appointments, with minority ethnic women holding only 1.8 per cent of national appointments. During 2001-2002 39 per cent of new and re-appointments were to women. This suggests there will be an overall increase in future years.
- Ethnic monitoring was introduced in 1992 when ethnic minorities held 2 per cent of appointments. By 1999 this had risen to 4.7 per cent and to 6.2 per cent (1,362) by March 2002.

	1992	1997	2001	2002
Total number of public	41,011	38,083	29,499	21,901



appointments				
Number of appointments held by women	10,701 (26%)	12,010 (32%)	9,940 (34%)	7,391 34%

### Gender Equality Priority

- By 2005 to have an overall even balance of men and women on boards of public bodies.

The aim is to rectify this by 2005. We hope that the following measures will help us achieve this.

- Each central Government department has an individual plan of action to increase the proportion of appointments held by women. See Annex A
- The Public Appointments Unit in the Cabinet Office has produced *Making Public Appointments: A Best Practice Guide for Departments*, and is also responsible for working with departments to encourage improvement in the quality and diversity of appointees.
- Regional and specifically targeted seminars to encourage more women from all areas of the community to become involved in public appointments at regional and national level.
- An e-network set up by the Women's National Commission for women who attended the seminars, to provide them with information about vacancies on the boards of national public bodies
- A mentoring scheme, which aims to encourage and support more women to apply for, and take up, national public appointments, run by the Women's National Commission.

### (iii) The Judiciary

It is important, too, that other high profile or influential professions have senior ranks representative of the population.

The Lord Chancellor, who is responsible for the judicial appointments process in England and Wales, is responsible for ensuring that the process identifies the most talented candidates for appointment as judges and recognises and values diversity and promotes equality of opportunity. The judiciary needs to reflect the diversity of the legal profession, which in turn should mirror society.

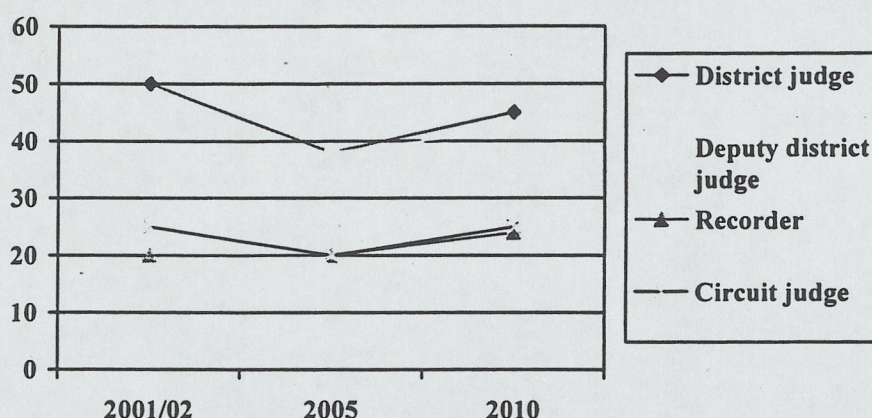
### Some Key Facts

- The number of women judges currently is, at least in part, a reflection of the number of women in the legal profession with the necessary years of experience. However, the numbers are growing as more women enter the profession. Of the main appointments through open competition in 2001/02, 34.4 per cent were women. This compares with 28.8 per cent in 2000/01.
- The average length of legal experience of those appointed in 2001/02 was just over 22 years. According to the Bar Council and the Law Society, the



proportion of female barristers with over 20 years' experience was 13.2 per cent, the proportion of female solicitors was 12.0 per cent.

The Lord Chancellor's Department has published projections of the proportion of women who could be expected to become judges over the next five to ten years. The graph below shows these projections, alongside the actual percentage of female appointments in 2001/2002 - they are 35 per cent Deputy District Judges, 20 per cent Recorders, 50 per cent District Judges (there were only two appointments one of which was female) 25 per cent circuit judges.



These projections should be seen in the context of the Lord Chancellor's Department's broader work to improve and develop the judicial appointments process, including the Lord Chancellor's involvement in a joint working group on equal opportunities with the Bar Council and the Law Society. The Lord Chancellor will:

- improve the judicial appointments process, including the recommendations made in the Peach Report, to increase its objectivity, professionalism and effectiveness;
- ensure the appointments process is accessible to all those who aspire to judicial office, particularly those from under-represented groups which will lead to a more diverse range of applicants for judicial appointment; and
- ensure that the appointments process is transparent to enable the Commissioner for Judicial Appointments to audit the process, investigate any complaints arising properly and act on any agreed recommendations.



## Annex A

**Public Appointments**  
**Departmental Targets for Increasing Women's Representation**

Department	Approx. % women at 31.03.01	Total number of appointments at 31.03.01	Latest target
CO	41%	328	50% by 30.09.05
DCMS	34%	573	50% by 31.08.04
DEFRA	18%	1,102	35% by 01.04.05
DI&ES	37%	304	10% by 01.04.05 for Industry Training Boards 45% by 01.04.05 for all other Executive Non- Departmental Public Bodies (NDPBs) 50% from now on for Advisory NDPBs and Tribunals
DFID	33%	49	>23% from now on
DH	46%	3,936	50% by 01.12.05 - NHS Trusts/Health Authorities/PCTs 42% by 01.12.05 for all NDPBs/Special Health Authorities
DTI	27%	3,330	No target overall % appointments to be held by women but 45-55% appointees each year to be women
DTLR	30%	685	40% by 31.12.02
DWP	36%	2,107	50% by 01.03.05
FCO	31%	59	50% by 31.12.03
HMT	21%	76	40% by 01.01.03
HO	43%	2,483	45% by 31.03.05
LCD	26%	4,872	43% by 01.01.05
MOD	22%	290	30% by 01.12.05
NIO	40%	129	45% by 01.01.05



## Chapter 5: Public Service Delivery

### (A) Introduction

The Government is committed to reforming public services with education, health, the criminal justice system and transport at the heart of its programme. We want to see reform driven by the needs of service users - all service users. We want to see equal access to our public services. And if our public services are not serving one group as well as another, we want to know why, and we want to put it right. Gender equality concerns are being addressed in each of these four key delivery areas.

### (B) Education

#### (i) Primary and Secondary Education

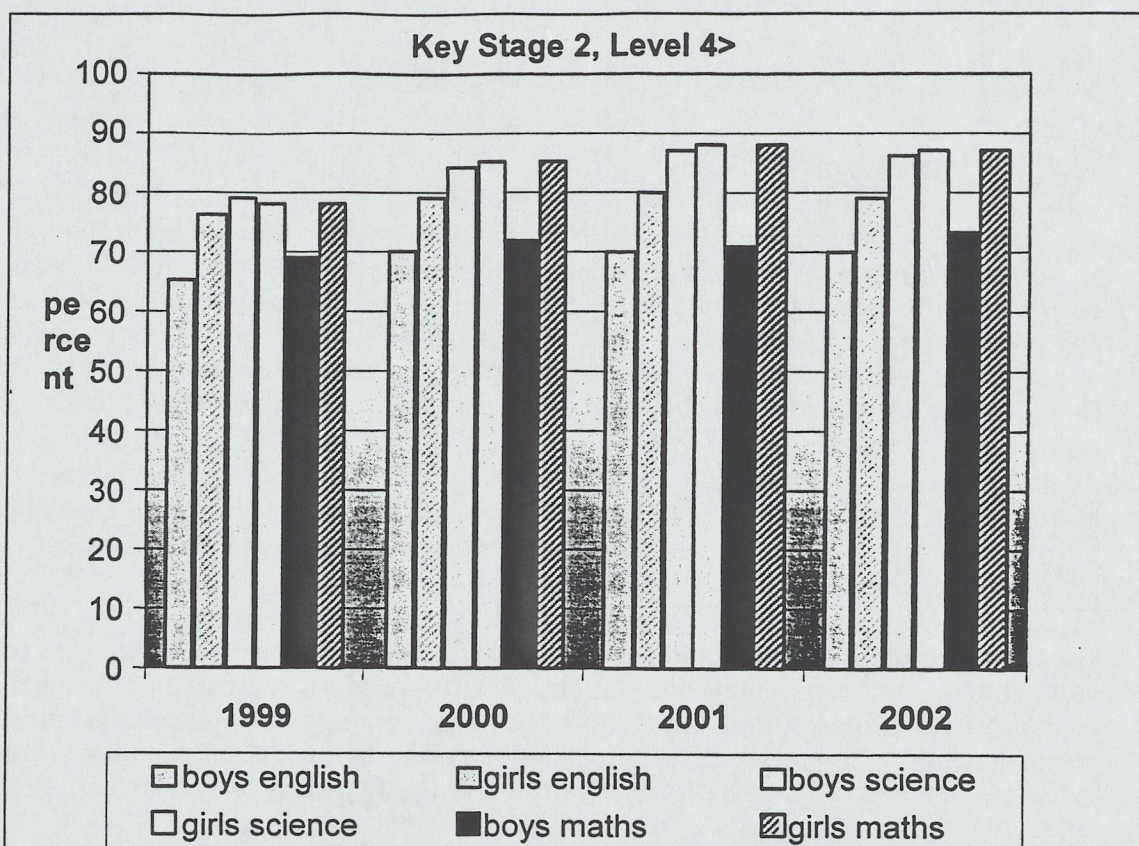
The historic gender equality challenge for primary and secondary education was to improve the attainment levels of girls. But over recent years, all that has changed. Girls are now outperforming boys throughout their primary and secondary school years - meaning the gender equality challenge now is to tackle underachievement by boys and some of its key causes, for example the higher exclusion and truancy rates amongst boys.

#### **Some Key Facts**

There is a gender gap in a number of areas of primary and secondary education:

- Boys lag behind girls in early literacy skills and later in English.
-





- Boys perform considerably less well than girls in GCSE examinations.

**Qualification levels (GCSEs) achieved by pupils in the last year of their compulsory schooling: UK, 1999/2000**

	Girls %	Boys %
5 or more grades A - C	56	45
1 to 4 Grades A - C	24	25
Grades D to G only	16	24
No graded results	5	6
Total (thousands)	346.0	357.7

Base: All pupils aged 15 at the start of the academic year/pupils in year S4 in Scotland

Source: Statistics of Education, Education and Training Statistics for the United Kingdom, 2001.

**GCE 'A' level/SCE higher grade entries and achievements for pupils aged 16-18, in all schools and further education sector colleges: UK, 1999/2000**

	Girls %	Boys %
Achieved Grades A - C	63	60
Achieved Grades D - E	26	28
No Graded Results	10	13
Total (thousands)	478.9	411.8

Base: All pupils in schools and students in further and higher education institutes, aged 16-18 at the start of the academic year in England and Wales and Northern Ireland. Pupils in Scotland generally sit higher one year earlier and the figures tend to relate to the results of students in year S5/S6



Source: Statistics of Education, Education and Training Statistics for the United Kingdom, 2001.

- Over 80 per cent of excluded pupils are boys and 73 per cent of these are aged between 12 and 15.
- Girls are more likely than boys to be in full-time education at academic ages 16, 17 and 18. (75 per cent v 67 per cent at 16, 62 per cent v 55 per cent at 17 and 39 per cent v 35 per cent at 18). The gap at 18 is due to the higher participation of females in Higher Education than males (23 per cent v 18 per cent).
- By age 19, 50 per cent of females have obtained a level 3 qualification compared with only 43 per cent for males.

The Government is committed to transforming primary and secondary education by improving the quality of teaching and learning for all young people. But within our overall strategies to raise achievement levels, we have specific measures designed to improve boys' performance in key examinations.

#### Raising standards in schools

The National Numeracy and Literacy Strategies are now being brought together under one overarching strategy - The Primary Strategy. The aim is still to enable even more 11-year-olds to read, write and use numbers effectively, as a sound basis for progressing into secondary education. As girls have outperformed boys in the English tests in recent years, the Literacy element of the Primary Strategy has a number of features, which particularly support schools and teachers in their work to close the achievement gap between boys and girls. For example, clear objectives help boys to see exactly what they have to learn, and interaction with the teacher in the whole class sessions keeps boys motivated and involved.

In addition, we are targeting support on schools in the most challenging circumstances and on lower attaining pupils. For example, by providing booster classes in both literacy and numeracy for those pupils who, without additional support, might not otherwise achieve level 4.

We are also promoting a number of good practice initiatives to encourage LEAs to address the achievement gap, for example the Gender and Achievement website which is a comprehensive source of information for teachers, LEAs and parents.<sup>2</sup>

#### Tackling truancy and helping boys engage with learning

One underlying factor behind boys' poorer performance is the disengagement from learning of some young and teenage boys. This manifests itself not only in under-performance but also in truancy - of the 50, 000 children who truant every day, [x%] are boys - and, eventually, exclusion from school - 80% of excluded pupils are boys.

The Government has introduced a range of measures to tackle the problem of truancy. For example:

<sup>2</sup> More information is available at [www.standards.dfes.gov.uk/genderandachievement/](http://www.standards.dfes.gov.uk/genderandachievement/)



- new powers for courts to issue parenting orders requiring parents to attend parenting skills classes;
- tougher penalties including fines of up to £2,500 or 3 months in prison for parents who allow their children to truant;
- co-ordinated programmes of truancy sweeps and investment in learning support units and extra Educational Welfare Officers in the ten areas with the highest street crime (a problem associated with truancy).

In addition, the recent White Paper *Respect and Responsibility: Taking a Stand Against Anti-Social Behaviour* included further measures to tackle truancy including giving Local Education Authorities (LEAs) and schools the power to establish Parenting Contracts with parents; and giving police, LEA and school staff the power to issue parents who ignore or condone truancy with Fixed Penalty Notices.

As well as tackling truancy in this way, we also want to tackle its cause by positively supporting boys to engage with learning. We aim to reduce the number of boys who disengage from learning and are at risk of exclusion, for example, through the Dads and Sons campaign. There is a nationally available free booklet and website of the Dads and Sons campaign, to help dads get involved in their 11-14 year old sons' education.<sup>3</sup>

## **(ii) Higher Education**

The Department for Education and Skills is committed to working towards wider participation in higher education (post-A level courses of one year or more, which lead to a qualification awarded by recognised national awarding bodies) while continuing to improve standards. In January 2003 it published its higher education strategy document setting out a ten-year vision for the future of the sector.

The gender equality challenge in relation to higher education is not one of participation (in 2001/02 55 per cent of enrolled students were women, a fairly even balance), nor one of achievement (where performance is fairly evenly balanced), but one of an uneven distribution of men and women across courses, as shown in the table below.

**Women as a proportion of all students in full and part-time higher education courses in the UK (2001/02)**

Subject Group	Women as % of total
Medicine and Dentistry	55
Allied Medicine	83
Engineering and Technology	17
Other Science	42
Social Studies	62
Business Studies	54
Education	72
Other Arts	61
Combined, gen and unknown	56

<sup>3</sup> <http://www.dfes.gov.uk/dadsandsons>



The most striking statistics are those relating to Engineering and Technology, where women are vastly under-represented, and Allied Medicine, where men are similarly under-represented.

The Government is helping to address the under-representation of women in Engineering and Technology through:

- more access courses, including courses designed to help women study technology and science; and
- childcare grants which are paid at 85 per cent of formal childcare costs and are wholly disregarded by the Department of Work and Pensions for benefits purposes, helping students who are lone parents.

This is in addition to those activities designed to encourage women into careers in ICT, science and technology, which are described more fully in Chapter 3.

The Government is also beginning to take steps to rectify the under-representation of men on Allied Medicine courses. Male applicants to nursing courses increased between 1997/ 98 and 2000/ 01 from 15.2 per cent to 22.7 per cent and then dropped to 17.5 per cent in 2001/ 02. Acceptances for men to nursing courses have decreased between 97/ 98 and 01/ 02 from 14.1 per cent to 12 per cent [Nursing and Midwifery Admissions Service figures]. It is a similar story for AHPs where applicants from men have gone from 35 per cent in 2000 to 34 per cent in 2001 and acceptances have remained at 34 per cent [UCAS figures].

The Government is fully committed to diversity and equality of opportunity for all Health Service staff. The NHS workforce must reflect the population it serves in order to deliver sensitive and appropriate services. We are looking to achieve the increases from across all groups in the community.

For example, figures from NMAS (Nursing and Midwifery Admissions Service) (2001/02) show that 18 per cent of applicants to Diploma courses were men. Figures from UCAS (University and Colleges Admissions Service) (2000) show that 9 per cent of applicants to nursing degree courses were men. In the year to 31 March 2002, over 10 per cent of the NMC register are male. Nursing offers a rewarding career for a cross section of the population, men are increasingly attracted to nursing as a career.

The booklet we have produced promoting nursing and midwifery as a career, *Nursing and Midwifery in the NHS, Join the team and make a difference* features a man on the front cover and the booklet explicitly states that male and female applicants are equally welcome.

We set out above the fairly even participation rates of men and women in higher education. However, we should note that this overall balance masks the existence of more specific groups - for example Bangladeshi women - who are under-represented. Of the £190 million in Excellence Challenge, nearly £90 million is going directly to Excellence in Cities and Education Action Zone areas to increase the number of young people from deprived areas entering higher education. Many ethnic minorities, including Bangladeshi women, are included in the Excellence Challenge areas. Further Government work on race equality includes the 'Ethnic Minorities in the Labour



Market' project being conducted by the Strategy Unit in the Cabinet Office<sup>4</sup> and the work of the Race Equality Unit in the Home Office<sup>5</sup>

## (C) Health

The Department of Health's key aim over the next three years is to transform the health and social care system so that it produces faster, fairer services that deliver better health and tackle inequalities. There are obvious gender differences in incidence of ill health, for example we know that men are at greater risk of heart disease than women, but that women are much likely to suffer from osteoporosis. Therefore, targets addressing the particular needs of men and women will be key to achieving the Government's overall objectives of improving health services and outcomes for everybody. Three examples follow which highlight the need for specific gender equality targets.

### (i) Mental Health

The Mental Health National Service Framework<sup>6</sup> (MHNSF) was developed to drive up quality and remove the wide and unacceptable variations in the provision of mental health services.

The NHS Plan acknowledges that mental health services are not always sensitive to the needs of women. Although there is no significant difference between women and men in terms of mental health, there are clear gender differences when looking at specific disorders. For instance, anxiety, depression and eating disorders are more common in women, but substance misuse and anti-social personality disorders are more common in men.

The Government has also made a commitment, in response to Health Select Committee recommendations, to the development of a strategy for women's secure care.

To ensure that these commitments are met a women's mental health strategy has been developed. A consultation document outlining a proposed strategic framework for women's mental health care was published in October 2002.

### **Target**

- By 2004 mental health and social care services will provide women-only mental health community day services in every health authority area to meet the local needs of women, as some specific disorders are more prevalent among women.

### **Case Study**

Dosti (friendship) is a multi-faith women's support project, based at Stockhills Day Centre in Leeds, run by and for Asian women. Women have access to counselling, advocacy and support in their first language, and can take part in a range of activities eg creative sessions, complementary therapies, cultural festivals, advice sessions. Dosti focuses on issues that impact on Asian women's mental health

<sup>4</sup> See <http://www.strategy-unit.gov.uk/2001/ethnicity/main.shtml>

<sup>5</sup> <http://www.homeoffice.gov.uk>

<sup>6</sup> National Health Service. *National Service Framework Mental Health: Modern Standards and Service Models*. London: NHSE, 1999.



including extended family and family pressures, domestic violence, arranged and forced marriages.

### (ii) Cancer

The NHS Cancer Plan (September 2000) sets out new goals to reduce waiting times for diagnosis and treatment for all cancers. Breast cancer mortality can be reduced if diagnosed and treated at an early stage and these targets aim to improve the life expectancy of women with breast cancer.

### **Some Key Facts**

The NHS Breast Screening Programme has been very successful, with 1.3 million women screened in England in 2000/01. Over 8,000 cancers were detected, over half of which could not have been detected by hand. Over 98 per cent of women with non-invasive cancer and almost 94 per cent with invasive cancers detected by screening are alive five years later.

Breast cancer mortality fell by over 21 per cent between 1990 and 1998. A third of this fall has been attributed to screening<sup>7</sup>. Evidence supports screening on a population basis in women aged 50-70 years and Government-funded research has shown that it is feasible and cost-effective to invite women up to 70.

### **Targets**

- By 2005 a maximum two month wait from urgent GP referral to first treatment for all cancer patients and a one month wait from diagnosis to first treatment
- By 2004 an extra 400,000 women a year will be screened through the extension of the NHS Breast Screening Programme, to women aged 65 to 70.

### (iii) The Patient Experience

A key theme of the NHS Plan is to put the patient at the centre of its services.

Most patients, particularly women, do not like being in Nightingale wards, which do not give much privacy. They are often used to accommodate both men and women but offer little in the way of segregation. This can compromise patients' privacy and dignity. The Department of Health allocated £120 million over a three-year period to 2004 to convert large, open-plan dormitory-style Nightingale wards into modern single-sex accommodation, which provides greater privacy for patients.

### **Target**

- To eliminate Nightingale wards for older people by April 2004

## (D) Criminal Justice System

<sup>7</sup> Blanks et al, British Medical Journal, September 2000



The Government is committed to reforming the criminal justice system so that the victims of crime are at the heart of the system. The White Paper *Justice For All* sets out how the Government intends to rebalance the system in favour of victims, witnesses and communities to deliver justice for all.

### **(i) Violence Against Women**

Crime is not gender neutral and policy and service delivery needs to reflect this. Crimes such as domestic violence, rape and trafficking are overwhelming (though not exclusively) committed by men against women and tackling each of these crimes is a priority area for Government.

#### **Domestic Violence**

Domestic violence is about the power and control of one person over another. It can take many forms, including physical, sexual and emotional abuse, and has a devastating impact on the lives of thousands of women and children.

#### **Some Key Facts**

- One in four women will experience domestic violence in their lifetime. Around half will have children under 16 living with them at the time.
- A woman is killed every three days by a current or former partner. 35 per cent of all murders in the last five years have been a consequence of domestic violence.
- There are two incidents of domestic violence every minute. The police receive a call every minute.
- No other crime has a rate of repeat victimisation as high.

#### **Gender Equality Priority**

- The Government is committed to taking action to reduce domestic violence, which currently accounts for 25 per cent of violent crime, to bring more perpetrators to justice, and to provide better support to victims.

To deliver this reduction on domestic violence, the inter-Ministerial group on domestic violence, supported by a group of officials known as the Domestic Violence 'Virtual Unit', is concentrating on five headline areas of action.

- Early intervention by health care professionals;
- Increasing safe accommodation choices for women and children;
- Promoting education and awareness raising;
- Improving the link between the criminal and civil law; and
- Ensuring a consistent response from the police and Crown Prosecution service.

The Government will be publishing a consultation paper in spring 2003 to set out proposals on preventing domestic violence. The consultation will aim to generate a comprehensive response from the public, voluntary sectors and others, to ensure the widest possible agreement on what needs to be done to prevent and deal with



domestic violence. This will take forward a range of proposals on domestic violence set out originally in The Criminal Justice White Paper - *Justice for All*, including sentencing, anonymity for victims in court, making breach of a non-molestation order a criminal offence, proposals to increase the interface between civil and criminal justice systems and putting murder reviews on a statutory footing.

The Home Secretary also recently announced a £14 million funding package over three years to support Crime and Disorder Reduction Partnerships across the country develop practical strategies for dealing with domestic violence at a local level. This funding comes on top of funding allocated by the Office of the Deputy Prime Minister for the development of a new national helpline number and for additional refuge provision (details can be found in Chapter 4).

In addition, a number of domestic violence perpetrator programmes are being evaluated by the Probation Service. We want to ensure these programmes effectively challenge - and have a positive impact on - behaviour before disseminating them more widely.

### Rape

Rape is a serious crime, which deeply affects the lives of its victims. The number of cases of rape reported to the police has risen dramatically in recent years - reported rape has increased by 165 per cent in the last 10 years (Home Office, 1999). Whilst this is partly a reflection of the success of initiatives encouraging rape victims to come forward, and legal advances,<sup>8</sup> a recent decline in the conviction rate from 24 per cent to 9 per cent is a key concern for the Government.

A joint report published in April 2002 by the Police and Crown Prosecution Inspectorates highlighted serious concerns about the falling conviction rates. It pointed to the need to address the problem at all stages of the criminal justice system. In July 2002, the Home Office published a cross-government, inter-agency action plan, which detailed important measures for implementing the report. It is aimed at:

- improving the investigation of rape cases;
- enhancing the quality of advice, decision making, case preparation and presentation at court; and
- improving the treatment of victims and witnesses in cases involving allegations of rape.

### People Trafficking

Organised immigration crime - trafficking and smuggling of people - exploits its victims and is a major organised criminal activity which has attracted high level international concern. The UK is at the forefront of the international effort to combat this activity.

### **Some Key Facts**

<sup>8</sup> Part of that rise can be attributed to two things: a different approach by the police; and legal advances, which have eliminated outdated notions such as a husband's right to rape his wife.



- It is estimated that between 140 and 1,400 women and children per year are trafficked into the UK for the purposes of sexual exploitation.<sup>9</sup>
- In 1997 the United Nations estimated that more than four million people went through trafficking and smuggling migration routes and that by 1999 the UN estimates had climbed even higher to over 5 million people.<sup>10</sup>
- The UN estimates that trafficking in prostitutes alone is worth *at least* £4.6 billion annually.<sup>11</sup>
- The total global value of organised immigration crime, however, may well currently exceed £7.5 billion per annum.<sup>12</sup>

### **Targets**

- To enable trafficked women to escape their circumstances through the establishment of a pilot project to cater for their specific needs.
- To produce a best-practice 'toolkit' to act as a comprehensive resource for law enforcement, immigration, social services, and other key agencies in the fight against trafficking.

The recently published Command Paper on Sex Offences, *Protecting the Public*, sets out new wide-ranging offences covering trafficking for sexual exploitation to replace the stop-gap offence of trafficking for the purpose of prostitution, introduced in the Nationality, Immigration and Asylum Act.

An offence of trafficking for labour exploitation will also be introduced when parliamentary time permits. The UK has signed up to a European Union Framework Decision, which commits the Government to criminalising trafficking people for both labour and sexual exploitation by July 2004.

*Protecting the Public* also introduces a new offence of Commercial Sexual Exploitation of a child, which will protect children up to 18. It covers a range of offences, including buying the sexual services of a child, (for which the penalty ranges from 7 years to life depending on the age of the child); and causing, facilitating or controlling the commercial sexual exploitation of a child in prostitution or pornography, for which the maximum penalty will be 14 years imprisonment.

This work will be complemented by the publication of an anti-trafficking toolkit, a comprehensive resource which will serve to raise awareness and provide guidelines to practitioners likely to come into contact with victims of trafficking.

In addition to this, the 2002 White Paper *Secure Border Safe Haven* committed the Government to the establishment of a pilot project to cater for the specific needs of trafficked women wishing to escape their circumstances. This project is being undertaken by the Home Office's Justice and Victims Unit and will be launched

<sup>9</sup> Figures from a Home Office research study 'Stopping Traffic' (2000)

<sup>10</sup> Demleitner, 1999

<sup>11</sup> Boswell, 2001

<sup>12</sup> Bruggeman, 2002



early this year, initially on a six-month basis in order to assess effectiveness and levels of demand for support services.

## **(ii) Women Offenders**

The Government is committed to looking specifically at how to tackle women's offending. The objective is to reduce offending by women, and the number of women being held in custody, by addressing the factors that have an impact on why women offend (health, housing, child-care issues, substance misuse, histories of abuse and poverty), and promoting a more specific and distinct response to the needs and characteristics of women offenders and those at risk of offending.

### **Some Key Facts**

- Between 1993 and 2001 the average population of women in prison rose by 140 per cent compared to a 46 per cent increase in the male prison population.
- This increase is not because more women are committing more serious or violent offences (80 per cent serve less than 12 months), but as a result of courts applying a more severe response to less serious offences. Magistrates courts used custody five times more frequently for women in 2001 than in 1992.
- Women are the primary carers of children and are less likely than men to have someone to look after them if in prison (92 per cent of male parents in prison reported that their partner was looking after the children, compared to 25 per cent of mothers).
- There are currently 18 women's prisons in England and Wales.
- Women represent only 6 per cent of the total prison population in England and Wales

### **Target**

- The Government is committed to reduce women's offending by addressing the factors that have an impact on why women offend, and to ensure that the criminal justice system provides responses and interventions that are better tailored to meet the particular needs and characteristics of women.

The first stage of the *Women's Offending Reduction Programme* (WORP) will be launched in the Spring of 2003, with the publication of the Action Plan. The plan will identify action that is required in order to:

- Develop and promote women-specific community-based facilities and interventions to encourage greater use of bail and community sentences for women offenders
- Promote gender mainstreaming and the need for a distinct response to women's offending across the criminal justice system, if equal outcomes for male and female offenders are to be achieved
- Ensure that the needs of black and minority ethnic women are met when developing women-specific services, facilities and interventions.

The National Probation Directorate is working on a strategy which links to the WORP and which examines gender specific issues, such as

- sentencing (eg gender specific training for court report writers and some further research into Pre Sentence Report writing);



- community provision (increasing the use of Community Orders rather than custodial sentences and ensuring that gender issues are picked up in pilot programmes);
- bail and remand (including the utilisation of women's hostel places, which links into the forthcoming hostels strategy);
- resettlement provision (including drug treatment options and mental health provision for women); and
- post sentence work with victims.

For women offenders who end up in custody, the Prison Service recognises that female prisoners have substantially different needs and characteristics to male prisoners, hence a separate female estate. For example

- When a woman has been imprisoned, there is a particular need to address the issue of contact with her family, particularly her children. Maternity care is provided in four mother and baby units (68 babies and their mothers) and the service is making provision for four more over the next two years.
- Although the health problems of men and women in prison are similar, women obviously have additional needs in respect of their gynecological health. Mental health problems are particularly acute among women and self-harm is far more common amongst women than men.

### Case Study

The NEXUS Project was established in 2001 to tackle problems faced by women leaving prison, especially those who had been imprisoned for a few months, the majority of whom had a history of problematic drug use.

Working with established projects in Birmingham, Coventry, Walsall and Wolverhampton, NEXUS builds a bridge between Brockhill Prison in the West Midlands and the community. *Rattling*, a theatre production based on the detoxifying experience of women entering prison is used to encourage participation. This is followed by eight weeks of group work enabling women to consider lifestyle changes. Support is maintained by the community projects following release.

### Women and Drugs

The Drug Strategy aims to tackle drug misuse through prevention, education, harm minimisation, treatment and effective policing. It is recognised that women have specific needs in relation to the delivery of drug services and are currently under-represented in treatment services. The Drug Strategy is being targeted specifically to address these issues.

### Some Key Facts

- The British Crime Survey (BCS), indicates that, among 16 to 59 year olds, men are twice as likely as women to have taken an illicit drug in the last month or year (Ramsay et al 2001).



- However, this difference is much narrower for men and women aged between 16 and 29 years - 56 per cent of men in this age group had taken an illicit drug in the last year, compared to 44 per cent of women.
- The National Drug Treatment Monitoring System provides figures on people presenting to drug services for treatment and shows that the ratio of men entering treatment compared to women is 3:1.<sup>13</sup>
- The RDMD shows that the patterns of drug misuse among men and women presenting for treatment are broadly similar. For both sexes the most common age at which to present to a treatment agency is between 20 and 29 years of age, while the most common drug of choice is heroin followed by methadone, including prescribed methadone, amphetamines and cocaine.

### Aim

- To increase the number of women, including sex workers, entering and retained in drug treatment.

Research commissioned by the Home Office and published in July 2002 identified a number of reasons why women do not access drug treatment services:

- the risks and stigma attached to being identified as a drug misuser or drug-misusing mother;
- women drug users have specific experiences and needs which are not always recognised or met (issues associated with: pregnancy and childcare; sex working; past traumatic experiences including sexual and physical abuse; and mental health needs).

The National Treatment Agency's new service framework for drug treatment (Models of Care) identifies the need to ensure that services are sensitive and appropriate for the diverse range of clients who need it, including women. All Drug Action Teams are required to review whether they provide adequate services for women, identify gaps in services and develop services to overcome this. This will include:

- ensuring that drug services are more flexible and willing to develop methods to ensure that women users are attracted and maintained in treatment.
- widening the range of drug-specific services offered and extending and combining services, where necessary. For example, providing support services such as childcare provision, transport, outreach services, flexible opening times and specialist services for pregnant drug users.

There is considerable research evidence for the connection between female prostitution and drugs. We have convened a working group, which will consider new ideas for intervention and feed into future policy in this area.

### (E) Transport

Women's transport needs and travel patterns are often different to men's.

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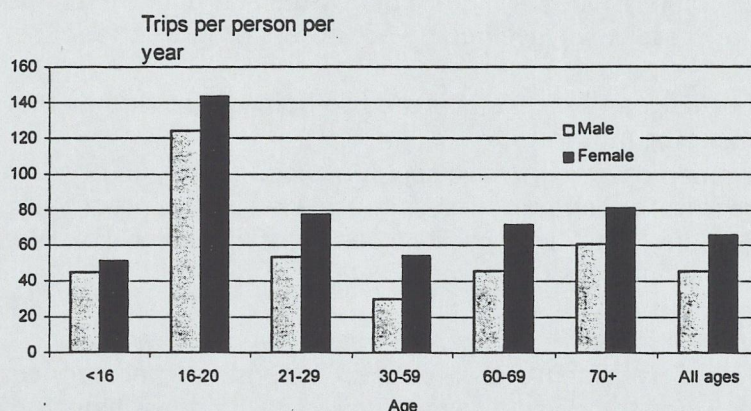
<sup>13</sup> Department of Health 2000



## Some Key Facts

- Although men and women make a similar number of trips in total, women travel shorter distances on average, and make fewer car trips.
- Women are the main users of buses (see graph below), and have particular concerns about their security. Women's use of public transport is underpinned by their need to juggle a number of activities within their working day. Much of this activity is often local: a part-time job, the food shopping, taking a relative to the doctor, and ferrying the children to and from school.
- Travel patterns are changing - increasing numbers of women are in the workforce and are likely to be drivers. Now, 60 per cent of adult women (and 78 per cent aged 30-39) hold a licence, compared to 82 per cent of men. Each successive cohort of young women is more likely to drive than their predecessors. These changes are also feeding through into older age groups; over half of women in their 60s now hold a licence.

Chart1 Bus trips by age and sex: 1999/2001



### Ensuring that women's needs are properly reflected

Given these clear differences in women's transport needs and travel patterns, it is essential that they are core to the development of future policy and practice. The Department of Transport is ensuring that this happens through the following initiatives.

#### *Local Transport Plans (LTPs)*

The Social Exclusion Unit's recent report *Making the Connections: Transport and Social Exclusion* proposed that local authorities should incorporate accessibility planning within their second LTPs, due in 2005. This will involve a systematic assessment of the extent to which local public transport networks connect people to key services and opportunities; working with other local agencies to explore potential solutions to accessibility problems and putting in place an action plan for tackling these which might include changes in the location, timing and delivery of non-transport services as well as changes to local transport. The Department for



Transport will work with others to develop a series of indicators for authorities to monitor the success of accessibility planning. Indicators measuring crime and fear of crime around public transport may be adopted by local authorities.

### *Women and Public Transport Checklist*

The Department for Transport has developed a checklist '*Women and Public Transport: The Checklist*' to help organisations raise awareness of the gender differences in the use and experiences of public transport by men and women; assess how well organisations meet women's needs; identifies priorities for improvements, and measures progress towards targets as part of the wider policy aim of promoting social inclusion. LTPs are required to show how they are meeting the needs of women (and other social groups) and the Government reviews Annual Progress Reports (APRs) to assess progress.

### *Women's Transport Network*

The Department for Transport administers the Women's Transport Network. The Network aims to promote transport systems and pedestrian environments that are safe and accessible for all, and to encourage women to enter and progress within the transport industry. There are around 250 members, mainly from local authorities and transport organisations. One of the roles of the network is to canvass ideas and test findings on personal security and accessibility issues. The department has also carried out research looking at how the safety of female car drivers and passengers can be improved, which revealed that women are more susceptible to certain kinds of injuries in car accidents. The Department is now in the process of identifying further research and issuing advice to the car industry.

### *Ethnic minority women*

There has been very little research on minority ethnic women's travel patterns and transport requirements. However the Department of Transport has undertaken a study into the transport needs of Minority Ethnic and Faith Communities, which will be published later this year. Some key concerns are personal security, information and the routing of bus services.

### Transport and Social Exclusion

The recent Social Exclusion Unit report *Making the Connections: Transport and Social Exclusion* found that poor transport can:

- contribute to social exclusion by restricting access to activities that enhance people's life chances such as work, learning, health care etc;
- reinforce social exclusion, for example a lone parent may not be able to take up employment because of travel costs or the complexity of travel arrangements needed for childcare as well as work; and
- be a result of social exclusion, where low income means that people cannot afford a car or to use more expensive public transport.

That report set out a range of policies to tackle problems associated with transport and social exclusion, which Government is now taking forward, including:



- improving mainstream bus services - creating a wider network of mainstream bus routes and amending regulations on flexibly-routed buses to make it easier to run services that respond to people's needs;
- encouraging those developing local crime reduction strategies to tackle crime and fear of crime around transport routes and hubs, a particular concern for women, for example through CCTV and alarm points at bus stops and on buses and Secure Station Schemes; and
- tackling the concentration of road casualties in disadvantaged neighbourhoods, backed by a £17 million fund directed at local highway agencies in deprived areas with the highest child pedestrian casualty rates.

### Concessionary Fares

The Department has recently undertaken the equalisation of the qualifying age for concessionary travel in order to achieve gender equality. Under the Travel Concessions (Equalisation) Act 2002, the qualifying age for both men and women will be 60 with effect from 1 April 2002 - it is currently 65 for men, 60 for women.

People over the qualifying age qualify for the statutory minimum half fare on local buses. Many local authorities provide more generous schemes, offering greater fare reductions (free in some cases) and some include trains, tubes, trams and ferries. Age equalisation will benefit over one million men aged 60-64 currently excluded from existing schemes, for which women of the same age are eligible.



## Chapter 6: Public Sector Employment

### (A) Introduction

As well as having responsibility for policy-making and for public service delivery, Government, its agencies and the wider public sector also acts as employer to literally millions of staff. It is our responsibility as an employer to give a lead to private sector employers by showing in practical terms our commitment to diversity, to equal pay, to flexible working arrangements and to childcare. We are proud of the pockets of excellence which exist within both central Government and throughout the public sector in relation to each of these areas, and are actively engaged in raising standards so that more public sector employers reach the standards of the best.

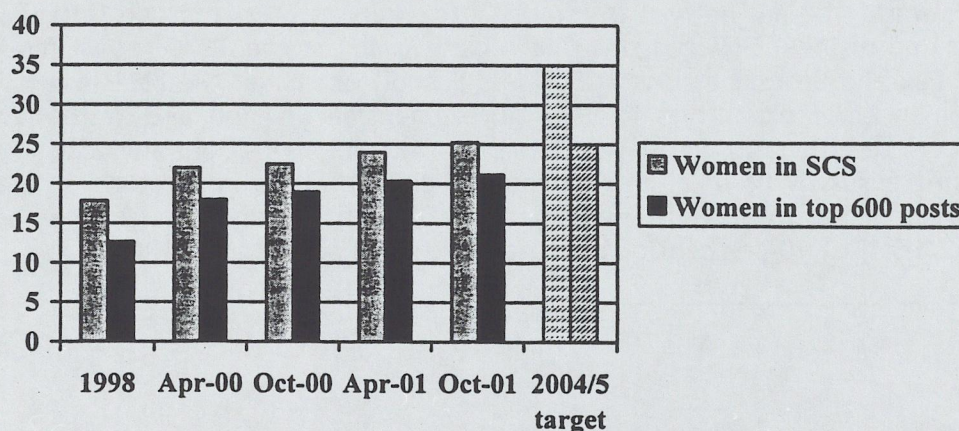
### (B) Central and Local Government

#### (i) The Senior Civil Service

The Civil Service is committed to equality of opportunity for all staff and wants to encourage a much more diverse workforce. Its Code states that it will not discriminate on the basis of age, disability, gender, marital status, sexual orientation, race, colour, nationality, ethnic or national origin, or (in Northern Ireland) community background.

#### **Some Key Facts**

- There are now more than 250,000 women in the Civil Service, around 50 per cent of the total staff, but there is an under-representation at senior levels. The Civil Service Reform agenda has set targets for the Senior Civil Service. Departments set their own targets for lower grades.
- The Annual report to the Prime Minister on Diversity in the Civil Service shows that more still needs to be done to get more talented women into the SCS, particularly for mainstream staff. In 2001/02, 29 per cent of mainstream promotees to the SCS were women, compared with 40 per cent of Fast Stream promotees.
- The graph below shows the percentage of women in SCS and the top 600 posts over time.





### Gender Equality Priority

- By 2004/05, 35 per cent of the Senior Civil Service (SCS) to be women; 25 per cent of the top 600 posts to be filled by women.

As more talented women join at junior grades and progress, improvement in gender equality in the higher ranks of the civil service will occur naturally. However, to achieve these 2004/05 targets more specific action will be necessary. This action will include:

- pilot departmental Elevator Partnerships which pair talented junior women with senior Civil Servants;
- Civil Service Focus Group on gender issues led by Opportunity Now;
- work with women in SCS to encourage role model behaviour and their contribution to developing women in bands below them; and
- exploration of the use of private sector Employee Assistance Programmes

### (ii) Local Government Employees

Overall, women employees comprise almost three quarters of the local government workforce (see Table X, below). A large minority of women employees work part-time (43.8 per cent), and women dominate in all the sectors across local government with the exception of services direct to the public, where men slightly outnumber women (Employers Organisation, 2002). The increasing numbers of women with dependants engaged in paid work may be reflected in the increase of part-time female employees in local government.

Table 1: Number of employee jobs in local government in England, June 2001, by function and gender, % of total (N=2,003,728)

	Male		Female		Total
	Full-time	Part-time	Full-time	Part-time	
Education -teachers	5.1	1.1	11.7	5.8	23.2
Education - other	2.0	2.0	5.3	23.5	32.8
Services direct to the public <sup>1</sup>	9.0	1.5	4.9	5.8	20.8
Social services	1.9	0.7	5.3	7.2	15.0
Corporate functions	2.9	0.4	3.0	2.0	8.3
Totals	20.9	5.6	29.8	43.8	100

Source: Employers' Organisation, *Local Government Employment Digest*, May 2002: 19

However, as in central Government, the predominance of women at lower levels of the workforce has not yet translated into a representative proportion of women at the top of local Government. The recent *Room at the Top?* report (co-authored by Fox and Broussine, Bristol Business School) examined the roles and positions of women chief executives in local government in England and Wales (2001). The report re-emphasised the lack of women in senior positions in local government, citing a survey of chief executives and chief officers in local government which revealed that there were 33 women chief executives and chief officers in England in 2000, just 10 per cent of the total. The most recent LGC/SOLACE survey in 2002



found that just 14 per cent of chief executives in England and Wales were women - an increase of just 1 per cent over five years.

One of the outcomes of the research was the setting up of the 'Women in Leadership Steering Group' in February 2002 under the auspices of the then DTLR. Membership for the steering group is broad and includes representatives from the Standards Board of England, the Equal Opportunities Commission, Employers' Organisation, Commission for Racial Equality, the IDeA, and original researchers, as well as representatives from the Office of the Deputy Prime Minister. The Group aims to raise the profile of, and support for, the issues identified in the study, to encourage key stakeholders, to draw attention to the common themes in other initiatives and research across the diversity spectrum, and to support the building of capacity to identify and tackle barriers to the progression of women and other under-represented groups.

### **(C) Frontline Public Service Employees**

#### **(i) Education: Teachers**

Women are well represented in, and continue to be attracted to, teaching. In 2001, 69 per cent of teachers in maintained schools in England were women. But they face a number of problems, including career progression, job diversity and training.

So the Government is taking action in the following areas.

- Consulting on a framework of training, qualifications and career progression for support staff in schools - the majority of whom are women, mostly working part-time.
- Offering courses for women through the National College for School Leadership (NCSL) set up in 2000 to provide a single national focus for school leadership and research. It offers a range of training and development activities for school leaders. Aspiring heads undertake the National Professional Qualification for Headship (NPQH). In each of the two recruitment rounds for NPQH in 2002 63 per cent of candidates were women. In 2000-01, 710 men were promoted to head teacher compared to 1450 women.
- Working with the Learning and Skills Council to ensure more equal representation on national and local councils.
- Equal opportunities for higher education staff, who are supported by the Equality Challenge Unit at Universities UK. Its main role is to improve the recruitment, retention and career progression of women in academic life.

#### **(ii) The Criminal Justice System: Police**

Initiatives aimed at improving the gender profile within the Police Service do so with the intention of improving police performance. A Police Service which is representative of the community it serves will better understand and so better serve the community, as well as enjoying greater confidence within that community.

Representation of women in the Police Service currently stands at 18 per cent, and we want to improve the recruitment, retention and progression of women within the



service. The position of civilian staff is different: over 60 per cent of civilian staff are female. Additionally about 1/3<sup>rd</sup> of special constables are female.

The National Policing Plan provides that Police Authorities should take account of the aims of the Gender Agenda (a document developed by a number of groups representing women officers' interests) in formulating policing plans.

### **Aim**

- To improve the gender balance across the Police service.

The Government will take the following steps to achieve this:

- The Police Research Series report *Flexible Working Practices in the Police Service* recommended that a practical guide to the introduction and management of flexible working practices for the Police Service should be introduced. Greater use of flexible working will act as a way of recruiting and retaining more women officers. The Home Office are currently working towards the production of such guidance.
- Centrex's National Police Leadership Faculty is reviewing location of delivery for courses to make them more accessible to all police staff.
- Further modes of delivery for programmes and courses should also be considered, including regularity of joining opportunities, capacity to step off and back on, studying in work time, delivery on modular bases.

### **Case Study**

Home Office Communications Directorate have been addressing gender in recruitment campaigns, and met with the British Association of Women Police to discuss recruitment advertising and other opportunities to improve the communication of messages particularly relevant to women. Research with potential recruits has indicated that people have misunderstandings about some aspects of the recruitment criteria, such as age, height limits and fitness requirements. In response to this, the Home Office ran a series of 'myth-busting' ads and advertorials in national press and women's magazines designed to counteract these misconceptions. These featured female officers at varying stages in their careers discussing their experiences and emphasizing the fact that the service is a friendly environment for women. The campaign has brought results: nearly 30 per cent of recruits in the last year were women. The 'Could You?' Police campaign has won two of this year's prestigious Institute of Practitioners in Advertising (IPA) Effectiveness Awards, which recognise the campaign's significant contribution to achieving police recruitment targets and encouraging higher respect for the police amongst the general public.

### **(iii) Health: The NHS**

Women are the key frontline deliverers of health services. 79 per cent of the non-medical NHS workforce are women and 87 per cent of the largest group - nursing, midwifery and health visiting staff. The NHS has made significant steps to becoming an exemplar employer in relation to both flexible working and childcare provision.



### Flexible Working

Over the last few years, the NHS has had to adopt more flexible working practices in order to recruit and retain key staff. As more and more women become doctors - in 2002, over 60 per cent of medical students were women - so the need to offer more flexible practices has increased.

As a result, the Government has provided £7 million per annum to support flexible training for junior medical staff in the financial years 2002/3 and 2003/4. Simultaneously, it is reducing working hours for all junior doctors. It has also introduced a flexible careers scheme for doctors, which offers opportunities to work part-time and have temporary career breaks. It is particularly useful for,

- doctors who want to work less than 50 per cent of full time
- doctors retired or semi-retired from the NHS, or those nearing retirement, who wish to continue working but at a different pace
- doctors currently not working who wish to return to practice and need a period of supervised refresher practice.

### **Targets**

- From April 2002, 100 per cent central funding of basic salary for all flexible (ie part-time) pre-registration house officers (PRHO) in compliant posts (that is, posts which comply with contractual hours and rest requirements). From August 2002 to March 2004 all flexible (part-time) trainees in compliant posts will be supported by central funding.
- To get up to 1,000 doctors on the Flexible Careers Scheme by 2004. The scheme is open to both men and women.

### **Case Study**

*Examples of women who have made use of the scheme:*

- a consultant who is reducing her hours close to retirement;
- a doctor who used the scheme to return to work gradually after maternity leave, building up time at work to get her confidence back and refresh her medical skills before starting a new role;
- after a break of 11 years to look after children, a doctor returned to medicine;
- a doctor is using the scheme to provide a happy balance between working and looking after her child. Before the doctor found out about the scheme she was contemplating leaving medicine.

### Childcare

The NHS Childcare Strategy is a key part of its plan to improve the recruitment and retention of staff. More than 250,000 staff working in the NHS have children under the age of 14. In a survey of nurses not currently working in the NHS, 49 per cent cited family commitments as the main reason for not working, and 35 per cent stated that help with childcare would encourage or enable them to return to work.<sup>2</sup>

<sup>2</sup> Return to Nursing Survey, Department of Health, 1999.



To meet its targets in the NHS Plan, the Department of Health has agreed:

- Funding of over £70m over 3 years with further funding up to £100m for childcare support for around 4,500 NHS funded students with children under the age of 5
- Support for alternative childcare arrangements targeted at junior doctors, staff returning from maternity leave.
- 7,500 new nursery places subsidised at an average of £30 per week

### **Case Study**

Central Sheffield University Hospitals NHS Trust provides a wide range of childcare assistance options for staff, including:

- A number of partnership places in 4 local nurseries for employees
- A playscheme in partnership with the Benefits Agency based in a local school
- Busy Bee Childcare Vouchers
- A childminding network offering emergency care

Before these childcare initiatives were put into place, there were 140 long-term vacancies amongst D and E grade nurses. Within 8 months this almost halved to 77. Since the appointment of a childcare co-ordinator the Trust has seen a 36% increase in the number of staff returning from maternity leave.

### **Targets**

- The development of around 100 on-site nursery schemes by 2004 creating around a further 7,500 places.
- All staff to have access to a childcare co-ordinator by April 2003



## Chapter 7: "Mainstreaming" gender equality

Gender mainstreaming as a concept was introduced into our language during the United Nations Third World Conference on Women in Nairobi, 1985. The concept was developed further at the UN Fourth World Conference on Women (Beijing, 1995) which called for international promotion of a policy of gender 'mainstreaming'. This was to be achieved by incorporating a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men respectively.

Gender analysis has the potential to contribute to a range of wider objectives, including:

- More efficient use of resources, and achievement of macro-economic goals;
- Enhancing the evidence based-nature of policy making;
- Enhancing the effectiveness of service delivery;
- Supporting the customer focus of government expenditure;
- Supporting gender mainstreaming.

Although there were no UN guidelines on how the analysis was to be carried out, many countries, including the UK, took on board a national plan for gender mainstreaming.

In 1997 the Women's Unit (Cabinet office)<sup>3</sup> produced guidelines on mainstreaming for all Government Departments entitled Policy Appraisal for Equal Treatment (PAET). These were produced to help policy-makers consider the impact of their policies on women, people from different ethnic groups and disabled people. In addition, some departments have their own guidance in place, which encourages and helps policy makers and those delivering services to assess the impact on different groups such as men and women and to change policies and services as a result if appropriate. For example, the Department for Environment Food and Rural Affairs are working hard to involve stakeholders in the development of its policies. They are currently consulting the Rural Affairs Forum on gender equality issues.

Part of the role of the GEAP is to aid gender analysis and gender mainstreaming in policy making by illustrating where work is currently being undertaken and how (through best practice examples) and highlighting where gaps in gender analysis exist and where more work is required. However, there are already a number of examples across government where gender analysis is already well established and showing results.

The Women and Equality Unit (WEU) has lead responsibility within Government on policy on women, gender equality, sexual orientation and the co-ordination of equality. It also provides support across the Department of Trade and Industry - through the Equality Impact Team - in ensuring that equality is integral to the development and delivery of departments' policy and services. The WEU conducts research on key policy areas identified for the year, as well as monitoring key indicators of the position of women in Britain and outlining changes in this position.

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<sup>3</sup> Now the Women and Equality Unit, DTI.



### **Gender Equality Priorities**

- To monitor and report regularly on Women's Position in Britain and on the delivery of gender equality across government.
- As part of the Government's commitment to promote evidence-based policy-making and support gender mainstreaming, WEU will work to encourage departments to incorporate gender analysis in their policy making process.

The 'Key indicators of Women's Position in Britain' provides a comprehensive overview of available up-to-date statistics. It outlines the reliability and accessibility of the various sources and produce a recommended set of indicators which will be accurate, relevant and as economical as possible to collect and to update. This will afford a baseline against which changes in women's position can be monitored.

In addition, the WEU are working with HM Treasury to explore how gender analysis can inform the expenditure and delivery planning processes. Based on international best practice and working closely with the Women's Budget Group, methodologies are currently being tested in partnership with a range of Departments, and the lessons from this will inform future work.

The production of this document itself - a first - shows how gender analysis can support Government in the identification of priority areas for action on gender equality, and the development of targets and actions to bring about the measurable improvements in gender equality which we all wish to see.



## Chapter 8: Devolved and Regional Administrations

On 1 July the Scottish Parliament and the Welsh Assembly took control of their individual regions domestic affairs across a wide range of policy areas - including health, education, local government, economic development, transport, the environment, housing and tourism.<sup>1</sup> United Kingdom wide matters such as foreign policy, defence, pensions, benefits, national taxes and economic and monetary policy remain with the UK Parliament in Westminster.

Equality policy, however, is both partly a devolved and partly a reserved matter.

Because the spending decisions in Scotland and follow a different timetable to England on devolved issues, it has not been possible, for the purposes of this document, to cite specific gender equality targets for the devolved administrations. Rather, a broad overview of their strategy towards equality follows.

There are a number of commitments in the Northern Ireland (NI) Programme for Government<sup>2</sup> (PfG) which apply to all departments and are recorded in each Public Service Agreement (PSA). Amongst these are the promotion of equality of opportunity and good community relations, and the protection of human rights.

The Government has published its Priorities and Plans 2003 - 2006 and these build on the progress made by the Executive across a wide range of areas including the wider equality agenda.

### (A) Northern Ireland

#### Section 75

Under section 75 of the Northern Ireland Act 1998 public authorities have a statutory duty to have 'due regard' to the promotion of equality of opportunity between a number of social categories. Some are of particular relevance to gender - 'marital status; 'men and women generally'; 'persons with dependants and persons without'.

#### Equality Impact Assessment (EQIA)

To make sure that public authorities comply with section 75, all their policies have to be assessed by an Equality Impact Assessment (EQIA) tool. If it indicates that a policy might have an adverse impact on any of the above groups, then the public authority has to think again.

The Statutory Duty Unit within the Office of the First Minister and Deputy First Minister, has responsibility for overseeing the implementation of the statutory equality duty across the Northern Ireland Civil Service Departments. It also has a central liaison role with the Equality Commission for Northern Ireland.

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<sup>1</sup> These were not the same for both Scotland and Wales.

<sup>2</sup> PSAs were produced for each of the eleven departments in the Northern Ireland Civil Service, as part of the PfG, which was endorsed by the Northern Ireland Assembly. They represent a start in setting out



The Equality Commission constantly monitors the effectiveness of the duties imposed by Section 75, and offers advice to public authorities and others about how to abide by them.

### Gender Equality Strategy

The current Programme for Government, for 2003-06, in Northern Ireland commits the Executive to bring forward a cross departmental strategy on gender equality by September 2003. This requires departments to be proactive and to take a coordinated approach in working towards the achievement of gender equality.

It will also provide an agreed set of strategic objectives and outcomes, and will chart progress in promoting gender equality across all government departments' policies and practices.

### Single Equality Bill

The development and introduction of a single equality bill is another important element of the Northern Ireland equality agenda. The Programme for Government attaches a high priority to this work, and the current administration has signalled that it is committed to building on the progress already achieved to develop and harmonise anti-discrimination legislation as far as practicable.

A preliminary consultation exercise was completed in 2001, and proposals are expected to be published for public consultation in Autumn 2003. Regulations to amend existing fair employment, race, disability and equal pay legislation, and new legislation on sexual orientation will also be issued for consultation shortly. These regulations will establish a more consistent base from which the equality bill can be developed.

## (B) Wales

Section 120 of The Government of Wales Act (1998) is a unique legal duty that goes beyond the statutory requirements placed on other UK legislatures. It requires the Government in Wales to 'make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people'

The statutory duty has resulted in reforms being initiated in most areas of the legislature's functioning. The statutory duty has meant that equality of opportunity is beginning to be addressed in a systematic way at an all-Wales level of government for the first time.

### Equality and the Policy Process

#### **Some Key Facts**

The Assembly in Wales has the second highest proportion of women elected to a national government body in Europe at 41.7 per cent.

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what was to be achieved by departments from the resources available and the PfG contains a commitment to developing them further.



Women are in a majority in Welsh Assembly Government's Cabinet and a number have equality of opportunity expertise.

- The Assembly's Equality Committee's initial work plan stated the Welsh Executive's aim of mainstreaming equality across all of the Assembly's functions. In the Assembly's first two-and-a-half years, action has been taken to meet the basic institutional prerequisites for mainstreaming:
- Mainstreaming tools are being developed such as appropriate equality data, auditing mechanisms and greater levels of involvement by marginalized groups in policy making.
- Written guidance, including an equality of opportunity checklist, has been issued to Assembly Civil Service Divisions in order that policy submissions to Cabinet Ministers, Cabinet papers involving Assembly Committees, and business papers for Plenary sessions comply with the legal equality imperative.
- Four consultative networks have been developed to promote equality by increasing the participation of hitherto marginalized groups. These include the Lesbian, Gay and Bisexual Forum Cymru, Wales Women's National Coalition, Disability Wales and the All Wales Ethnic Minority Association.

#### Equality in the Conduct of Assembly Business

- The Assembly has introduced a range of measures to comply with its statutory duty and ensure that it promotes equality in the conduct of its business. These include:
  - Working within family-friendly hours
  - Undertaking a survey on childcare needs
  - Implementing measures to ensure that people with disabilities will be able to gain access to the legislature's new building
  - Adopting a bilingual approach to the conduct of government
  - Using gender neutral official titles and;
  - Disseminating some of its policies in alternative formats and minority languages

#### Equal Pay

- The Assembly undertook an audit of staff remuneration and found that the greatest disparities were at the more senior levels of the organisation. For example, it showed that there was an 11 per cent gender pay gap for officials on the highest pay band (Band G). As a result, and in consultation with the trade unions, general corrective measures were built into the Assembly Pay Award for 2000/01.
- The second audit was broadened to cover gender, ethnicity and disability. It too confirmed inequalities. Whilst it showed a narrowing of the gender pay gap over the period between the audits, a direct comparison of the two sets of figures was made more complex owing to the high level of recruitment activity in the Assembly bureaucracy.



- Following the two audits, in order to address the situation and promote equality, a three-year pay deal has been negotiated.
- In 2001, the Equal Pay Task Force's UK-wide report to the Equal Opportunities Commission commended the good practice shown by the National Assembly for Wales to other devolved administrations.
- The Assembly's Equal Opportunities Committee has established a Joint Working Group on Equal Pay comprised of AM's from each political party, together with representatives from the Wales Trade Union Congress (TUC) and the EOC in Wales. It has set out its aims in an action plan entitled Discrimination in Pay Systems.

#### Diversity in Public Appointments

- Recommendations of the Assembly Working Group on Diversity in Public Appointments are in the process of being implemented.
- Independent assessors that are fully trained in equality issues have been involved at a much earlier stage in the appointment's process than was the case before devolution.
- In January 2002, the Assembly Equality Committee endorsed plans to promote diversity by changing the remuneration and allowances received by public appointees, which include: provision for the reimbursement of receipted childcare or carer costs, and any additional costs incurred by disabled people in respect of all public appointees.
- A comprehensive review of public appointments in NHS Wales is currently being developed through co-working between the Assembly's Equality Committee and NHS Wales.
- The new 'policy for the Appointment of Chairs and Non-Executive Directors to the Boards of Health Authorities and NHS Trusts' states the need to "reflect the National Assembly's agenda and priorities".

### (C) Scotland

#### Devolution and Equal Opportunities in Scotland

The Scotland Act 1998 reserves the power to legislate on equal opportunities to the UK Parliament. However, the Scotland Act made two important exceptions to this. It gave powers to the Scottish Parliament to encourage equal opportunities and to place duties on Scottish and cross-border public bodies to have due regard to the equal opportunities requirements in their work in devolved areas. Most public policy affecting the daily lives of people in Scotland is devolved. For example, the Scottish Parliament can legislate on housing, education, transport, local government, economic development, justice and health. The definition of equal opportunities in the Scotland Act is very wide.

Equal opportunities means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation,



language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

The Scottish Parliament and the Scottish Executive therefore have scope to improve the opportunities for a wide range of interests.

### Scottish Parliament

One of the four key founding principles of the Scottish Parliament is the need to promote equal opportunities for all in its operation and its appointments.

The Scottish Parliament set up the Equal Opportunities Committee as one of its mandatory standing committees. The Parliament's Standing Orders require all proposed legislation presented by the Executive to be accompanied by a statement of its impact on equal opportunities.

The Equal Opportunities Committee has been very active in scrutinising Bills. The EO Committee has also promoted the mainstreaming of equal opportunities into the work of the committees concerned with particular subject matters, such as the Justice and Transport Committee, to encourage the subject committees to scrutinise equal opportunities issues in their own areas.

### Scottish Executive: Equality Strategy

*In Making it Work Together: A Programme for Government*, published in September 1999, the Executive stated its commitment to promoting equality for all. The Executive undertook a number of early initiatives on equality:

- Designated equality a key cross cutting issue and established an Equality Unit in 1999 to take forward the Executive's equality work.
- Strengthened the Equal Opportunities and Diversity Unit in personnel to improve the role of the Scottish Executive as an employer.
- Made Equality a part of the portfolio of the Cabinet Minister for Communities (later to become Minister for Social Justice).

The Executive undertook an extensive consultation during 2000 on the development of an Equality Strategy.

The Executive published its Equality Strategy entitled '*Working Together for Equality*' on 6 November 2000. The Strategy outlines how the Executive plans to change the way it works to ensure better service provision and greater equality of opportunity. It provides a framework for work on all the equality areas including gender.

Since publication of the Equality Strategy the Executive has created a dedicated Equalities Research Team to develop a research evidence base to support the Equality Strategy and to promote the mainstreaming of equality across Social Research in the Scottish Executive.

In order to meet policy-makers requirements for improved statistics the Scottish Executive statistics service committed itself in the Scottish Executive Statistical Plan 2000-01 to 'take forward the commitments in the Equality Strategy to provide better disaggregated data on relevant groups, by exploiting data more effectively, identifying data gaps and planning how to fill them'.



### Implementing the Equality Strategy: actions on gender

The *Preliminary Report on the Equality Strategy* (November 2001) contained a detailed round up of action which had been taken or was underway at that time. *Closing the Opportunity Gap: Scottish Budget for 2003-2006* provides further information about actions that are already being done and additional action which will be taken in the next three years to help the most disadvantaged people in Scotland. A further Report on the Equality Strategy was published in early 2003. Some of the recent work done on cross-cutting gender issues includes:

- Piloting different types of consultation mechanisms with women at national and local levels.
- Setting up a database of women's organisations in Scotland.
- Making a grant to the Scottish Women's Fund to assist women's organisations in local areas in both provision for local women and capacity building.
- Hosting events to celebrate International Women's Day.
- Developing good working relationship on gender issues with national organisations such as Scottish Trades Union Congress Women's Committee, Engender, Fair Play and the Equal Opportunities Commission and smaller organisations such as ENACT and the Soroptimists.
- Setting up an Equality Proofing Budget Advisory Group to advise the Executive on how to take forward work on equality proofing its budget, focusing first on gender proofing.
- Improving the Executive's budget documents by:
  - referring to equality in the main Budget documents;
  - publishing a separate document outlining the measures being proposed within the Spending Review to Close the Opportunity Gap during the period 2003-2006; and
  - publishing an Equality Statement on the budget as part of the annual report on the Equality Strategy.

The actions listed above relate to gender issues across the board. Many actions have also been taken, or will be taken, to improve the position of women in particular policy areas including:

- Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 prevents the accused in a sexual offence case, such as rape, from personally cross-examining the complainer (the alleged victim) and limits the circumstances in which the prosecution can refer to the alleged victim's character and sexual history.
- Providing extra support to lone parents, the majority of whom are women, through early years intervention and the provision of more childcare places. Childcare is a key factor in enabling lone parents to get back to work, which in turn is the most effective intervention to reduce child poverty and disadvantage. The Executive is committed to providing extra out of schools places for 100,000 children by 2003.
- The sport strategy for Scotland, Sport 21 has targets for increasing the number of people from particular groups, including women and young girls, who participate in sport.
- Promoting health improvement action, including promoting breastfeeding and reducing smoking of pregnant women.
- Widening access to further and higher education, including providing childcare for 6,000 students and other measures specifically targeting those facing greatest financial hardship, including lone parents.



### Equal Pay: the Close the Gap Initiative

The Scottish Executive in partnership with organisations including the Equal Opportunities Commission, Fair Play, Scottish Trade Union Congress, Scottish Enterprise and Highlands and Island Enterprise launched the Close the Gap campaign in March 2001 to raise awareness about the pay gap between men and women in Scotland and encourage activity to close the gap.

The project aims to raise awareness of, and develop tools to tackle the pay gap, by working with two main target groups - those with the responsibility and power to address the pay gap and those directly affected by it. The project covers the whole of Scotland reflecting the diversity of its core members. EQUAL, a European Social Fund Community Initiative, brings 50/50 match funding to the project.

### Public Appointments

Disproportionately fewer women (as well as disabled people, minority ethnic people, and people from outwith the central belt) are appointed to public bodies, while appointees have traditionally come from a narrow range of socio-economic groups. The Scottish Executive's proposals for modernising the public appointments system in Scotland, including a proposal to establish a Commissioner for Public Appointments for Scotland (CPAS), were published in Public Bodies: Proposals for Change in June 2001.

The proposed remit of the new CPAS will include monitoring compliance with the procedures for public appointments under which Ministers make appointments to public bodies; the appointment and training of independent assessors to appointment panels; and running development programmes for potential appointees. Also, as the previous targets for achieving greater diversity have failed to achieve lasting change, a detailed strategy for improving diversity in public appointments will be drawn up by the new Commissioner in partnership with the Executive and the Scottish Parliament. The CPAS will report to Parliament annually on public appointments.

The table below provides further information about the progress that has been made since 1999 in improving the diversity of public appointees in Scotland.

Year	1999 (at 1/9/99)	2000(at 1/9/00)	2001(at 1/12/01)	2002 (at 1/12/02)
Total No. of appointments	1370	1370	1273 (+35 vacancies)	1114 (+30 vacancies)
Men	944 (69%)	924 (68%)	848 (67%)	743 (67%)
Women	426 (31%)	446 (32%)	390 (31%)	371 (33%)



C02/31606/C03/00273/DC

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
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CS  
✓ EC  
CO

10<sup>th</sup> April 2003



*Mr Jm*

**DISABILITY DISCRIMINATION ACT (DDA) – LIFTING THE TRANSPORT  
EXEMPTION**

David Jamieson wrote to you on 27 March, seeking DA clearance for removing the exemption for transport vehicles from Part 3 of the DDA.

I know that your officials have been in contact with DCMS officials and it has been agreed that it would be very difficult to defend a general exemption for vehicles, when the tourism and leisure sector is already subject to Part 3. I am, therefore, content with the proposals you suggest.

> I am copying this letter to the Prime Minister, members of the DA committee and to Sir Andrew Turnbull.

*Yhs*  
*Tbjm*

TESSA JOWELL



INVESTOR IN PEOPLE





*The Rt Hon Lord Macdonald of Tradeston CBE*

Minister for the Cabinet Office &  
Chancellor of the Duchy of Lancaster

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The Rt Hon John Prescott MP  
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g/c  
NB  
ma

9 April 2003

Dear John,

#### DISABILITY DISCRIMINATION ACT (DDA) – LIFTING THE TRANSPORT EXEMPTION

I have seen David Jamieson's letter to you of 27 March seeking DA clearance for inclusion in the draft Disability Bill of his proposals for removing the exemption for transport vehicles from Part 3 of the DDA.

I am happy to support the proposals as we work to achieve a fully accessible transport system. However, I am disappointed that the issue of likely timetable and lead-in times, which I raised in my letter of 3 October, has still not been addressed. While I note that the proposals will be subject to further consultation about lead-in times, industry needs a clearer framework within which to plan its capital investment. Such uncertainty can also be used as an excuse to delay improvements already committed to, so wider benefits to the travelling public might be delayed unnecessarily.

I await with interest the revised Regulatory Impact Assessment to be published with the draft Bill but must insist that at that point a clearer indication of timescale is provided. This will greatly assist in providing reassurance for industry facing significant costs.

Copies of this letter go to the Prime Minister, David Jamieson, members of DA Committee, and Sir Andrew Turnbull.

Yours

Gus.

GUS MACDONALD







The Rt Hon Nick Raynsford MP  
Minister of State for Local  
Government and the Regions

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
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Our Ref: P/R/006538/03

CO  
cc: ec  
rel.

09 APR 2003

#### DISABILITY DISCRIMINATION ACT (DDA) - LIFTING THE TRANSPORT EXEMPTION

I have seen David Jamieson's letter to you of 27 March seeking clearance for inclusion in the draft Disability Bill proposals for removing the exemption for transport vehicles from Part 3 of the DDA.

I am happy to support David's proposals which take account of concerns from various sectors and which seek to fully include the DRC in formulating the way ahead.

I think David is right to suggest that future consultation includes consideration of continuing exemptions for some transport modes subject to, for example, compliance with a voluntary code and discussion around a draft DRC transport code. I look forward to seeing this in due course.

I am copying this letter to the Prime Minister, David Jamieson, members of DA committee, and Sir Andrew Turnbull.

NICK RAYNSFORD





Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0870 0012345 dfes.ministers@dfes.gsi.gov.uk  
Rt Hon Charles Clarke MP

Co  
C. EC  
JN

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

9 April 2003

Dear John,

**REGULATIONS TO IMPLEMENT THE DISABILITY PROVISIONS OF THE  
ARTICLE 13 EMPLOYMENT DIRECTIVE**

This letter responds to the additional request for DA clearance sent by Andrew Smith, responding to changed proposals for the draft Regulations transposing the disability requirements of the Article 13 Employment Directive.

I have considered the revised policy proposals and timetable in Andrew's letter of 26 March. I can confirm that I am content to agree the details put to DA Committee members.

I am copying this letter to the Prime Minister, members of DA committee, Sir Andrew Turnbull, First Parliamentary Counsel and members of the LP committee for information.

Charles Clarke

department for  
**education and skills**  
creating opportunity, releasing potential, achieving excellence

  
INVESTOR IN PEOPLE  
4





8 Top: PD (co)  
PD (cs)  
Qs

The Rt Hon Nick Raynsford MP  
Minister of State for Local  
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Our Ref: R/006536/03

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
LONDON  
SW1A 2WH

08 APR 2003

*John Tom*

#### TRANSSEXUAL PEOPLE

I have seen Lord Irvine's letter of 26 March to you, copied to DA Committee, in which he seeks clearance on a number of points of detail concerning policy on Transsexual people and views on the issue of existing marriages.

I am happy to support Lord Irvine's proposals on the policy details.

On the issue of existing marriages and whether or not they should be allowed to survive one partner's change of gender, I recognise that this is a complex issue but agree that Lord Irvine's proposal seems the most equitable and, subject to the views of others, principally colleagues in DWP, I am happy to support it.

I am copying this letter to the Prime Minister, members of DA Committee, Sir Andrew Turnbull and First Parliamentary Counsel.

*Yours ever*

*Nick*

NICK RAYNSFORD

SKP 9/4/03





The Rt Hon Nick Raynsford MP  
Minister of State for Local  
Government and the Regions

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
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Our Ref: R/005067/03

08 APR 2003

Jean John

**AMENDING THE DISABILITY DISCRIMINATION ACT (DDA)**

I have seen Andrew Smith's letter to you of 10 March setting out proposals for amending the Disability Discrimination Act.

I am happy to support the new measures in respect of greater coverage under the DDA for people with HIV infection, Multiple Sclerosis and Cancer. I also support the proposal to introduce a questionnaire relating to the provision of goods, facilities and services particularly as this mirrors existing procedure in the Sex Discrimination and Race Relations Acts.

In terms of existing measures, I am pleased to see that the proposals intend to cover local councillors, as we agreed in response to the Disability Rights Task Force's report *Towards Inclusion*. Ensuring that disabled councillors get proper facilities in carrying out their council duties is an important protection in its own right. It also sends a clear signal on our support for councillors to come from more diverse backgrounds. There will be clear advantages in making this change within the Bill, and I look forward to seeing the proposals.

I am copying this letter to the Prime Minister, Andrew Smith, members of DA and LP committees, and Sir Andrew Turnbull.

Yours ever

Nick

NICK RAYNSFORD

SKP 9/4/03





Beverley Hughes MP  
MINISTER OF STATE  
50 Queen Anne's Gate, London SW1H 9AT

8 Top: PD (C)  
PD (CS)  
Qs

April 2003

Rt. Hon John Prescott, MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
London SW1A 2AU

Dear Mr Prescott,

#### TRANSSEXUAL PEOPLE

I have seen a copy of the Lord Chancellor's letter of 26 March to you seeking policy clearance for matters of detail concerning policy on transsexual people in order to enable work on a draft Bill to proceed.

I agree with the detailed proposals outlined under the six headings in the Lord Chancellor's letter on which clearance has been sought.

The Lord Chancellor has also asked for views on issues concerning existing marriages. My Right Hon Friend, the Home Secretary has previously advised DA that we should enable marriages to continue to subsist as they do at present where one of the parties changes gender and where both parties so wish. We continue to support that view and agree with the Lord Chancellor's suggestion that it should be under whichever benefits regime Andrew Smith considers best.

I am copying this letter to the Prime Minister, all DA Ministers, Sir Andrew Turnbull and First Parliamentary Counsel.

Yours sincerely  
Beverley Hughes

BEVERLEY HUGHES

Approved by the Minister and Signed in her Absence



8/04/2003

09:50

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NO. 130

0001

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Deputy Prime Minister  
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**defra**

Department for Environment  
Food and Rural Affairs

7 April 2003

From the Secretary of State  
The Rt Hon Margaret Beckett MP

Dear John,

**REGULATIONS TO IMPLEMENT THE DISABILITY PROVISIONS OF THE ARTICLE 13  
EMPLOYMENT DIRECTIVE**

I am writing in response to Andrew Smith's letter of 26 March to you and members of the DA committee to confirm that I am content with the proposals set out in his letter.

A copy of this letter goes to the Prime Minister, members of DA committee, members of LP and to Sir Andrew Turnbull.

Regards

Margaret

MARGARET BECKETT



Top PD(60)  
"PD(62)

The Rt Hon The Lord Goldsmith QC



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9 BUCKINGHAM GATE  
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The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH

✓ April 2003

*Dear John*

**CIVIL PARTNERSHIP: OPPOSITE SEX COHABITANTS**

Derry wrote to you on 31 March suggesting that officials should meet to consider whether a civil partnership scheme for same sex couples might be vulnerable to challenge under the ECHR.

When considering Derry's suggestion, colleagues will wish to note that the Law Officers have been asked to advise on certain aspects of the proposal. The advice will be given shortly.

I am copying this letter to the Prime Minister, members of DA and LP Committees, Barbara Roche and Sir Andrew Turnbull.

*Yours ever  
/s/*

Sir 7/4/03



02072733965



# Home Office

Beverley Hughes MP  
MINISTER OF STATE

50 Queen Anne's Gate, London SW1H 9AT

7 April 2003

Rt. Hon John Prescott, MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
London SW1A 2AU

CO  
WEC

Dear Mr Prescott,

## TRANSSEXUAL PEOPLE

I have seen a copy of the Lord Chancellor's letter of 26 March to you seeking policy clearance for matters of detail concerning policy on transsexual people in order to enable work on a draft Bill to proceed.

I agree with the detailed proposals outlined under the six headings in the Lord Chancellor's letter on which clearance has been sought.

The Lord Chancellor has also asked for views on issues concerning existing marriages. My Right Hon Friend, the Home Secretary has previously advised DA that we should enable marriages to continue to subsist as they do at present where one of the parties changes gender and where both parties so wish. We continue to support that view and agree with the Lord Chancellor's suggestion that it should be under whichever benefits regime Andrew Smith considers best.

I am copying this letter to the Prime Minister, all DA Ministers, Sir Andrew Turnbull and First Parliamentary Counsel.

Yours Sincerely  
Beverley Hughes

BEVERLEY HUGHES

Approved by the Minister and Signed in her Absence





## Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Minister of State  
26 Whitehall  
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Co  
C: EC  
CS  
SW  
MR

4 APR 2003

Dear John

### EC EMPLOYMENT AND RACE DIRECTIVES: IMPLEMENTATION

I have noted Barbara Roche's letter of 20 March. I am happy to agree to her specific policy proposals, but have some comments.

On the issue of marriage and benefits, I agree with your handling Strategy, and also support the idea of a 'civil partnership' registration scheme. Clearly the length of time same sex couples are together should be a key criterion for eligibility for registration.

On sexual orientation and religious positions, I do think this needs careful consideration across Government, but I agree with your proposal to an exception in the sexual orientation regulations, and the need for the amendments to distinguish between ministers of religious and officials to whom the 'doctrine' of religion apply, and other posts which are not of a spiritual or religious nature.

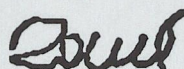
On the issues of office holders and territorial scope I would like, if others agree with Barbara's proposals, to bring the Race Relations Act in line, and I therefore propose that the regulations implementing the Race Directive reflect this. I would welcome colleagues' views on this.



I am also in agreement with Barbara's proposals in respect of a common date for publication of the regulations. My Department is seeking the help of the Commission for Racial Equality in producing guidance on the race regulations.

I am copying this letter to the Prime Minister, members of DA Committee and Sir Andrew Turnbull, First Parliamentary Counsel and members of LP Committee for information.

Best wishes,



DAVID BLUNKETT





From the Secretary of State  
for Work and Pensions

**DWP** Department for  
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## RESTRICTED – POLICY

Rt. Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH.

3 April 2003

Dear John, *f*

## TRANSSEXUAL PEOPLE

1. I have read Derry's letter of 26 March, which sought policy clearance for matters of detail concerning policy for Transsexual People. I have also read the attached legal and financial option analyses which were commissioned at the DA committee meeting of 24 February. I support the majority of proposals set out in Derry's letter. I cannot support, however, the proposal to allow pre-existing marriages to continue in these limited circumstances, for the reasons set out below.

2. Underlying the difficulty we face here is really a straightforward logical problem – that whilst it may be possible, just about, to distinguish in law between marriage as an event and marriage as a continuing state, the distinction is not sustainable for practical purposes of giving operational definition to rights and responsibilities.

3. In practical, and common sense, terms, if marriage is between man and woman then two people of the same sex cannot be married. The attempt to maintain that they can be, even though one of them has changed sex, creates logical inconsistencies, with unavoidable risks of



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legal challenge:

- If marriage continues but the grant of benefits reflects the new gender, then the couple will not be treated as other married couples, and this would amount to discrimination against the transsexual person.
- If marriage continues and benefits continue to be paid in respect of the previous gender, then the person's new gender is not being recognised, and we will have failed to give full recognition to the integrity of the transsexual person's new identity.

4. We have rules for married people, which are different from the rules for same-sex couples. It is also worth noting that the European Court of Human Rights (in the cases of *Goodwin* and *I*) has held that transsexual people should be treated in their new gender for the purpose of marriage. If we allow marriage to continue, then we cannot avoid inconsistencies in treatment by comparison with other married people, or with other same sex couples, or both.

5. As Derry correctly points out, the costs associated with the implementation of any of the options discussed at the DA meeting of 24 February are minimal. However, I am concerned by the potential costs associated with losing a legal challenge. If we were to allow pre-existing marriages to continue and lose a legal challenge, we would consequently have to recognise this particular group of same-sex couples for benefit purposes. If that forces us to recognise same-sex couples generally for benefit purposes, then the expenditure implications of this for this Department, and also for private sector and public service benefit schemes would be huge, as is clearly set out in Annex B of Derry's letter. It is also possible that the Government could then face a legal challenge from co-habiting different sex couples seeking to be recognised for benefit purposes, which if lost would further increase any additional costs.



## RESTRICTED - POLICY

6. I think that there are two problems with this. The first, is that I am strongly against entering into financial risks which would divert resources away from this Department's priority area of tackling child and pensioner poverty. The second, is that occupational pension schemes may feel at risk of a similar legal challenge (which if lost, would add to the complexity and costs of such schemes). The added administrative complexity would come at a time when, following the Pickering Review and the Pensions Green Paper, we are seeking to simplify the pensions regime. The additional costs, which could be significant for some of the larger occupational schemes, may hasten the closure of some final salary schemes. Therefore, I am strongly of the opinion that the Government should take forward the option under which we are least likely to lose a legal challenge.

7. My interpretation of the legal analysis at Annex C of Derry's letter, is that the 'safest' option would be option 1 (either (a) or (b)) - the proposal to dissolve pre-existing marriages either before or at the point of gender reassignment. Although we may face a legal challenge under Article 12 of the Convention, our defence is clear in that Article 12 does not guarantee same-sex marriage.

8. I do not believe that our defence is as clear cut for any of the other options. For options 2 and 3, as well as the choice option, legal advice is similar. Although all are defensible in their own right, there is potential for all to undermine the defence of future legal challenges from same-sex couples seeking to be recognised for social security and child support purposes.

9. Option X is problematic, as we would be denying transsexual people who opt to remain married, the option of claiming State Pension in the age appropriate to their new gender. We may also face problems in justifying our proposal to treat transsexual people differently before and after the legislation is passed, as detailed in the hybrid option.

10. I am firmly of the view that the financial and legal analysis



**RESTRICTED - POLICY**

supports my proposal to bring marriages to an end before gender reassignment takes place. We must remember that gender reassignment is a voluntary process, and as such, it is not unreasonable or inconsistent with our desire to treat people humanely in these circumstances, for us to expect those individuals who undergo reassignment to accept the consequences of their decision. Such consequences include not being able to be married to a person of the same sex, not being able to claim a benefit relating to one sex while being another, and not exercising rights to benefits which derive from marriage to someone of the same gender. By asking those who wish to undergo reassignment to accept these consequences, we will protect the integrity of the benefits system by reducing the possibility of legal challenges being brought against it, and in doing so, ensure that resources can continue to be targeted towards our priority area of tackling child and pensioner poverty.

11. Finally, outwith my concerns about the interaction of these proposals with the benefits system, I note that an exemption is proposed for the inheritance of titles. I do not really follow the logic here. I would have thought that if these proposals are good enough for the general population then they ought to be good enough for the Aristocracy. Human rights, surely must extend to us all and if one wants to enjoy the benefits of a new gender one must also face the consequences.

*Ben Wicks,*  
*Andrew*

**ANDREW SMITH**

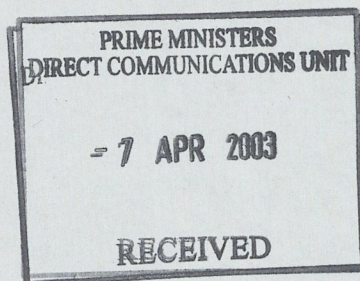
*I am copying this letter to the Prime Minister, members of DA Committee, Sir Andrew Turnbull and First Parliamentary Counsel.*





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The Rt. Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
LONDON  
SW1A 2WH

3 April 2003

Dear Deputy Prime Minister,

#### TRANSSEXUAL PEOPLE

I am responding to Derry Irvine's letter of 26 March.

As Derry says, the Scottish Executive have not yet decided whether they want the Gender Registration Bill to extend to Scotland so far as devolved matters are concerned and promote a Sewel motion in the Scottish Parliament. Given the elections to the Scottish Parliament on 1 May, they will not now reach a decision on this until May at the earliest. Although the Executive's preliminary position is that it would be preferable for the UK Bill to cover devolved matters, there is no guarantee that a Sewel motion will be passed by the Scottish Parliament.

There are two particular areas I should mention. First of all, the Scottish Executive have concerns about allowing existing marriages to continue. They are concerned that this might be perceived as allowing same sex marriage. They are also concerned about whether allowing existing marriages to continue might increase the possibility of a successful ECHR challenge from same sex couples wishing to marry. The Executive is seeking legal advice on this matter.

Clearly, we have to respect the Executive's concerns. However, I agree with Derry that we could not require a couple to divorce against their will to achieve legal recognition of a change in gender. In addition, the legal advice provided to the Scotland Office is that allowing existing marriages to continue should not increase the chances of a successful ECHR challenge from same sex couples wishing to marry. The policy position adopted by the Equality Network (who campaign for Lesbian, Bi-Sexual, Gay and Transgender People in Scotland) is that a civil partnership scheme should be introduced, as Barbara Roche is proposing. The Equality Network are not campaigning for same sex marriage.



However, I recognise that the distinction between same sex marriage and allowing marriages to continue when one of the partners has changed gender may not be appreciated by the wider public. In addition, we cannot predict how the media will react to a policy of this nature. We will need a careful handling strategy. Of course, we will need to avoid making any announcement during the purdah period for the Scottish Parliamentary elections on 1 May. I know that Derry's Department has already carried out useful work to explain who transsexual people are and to dispel some of the misconceptions. This work will have to continue.

Another major issue in Scotland relates to the visibility of UK Departments. Officials from the Scottish Executive, the General Register Office for Scotland and the Scotland Office recently met with the Equality Network and their Transgender Forum. The Transgender Forum expressed strong opposition to legislation in the UK Parliament in this area and said that it should be done in the Scottish Parliament instead. They expressed concerns about what the House of Lords might do to the legislation; expressed doubts about whether the UK Parliament would really legislate quickly; and said that the Scottish Parliament and the Scottish Executive were much more accessible than the UK Parliament and the UK Government.

My officials, and colleagues from the Scottish Executive, tried to persuade the Transgender Forum about the UK Government's commitment to legislate in this area. Clearly, though, it would be useful if Derry's officials could participate in future meetings with the Transgender Forum and the Equality Network. My officials have already discussed this with Derry's and I know that LCD officials are happy to come to Scotland, which I very much welcome. We need to reassure the Equality Network and the Transgender Forum that the UK Government is visible in Scotland, to ensure that they do not lobby Members of the Scottish Parliament against any Sewel motion that the Executive may table.

My officials will be in touch with Derry's shortly to discuss possible arrangements for visits by LCD to Scotland.

Finally, transsexual people in Scotland appear particularly concerned about insurance. We shall need to ensure that the Bill reflects both their concerns and the concerns expressed by the insurance industry.

I am copying this letter to the Prime Minister, the Lord Chancellor, other members of DA Committee, Sir Andrew Turnbull and First Parliamentary Counsel.

*Yours sincerely*

*Jayne Edgeman*

**HELEN LIDDELL**

*PP*

*(Approved by the Secretary  
of State and signed  
in her absence)*



The Rt Hon Patricia Hewitt MP  
Secretary of State for Trade and Industry



The Rt Hon John Prescott MP  
Deputy Prime Minister and  
First Secretary of State  
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2 April 2003

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Dear John,

CO  
cc sc  
AA  
CS

#### TRANSSEXUAL PEOPLE

I am writing in reply to the Lord Chancellor's letter to you of 26 March in which he is seeking clearance for matters of detail concerning policy on transsexual people to be contained in a draft Gender Recognition Bill.

The main area of interest for my department is the provision relating to transsexual people in the Sex Discrimination Act 1975 (as amended by the Gender Reassignment Regulations in 1999). My colleague, Barbara Roche, Minister for Social Exclusion and Deputy Minister for Women, will soon be writing to DA colleagues to seek policy clearance for the proposed changes to that Act as a result of the European Court of Human Rights decisions in *Goodwin v UK* and *"I" v UK*.

I am content for policy clearance to be given for the detailed matters concerning transsexual people as set out in the Lord Chancellor's letter. With respect to existing marriages, I wish to indicate my support for the Lord Chancellor's proposal that existing marriages should be permitted to continue, subject to the appropriate benefits regime as identified by Andrew Smith.

I am copying this letter to Lord Irvine, other members of DA Committee, the Prime Minister, Geoff Hoon, Ruth Kelly, Jack Straw, Sir Andrew Turnbull and First Parliamentary Counsel.

Best wishes,

PATRICIA HEWITT





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Rt Hon Charles Clarke MP

The Rt Hon John Prescott MP  
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*Der John*

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PD

1 April 2003

#### TRANSSEXUAL PEOPLE

I am responding to Lord Irvine's letter to you of 26 March.

The future of existing marriages for people who seek legal recognition in an acquired gender has implications for my Department in respect of the Teachers Pension Scheme. Most of these issues go beyond the TPS and apply to other public sector pension schemes, on which others are in the lead. I therefore have no strong views on this issue and am happy to leave detailed decisions to those with the policy lead on public sector pensions in general.

I am content with the proposals on terminology, the Gender Registration Authority, the application process and the registration on process.

On the effects of registration, I very much welcome the assurance that LCD officials will continue to work closely with members of the Interdepartmental Working Group, including DfES, on the exemptions to the non-disclosure power. This is a very significant issue for my Department because of our need to ensure that links can be made between a new identity in the acquired gender and the previous identity in the birth gender to enable the checks and vetting procedures necessary for child protection to work effectively.

The letter says that further advice is expected on the handling of the Sex Discrimination Act (SDA) and that a further submission will be made should changes be proposed to the protections in employment and training as a result of transsexual people undertaking gender reassignment, or new protections in the provision of goods and services. Any extension of the provisions relating to facilities and services in Part III of the SDA could have very substantial implications for my Department as we think it would be difficult to extend the provisions relating to goods and facilities and services in Part III without impacting on the education provisions. My officials are in touch with their counterparts in DTI on this issue but I would want early notice if changes to Part III of the SDA are in prospect.

department for

**education and skills**

creating opportunity, releasing potential, achieving excellence



INVESTOR IN PEOPLE



I am copying this letter to the Prime Minister, all DA Ministers, Sir Andrew Turnbull and First Parliamentary Counsel.

chr,  
cl

Charles Clarke





**BARBARA ROCHE MP**

**MINISTER FOR SOCIAL  
EXCLUSION & EQUALITY**

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Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH

31 March 2003

*Dear John*

**Review of the Sex Discrimination Act (as amended by the Gender Reassignment  
Regulations 1999): Genuine Occupational Qualifications**

**Summary**

This letter seeks Cabinet approval for the proposed changes to the Sex Discrimination Act as amended by the Gender Reassignment Regulations 1999 (the Regulations), to be contained within the Gender Recognition Bill. That Bill, which the Lord Chancellor intends to publish in draft later this year, will give full legal recognition to transsexual people who have taken decisive steps towards living fully and permanently in the gender acquired since they were registered at birth.

**Timing**

Responses from colleagues by 16 April would be helpful to enable officials to meet the requirement to have instructions with Parliamentary Counsel by the end of April.

**Background**

The Sex Discrimination (Gender Reassignment) Regulations implemented the ruling of the European Court of Justice in *P v S and Cornwall County Council* which established that the EC Equal Treatment Directive protects transsexual people against discrimination on the grounds of gender reassignment, on the basis that such discrimination is based essentially on the sex of the person concerned. The Regulations amended the Sex Discrimination Act 1975 (SDA) by explicitly prohibiting discrimination in the areas of employment and vocational training on the ground that a person intends to undergo, is undergoing or has undergone gender reassignment.

*Barbara.Roche\_MP@odpm.gsi.gov.uk*

SKP 11/4/03



The Regulations also inserted into the SDA some exceptions, Genuine Occupational Qualifications (GOQs), in limited circumstances. Section 7A of the SDA provides that it is not unlawful to discriminate against an individual on grounds that a person **(a) intends to undergo (b) is undergoing or (c) has undergone gender reassignment** where:

- a person's sex is a genuine occupational qualification for the job (i.e. the nature of the job calls for a man, or for a woman, for reasons of physiology, authenticity, privacy and decency etc), and
- the employer can show that treatment is reasonable in the circumstances

Section 7B (2) (a) and (b) provides additionally that it is not unlawful to discriminate against an individual on grounds that a person **(a) intends to undergo (b) is undergoing or (c) has undergone gender reassignment** where:

1. The job involves the holder conducting intimate physical searches pursuant to statutory powers (e.g. under the Police and Criminal Evidence Act);
2. The job involves the holder living or working in a private home and, because of the degree of physical or social contact with people living there, or knowledge of intimate details of their life, a reasonable objection might be raised to the job being done by that person

Two further GOQs in section 7B (2) (c) and (d) apply **only** to persons **(a) intending to undergo or (b) undergoing** the process of gender reassignment. The nature of these exceptions means that they *do not* apply in the case of a person who has completed gender reassignment. They are:

3. Posts where individuals have to share accommodation, and it is not reasonable on privacy and decency grounds for an individual to do so with either sex while undergoing gender reassignment. (In such a case an employer must be able to show that it was not reasonable to expect them to provide alternative accommodation for an individual undergoing gender reassignment)
4. Posts where the holder of the job provides vulnerable individuals with personal services promoting their welfare, or similar personal services and in the reasonable view of the employer those services cannot effectively be provided by a person whilst that person is undergoing gender reassignment

The decisions of the European Court of Human Rights in *Goodwin v UK* and *"I" v UK* require that transsexual people be granted full legal recognition in their acquired gender - once they have undergone gender reassignment. In order that the SDA sufficiently implements this ruling, we have considered two questions.

The first is whether those GOQs which currently permit less favourable treatment of transsexual people in the case of individuals who have completed gender reassignment must be disapplied in that type of case. I have concluded that they should. In the case of section 7A, the purpose of the GOQ is to cater for the uncertainty about the most appropriate way to treat a transsexual person when there may be a conflict between their legal gender and the way they present themselves. Official



recognition of the acquired gender removes that uncertainty. The same applies for any legal requirement that an intimate physical search should be carried out by a person of a specified gender. The other type of case is slightly different and concerns situations where the job involves forms of contact in which a person might reasonably object to the job being done by a transsexual person. Here it seems to me clearly right, if we are to follow through the policy on which this Bill is founded, that official recognition in the acquired gender should be regarded as removing grounds for reasonable objection in such circumstances.

This means that the Bill would include provisions to ensure that sections 7A and 7B (2) (a) and (b) will only apply to persons intending to undergo or undergoing gender reassignment.

The second question is how the SDA should define the point at which a person ceases to be "undergoing gender reassignment" and moves into the category of "has undergone gender reassignment". It contains no definition at present because, after the 1999 DfEE consultation which received over 300 responses, there was no clear consensus on how completed gender reassignment should be defined. That position needs to be reconsidered in the light of the proposals in the Bill for a right to register in the new gender upon satisfying the appropriate authority that certain criteria are met.

Failure to define an "end" point for gender reassignment does leave the matter uncertain and groups representing transsexual people cited the lack of a definition as a concern at the time the Regulations were made. The Gender Recognition Bill will now provide a clearly defined point at which a transsexual person acquires full legal status in their new gender. Leaving the SDA unchanged would involve a split of responsibilities under which non-specialist tribunals could adopt views at variance with the specialist authority legally empowered to determine whether reassignment has been satisfactorily completed. I therefore propose that the "trigger" for the disapplication of the GOQs for transsexual people who have undergone gender reassignment should be registration in the new gender, as prescribed by the Bill. For consistency, this should apply to all of the GOQs.

I believe there are compelling reasons for taking this approach. Requiring registration as a "trigger" for the disapplication of GOQs contained in sections 7A and 7B (2) (a) and (b) will;

- Provide absolute clarity as to when a person can be considered as of the acquired gender and therefore suitable for undertaking a specific role that was previously not open to them when they were intending to undergo or were undergoing gender reassignment. This may be particularly important where a job, or aspects of it, is legally required to be done by a person of a particular sex – e.g. conducting intimate searches under the Police and Criminal Evidence Act.
- Provide further clarity for employment tribunals that are considering cases where the dispute has arisen because the transsexual person claims to have completed reassignment and therefore eligibility for a certain job, and the employer disagrees.
- Ensure that a tribunal will not be asked to adjudicate in a case where a transsexual person considers themselves to have completed reassignment but may have been refused registration by the authorising body.



This approach will mean, when the changes take effect, the GOQs under section 7B(2)(c) and (d), would become applicable to individuals who have finished the process of gender reassignment in a general sense but do not become registered, for whatever reason. They therefore could lose a degree of protection which they may enjoy at present under the SDA. However, the numbers of cases affected can be expected to be few. Moreover, the impact will be greatly reduced by the requirement in these two GOQs that an objection, or the employer's view, be "reasonable". This suggests it is doubtful, for example, that the GOQ would apply to make discrimination lawful in the case of a person who has lived for many years in the new gender, even if they have not formally registered. I am persuaded that the advantages of making legal registration the defining point of completed reassignment are clear and that the requirement for "reasonableness" should offer a degree of protection for persons who have not yet registered.

I am copying this letter to the Prime Minister, members of DA Committee, Rosie Winterton (LCD), Sir Andrew Turnbull and First Parliamentary Counsel.

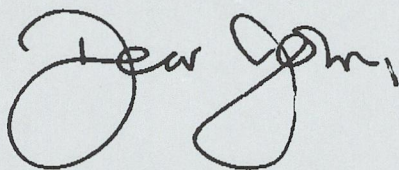
Yours  
Barbara Roche

**BARBARA ROCHE**



The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

**31 MAR 2003**



CO / EL  
SS  
DM

#### **TRANSSEXUAL PEOPLE**

I have seen Derry's letter of 26 March to you, outlining his proposals for draft legislation in the form of a Gender Registration Bill. I am pleased that the issue of "ownership" of the proposed Gender Registration Authority has been resolved.

I can confirm that I am generally content to proceed along the lines Derry proposes. However, with regard to the issue of whether pre-existing marriages should be allowed to continue, following one partner's change of gender, there is a further matter which I consider should be brought to DA colleagues attention.

The Human Fertilisation & Embryology Act 1990 is framed in terms of married and unmarried couples in determining the legal father of a child born as a result of fertility treatment covered by the Act. A situation could arise where a married couple could present for treatment, following one partner's change of gender.

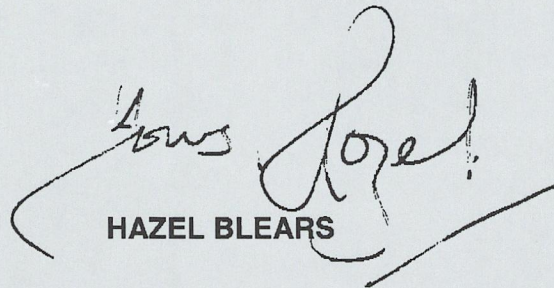
The Human Fertilisation and Embryology Authority (HFEA) is concerned that if existing marriages were not dissolved on the registration of a partner's new gender, there could arise a situation in a male to female gender change where the transsexual woman would become the legal father of a child.

This would be because "her wife" had licensed fertility treatment (e.g. donor insemination) resulting in a live birth. Unless it could be shown that the wife's "husband" had not consented to the treatment, the HFE Act would automatically recognise that "husband" as the legal father of her child if the marriage were not dissolved. The Act does not require written consent to the



treatment from the husband, as there is an automatic assumption of consent based on marital status. It is of course the case that situations of this kind, involving a gender change, are likely to be few, but I consider it important that DA colleagues should be aware of this possible scenario.

Copies of this letter go to recipients of Derry's.



HAZEL BLEARS



02072192220

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

8



HOUSE OF LORDS,

LONDON SW1A 0PW

31 March 2003

The Right Honourable John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH

CW  
1/2. EC

Dear John,

**CIVIL PARTNERSHIP - OPPOSITE SEX COHABITANTS**

I have seen a copy of Barbara Roche's letter of 22 January, seeking clarification on what plans other Government Departments may have to take forward work on opposite sex cohabitation. When Barbara wrote to DA on 13 November 2002 I agreed in principle to the introduction of a civil partnership scheme for same sex couples only, but raised serious concerns over the current vulnerability of opposite sex cohabitants. I concurred that extending a partnership registration scheme to all adult couples, regardless of gender, would not meet those concerns. But I emphasised the need for further and detailed consideration of the vulnerability of opposite sex cohabitants, especially those who are parents.

In responding to Barbara's letter of 13 November, several other Ministers raised concerns over the position of opposite sex cohabitants. The Home Secretary in particular called for the government to look into introducing legal recognition of cohabiting relationships that were either longstanding or involved children. Paul Boateng, Andrew Smith and Lewis Moonie also expressed varying degrees of concern over the proposed civil partnership scheme. Since then the need for considering the position of opposite sex cohabitants has grown more pressing. Public debate has gained momentum. The BBC's *Panorama* programme in November 2002 highlighted the vulnerability of all unmarried cohabitants. Barbara Roche's statement confirmed the Government's plans to exclude opposite sex cohabitants from the proposed civil partnership scheme. Following this, there has been a significant rise in correspondence raising concerns about the vulnerability of opposite sex cohabitants.

Most recently, Robin Cook responded to Barbara Roche's letter, on 27 February. He raised serious concerns about excluding opposite sex cohabitants from the forthcoming consultation exercise on the civil partnership registration. He saw such an approach as potentially problematic for the proposed Bill's progress through Parliament.



02072192220

In the light of shared concerns from DA colleagues and the rising public debate, I suggest that officials from the relevant Government Departments meet to consider the degree to which Government is exposed to potential ECHR challenges and to review the extent to which Government may be open to claims of unequal treatment from opposite sex couples if we take forward a civil partnership scheme for same sex couples only. I would envisage that Departments such as HM Treasury, Inland Revenue, Home Office and Department for Work and Pensions would be interested members. I must emphasise, however, that my Department has no funds available to take this work any further than this. If, on considering the information coming out of the group, DA considered further work was necessary, we would need cross-Departmental agreement on how to proceed and, crucially, how and where this work would be resourced.

I am copying this letter to the Prime Minister, to members of DA and LP Committees, Barbara Roche, and to the Cabinet Secretary.

*Yours ever,  
Derry*





From the Parliamentary  
Under Secretary of State

Rt Hon John Prescott MP  
Deputy Prime Minister and First  
Minister of State  
26 Whitehall  
London SW1A 2WH

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27 MAR 2003

CO. EL  
MER

**DISABILITY DISCRIMINATION ACT (DDA)  
LIFTING THE TRANSPORT EXEMPTION**

This letter seeks clearance for inclusion in the draft Disability Bill, for which Andrew Smith has LP approval, of my proposals for removing the exemption for transport vehicles from Part 3 of the DDA. It also informs colleagues of the outcome of the recent consultation they cleared on these proposals. I am seeking DA clearance by 11 April.

Background

My letter to colleagues of 23 September 2002 (copy attached) set out my proposals for consultation on removing the transport exemption from Part 3 of the DDA. Following concerns expressed by Patricia Hewitt about costs to SMEs and the implications for historic vehicles in tourist attractions, the consultation was modified to propose exempting transport vehicles used for tourism and leisure.

The Response

The proposals were widely welcomed. Most industry responses were positive although there were concerns about the implications for SMEs. Many companies claimed they were already acting as though Part 3 of the DDA applied. However, and predictably, disability organisations did not think the proposals went far enough and in particular did not agree that shipping and aviation should continue to be excluded from the scope of Part 3.



### *Rail industry*

The rail industry was concerned about the implications of the proposals for the current requirement for disabled passengers to give 24 hours notice before their journey. They were uncertain whether any notice period would be considered 'reasonable' and what the implications were for stations that are currently unstaffed.

### *Tourism and Leisure*

The proposal to exclude tourism and leisure was widely condemned. Respondents were confused by our proposal to exclude transport vehicles in this sector although this may have been a misunderstanding of the fairly narrow exclusion which we intended. They could not see how this could be justified, particularly as we are not proposing to remove the exemption for transport vehicles in respect of physical alterations.

### Taking forward the proposals

We believe the proposals in our consultation should be taken forward in the draft Disability Bill largely unchanged.

Despite criticism by disability organisations, we think our consultation proposals to continue to exclude aviation and shipping are currently sound. However, we need to monitor compliance with the existing voluntary guidance in case it should prove necessary to use legislation to tackle discrimination in these modes of transport. To that end, we propose to amend the DDA to end the exemption from Part 3 for aviation and shipping as well, but we would make clear that we would only bring these provisions into effect if our monitoring showed it was necessary and subject to colleagues' further agreement and consideration of the cost implications. We would also expect the DRC to publish separate codes of practice for these modes should the voluntary approach fail.

We have discussed the rail industry's concerns with the Disability Rights Commission. They have agreed to a separate code of practice for transport, to accompany the implementation of the legislation. The code would give practical examples to transport operators of reasonable adjustments, and we think this would go a long way towards addressing the concerns expressed.

We accept the criticism of the proposal to treat tourism and leisure differently. We agree with DCMS that it will be very difficult to defend a general exemption for vehicles, when the tourism and leisure sector is already subject to Part 3. Therefore, we propose to end the exemption of those vehicles too with the narrow exception of historic vehicles, where appropriate.

### Next steps

To further meet the concerns expressed, we propose that when we amend the DDA to end the transport exemption we would ensure that there could be limited exemptions for some transport modes where it is sensible to do so (for example, for some historic vehicles and for armed forces transport as suggested by Adam Ingram in his letter of 8 October).

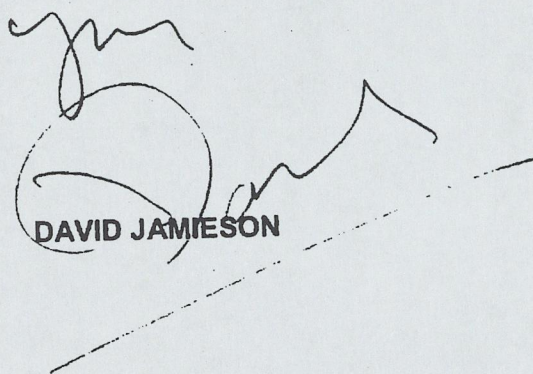
We will also revise the Regulatory Impact Assessment to be published with the draft Bill. to include an analysis of the recent consultation. At the same time we could announce



that there would be a future consultation on implementation dates. In addition, this consultation can cover the issue of continuing exemptions for some modes (subject to, for example, compliance with a voluntary code). This consultation might be in parallel with one inviting comment on a draft DRC transport code which will give examples of how transport vehicles can comply with Part 3. This will all be subject of course to further DA clearance where necessary.

I should be grateful for colleagues' clearance to proceed on this basis by 11 April to enable us to meet the deadlines for the draft Bill.

I am copying this letter to the Prime Minister, members of DA committee and to Sir Andrew Turnbull. I shall be writing separately to the devolved administrations in Wales and Scotland and to Northern Ireland Ministers about our proposals.



DAVID JAMIESON





From the Parliamentary  
Under Secretary of State

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23 SEP 2002

### **Disability Discrimination Act 1995 (DDA) - Consultation on the removal of the Part III exemption for providers of transport services.**

#### The issue

I am writing to seek the committee's approval to issue a public consultation on removing the exemption from the provisions of Part III of the Disability Discrimination Act (DDA) for providers of transport services.

#### Timing

Although there is, as yet, no legislative vehicle for implementing the necessary changes to the DDA, there is considerable interest in this paper and disability organisations in particular are pressing for progress. We would like to be able to issue it by mid-October and to that end I would be grateful for a response by Monday October 7.

#### Background

The removal of this exemption was one of the transport recommendations of the Disability Rights Task Force (DRTF) in their report to Government, "From Exclusion to Inclusion". The Government has already accepted the DRTF's transport recommendations and is committed to consult on taking forward those that require changes to primary legislation, ie:

- the removal of the exemption from the provisions of Part III of the DDA for providers of transport services; and
- the introduction of regulations to introduce an end date by which all rail vehicles must comply with the Rail Vehicle Accessibility Regulations 1998 and regulations covering the refurbishment of rail vehicles.



The paper on which I am now seeking clearance covers the first of those two recommendations. We are taking them forward separately since they cover rather different ground and the latter has a more specific target audience in the rail industry and disability interests. We will be seeking clearance on that paper in the autumn.

#### The proposal

Part III of the DDA covers access to goods, services and facilities for disabled people. While transport infrastructure – bus stations, railway stations, etc – are covered by its provisions, the Act includes an exemption for any service "so far as it consists of the use of any means of transport" ie the service provided by the vehicles. Certain transport vehicles are, however, covered by regulations made under Part V of the DDA which enable the Secretary of State to make accessibility regulations for buses and coaches, trains and taxis.

The proposal is to remove the exemption in Part III which would have the effect of bringing within its scope not only those vehicles which can be the subject of regulations under Part V of the Act, but also aircraft, ships, private hire vehicles (minicabs), breakdown services and car hire services. In future the operators of those services would be subject to the following duties under Part III:

- not to treat a disabled person less favourably;
- to take steps to change practices, policies or procedures that make it impossible or unreasonably difficult for disabled people to use a service; and
- to take steps to remove, alter, or provide means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service.

Except in the case of breakdown services, which may have to contract in an accessible recovery vehicle, it is not proposed to impose on transport operators a requirement to provide a service by a reasonable alternative means.

#### The impact

The paper includes a regulatory impact assessment. It reflects the fact that many in the transport industries are already operating in the spirit of the DDA. However, there is inconsistency between and within modes and the discriminatory behaviour of, for example, some taxi drivers, against disabled people remains a matter of concern. Lifting the exemption would enable such discrimination to be addressed in legal terms.

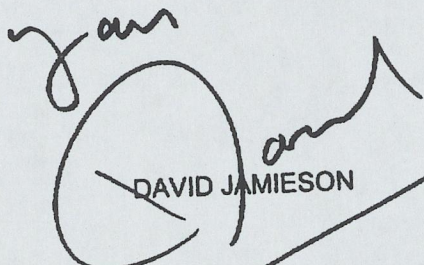
As a result of removing the exemption it is likely that transport operators will want to extend or improve their staff training. It is also brought within scope of the Act services, such as the provision of catering facilities on trains where staff might be required to take reasonable steps to provide an at-seat service for some disabled passengers who are unable to get to the buffet car.

In all cases the actions of the operator will be subject to "reasonableness" which, though ultimately for the courts to determine, will be reflected in a Code of Practice which would accompany the removal of the exemption.



The consultation paper enclosed sets out the background to the proposals and confirms that taking them forward is delivering a manifesto commitment. It also considers the likely effects of the proposal on the key areas affected and provides broad estimates of costs and benefits. The paper will be issued to the transport industries and major disability organisations across the UK.

I am copying this letter to members of DA Committees, and to Sir Andrew Tumbull.

*Jan*  
  
DAVID JAMIESON



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*Department for*  
**Transport**

**Disability Discrimination Act 1995**

**Access to Goods, Services and Facilities**

**Consultation on the Government's proposals to lift  
the exemption for transport services from some of  
the civil rights duties in Part III of the Disability  
Discrimination Act**



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Annex: Details of organisations that have been consulted



## 1 Introduction

In 1997 the Government set up the Disability Rights Task Force (DRTF) which brought together industry and disability interests under the chairmanship of the Minister for Disabled People. The DRTF was charged with bringing forward proposals to create a Disability Rights Commission (DRC) and with reviewing the existing legislative provision in the Disability Discrimination Act 1995 (DDA) with a view to making recommendations on future action. On the latter task the DRTF submitted a report to the Government, *"From Exclusion to Inclusion"*, at the end of 1999 which included a number of recommendations on transport.

The Government published its final response, *"Towards inclusion"*, in 2001 and accepted the transport recommendations, and alongside a number of others relating to employment, education, and service provision. The response made clear that further detailed consultation would be required, including a review of any financial consequences of the legislation.

This document is the first stage in delivering the Government's commitment. A separate consultation – covering the DRTF recommendations on rail access and a number of other issues relating to the transport provisions of the DDA – will be carried out later this year.

Section 2 sets out the issues we would like you to consider. Section 3 of this document describes the current transport provisions of the DDA and the changes that are proposed. Sections 4 to 11 set out the Regulatory Impact Assessment, which estimates the additional costs that may arise from enacting the proposed legislation and the benefits that could accrue from disabled people using public transport.

## 2 Issues to consider and deadline for responses

The scope of this consultation is those areas covered by the current exemption from Part III of the DDA for transport services (see section 3.1). Within that context we would welcome comments on any aspect of the proposals but we would also like you, in particular, to address the following questions in relation to each of the transport modes or services covered by this document:

- Are there additional benefits and costs that could be attributed to removing the exemption from Part III of the DDA for operators/service



providers and for their passengers and potential passengers or customers?

- Are there other measures that would complement those proposed?
- Are there other effects on the industry that we have not discussed, and, if so, what are their likely implications?

A list of the organisations across the UK to which this paper is being circulated is set out in the Annex.

### **3 Current and proposed provisions of the DDA**

#### **3.1 Current provisions**

Part III of the DDA deals with access to goods, facilities and services. The Act imposes specific duties on service providers and these duties have been introduced incrementally since 1996, with virtually all the remainder to come into force in 2004. Transport infrastructure (bus stations, railway stations, airports and ports) is already covered by these provisions. There is however a specific exemption for any service "so far as it consists of the use of a means of transport".

**Since December 1996** it has been unlawful for service providers to discriminate against a disabled person in refusing to provide, or deliberately not providing, a service which is provided to other members of the public. It has also been unlawful to provide a service of a lower standard, or on less good terms than that available to other members of the public.

**Since 1 October 1999** service providers have been required to take reasonable steps to change practices, policies or procedures that make it impossible or unreasonably difficult for disabled people to use a service. Also, where a physical feature makes it impossible or unreasonably difficult for a disabled person to use a service, the provider has been under a duty to provide a reasonable alternative way of making the service available.

**From 1 October 2004** service providers will have to take reasonable steps to remove, alter, or provide means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service.



Part V of the Act deals with public transport vehicles. It provides for accessibility regulations to be made for public service vehicles (buses and coaches), rail vehicles (trains – including light rail, underground and trams) and taxis. The regulations set minimum technical requirements to ensure that, in future, public transport is accessible to disabled people, including those who need to travel in a wheelchair. Regulations have already been introduced for buses and coaches, and for rail vehicles. A package of proposals is being developed for taxis.

### **3.2 Proposed changes**

We propose to extend the Part III civil rights provisions of the DDA to include the following services:

- Rail vehicles (including trains, trams and light rail)
- Buses and coaches
- Taxis
- Private hire vehicles
- Aviation
- Shipping
- Car hire services
- Breakdown services

In line with the DRTF recommendation we do not propose to make those services subject to the 2004 duties. In addition we do not propose to apply the 1999 duty requiring operators to provide a reasonable alternative method of making the service available to those passenger transport services listed above – where that service consists of the use of a vehicle.

Specifically, we propose to:

- make it unlawful to discriminate against a disabled person in refusing to provide, or deliberately not providing, a service which is provided to other members of the public, or in providing a service of a lower standard or on less good terms than those available to other members of the public.
- require, where reasonable, changes to any "practice, policy or procedure" which makes it impossible or unreasonably difficult for a disabled person to make use of the service.



- require, where reasonable, the provision of an auxiliary aid or service which would enable a disabled person to make use of a service available to other members of the public.

The Government believes that applying these requirements to public transport services would make an important contribution to delivering the Government's commitment to comprehensive and enforceable civil rights for disabled people.

Until the provisions set out above are applied, a public transport operator may comply fully with regulations made under Part V of the DDA, yet still lawfully deny a person access to a vehicle for no other reason than that person is disabled. In practice this sort of gratuitous discrimination seldom happens, but on some occasions it does. Such discrimination is not acceptable.

Many operators already behave as if Part III of the DDA applies to their services, but such good practice is not universal. Removing the exemption will give disabled people the right to challenge transport operators to improve their services.



## **4 Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment (RIA) is intended to show what compliance with proposed legislation will mean for service providers in terms of costs and benefits. It also explains how the proposed legislation fits in with relevant Government policies.

### **4.1 Issues and Objectives**

In December 1999 the Disability Rights Task Force published its report, "From Exclusion to Inclusion". In the introduction to the chapter on travel, the report stated that:

"For disabled people to be able to travel, and to travel with confidence, all aspects of the "transport chain" must be accessible. The benefits of new vehicles and systems will be minimised, or lost altogether, if disabled people find that they cannot move easily and safely between transport modes. Disabled people also need accessible information on transport if they are to benefit from new vehicles and systems. The current legislation will ensure that certain of the links are fully accessible buses, coaches, trains and taxis. But we considered that there is a number of omissions, and areas where further refinement of the legislation would be necessary to achieve the fully accessible transport system to which the Government is committed."

One of the Task Force's key recommendations was that the exemption for the providers of transport services consisting of the use of any means of transport from the first and October 1999 phases of the DDA (Part III) access to services duties should be removed in civil rights legislation. The effects of doing this on public transport services are set out in the following paragraphs.

### **4.2 Rail Services: Trains, Underground and Light Rail**

All passenger vehicles first brought into use after 31 December 1998 are required to comply with the Rail Vehicle Accessibility Regulations (RVAR)<sup>1</sup>. Similar regulations are in force in Northern Ireland.<sup>2</sup> These regulations were made under powers in Part V of the DDA and cover the construction and use of vehicles in respect of disabled passengers.

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<sup>1</sup> S.I. 1998/2456, amended by S.I. 2000/3215

<sup>2</sup> SI 2001/264(NI)



It is unlikely that preventing gratuitous discrimination will have a significant effect on the rail industry so far as services provided at stations (many of which are already covered by the provisions of Part III) and on trains are concerned. Most train operating companies (TOCs) already have training in disability awareness for their staff, though it is possible that some operators would wish to extend the scope of the training coverage.

The provision of alternative catering services to assist disabled people who are unable to get to the buffet car on trains may have some cost implications, as might the provision of assistance from staff for passengers with sensory or physical impairments, for example, escorting a blind person to and from their seat.

A more significant effect would occur if it were considered reasonable to remove the current 24-hour book-ahead requirement, which is needed to guarantee assistance particularly for wheelchair users. There are both cost and practical implications in doing this. There are, however, likely to be occasions when and locations at which, operators might be able reasonably to justify not providing access without notice or, at all, to some services. Examples might be where the stations served are unstaffed (and additional staff cannot be made available without significant cost), or lack level access.

For underground rail services the proposed change presents no obvious new issues. As with surface rail, the operators of these services have already established staff training programmes in disability awareness. Similarly, light rail/tram services are relatively modern and fully accessible, are operated by staff with disability awareness training.

#### **4.3 Buses and coaches**

Other than outlawing gratuitous discrimination, the extension of Part III will have no significant effect on providers of bus and coach services. Regulations under Part V, covering the construction of buses and coaches, have already been introduced.



Further regulations<sup>3</sup> will come into effect in October 2002 covering the conduct of bus crew which set out, amongst other things, operational procedures that will cover many of the duties which might otherwise be covered by Part III at least for new vehicles which are subject to Part V regulations. These include, for example, ensuring that a bus stops as close as practical to the kerb to make access easier for disabled passengers.

As in the rail industry, many bus and coach operators have introduced training programmes in disability awareness for their staff.

#### 4.4 Taxis

A wide range of vehicles is used as taxis, some of which are reasonably accessible already. Powers under Part V enable accessibility regulations to be introduced for taxis and a package is currently being developed in discussion with the industry - that discussion is separate from this consultation.

Providing a service for disabled users is considered good practice by the majority of taxi drivers. Indeed, in a recent MORI survey (carried out for the Disabled Persons Transport Advisory Committee- DPTAC) disabled people were most satisfied with the service provided by taxis and minicabs.<sup>4</sup> However, complaints made to the Department about taxi drivers suggest that good practice is not universal. Under Part III when amended, where it is possible for a disabled person to travel safely in a taxi, the taxi driver would be required to take them unless there were good grounds for this being unreasonable. Such grounds might be expecting a driver who is not physically able to lift a folded wheelchair into the vehicle so as to transport a passenger who wishes to transfer to the taxi seat. However, the level of complaints referred to earlier suggest that there is a need for disability awareness training within some parts of the taxi industry.

<sup>3</sup> The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002 SI 2002 No.1724

<sup>4</sup> "Attitudes of Disabled People to Public Transport" MORI (2002)



#### **4.5 Private Hire Vehicles (Minicabs)**

Private hire vehicles (phvs) are not covered by Part V of the DDA and there are relatively few wheelchair accessible phvs in service. However, phvs are often the preferred mode of transport for many ambulant disabled people who consider them easier to access than some of the existing wheelchair accessible taxis.

The most common concern expressed by disabled people, which will be addressed by extending Part III of the Act to phvs, is the carriage of assistance dogs, including guide dogs. In many cases drivers refuse to take bookings which involve the carriage of assistance dogs. There is currently no legal recourse; for taxis there are separate regulations under Part V of the DDA which require those dogs to be accepted for carriage. There may, however, be more specific legislation in place to deal with such discrimination. A Private Member's Bill is due to have its 2<sup>nd</sup> Reading in the House of Lords on 11 October which would make similar provision to that for taxis under Part V of the Act. The Government is supporting that legislation.

As with taxis there will be no requirement under the Part III provisions for the vehicle to be modified to accommodate disabled people. These provisions will simply ensure that where it is possible for a disabled person to travel safely in a phv then they should not be refused carriage and additional charges should not be made for carrying them.

As with taxi operations, there will be a need to extend training in disability awareness to those phv drivers who have not yet received such tuition.

#### **4.6 Aviation**

Aviation was omitted from the DDA on the grounds that, as it is fundamentally an international mode of transport, it would be more appropriate to develop good practice and standards at international level. Indeed, since the DDA was introduced both the European Civil Aviation Conference and the International Civil Aviation Organisation have produced recommended practices and guidance for the industry.

Defined minimum standards of care for disabled people (referred to in a European context as People with Reduced Mobility – PRMs) are included in the European Voluntary Commitments on Air Passenger Rights, which came into effect in February 2002. Both the Airline and Airport Commitments, to which the major airports and full-service carriers



throughout the EU are signatories, contain a separate PRM protocol. These protocols include an agreed definition of PRMs and their basic rights as travellers, and an agreement that they should not be charged direct for the assistance they receive. The rights of PRMs are also addressed in the European Commission's June 2002 consultation paper on airlines' contracts with passengers<sup>5</sup>.

In taking the ECAC and ICAO recommendations forward in the UK a voluntary code on access to air travel is being drawn up by the Department for Transport, in collaboration with industry and DPTAC. The Government has consulted on the Code which covers certain services which are already subject to the provisions of Part III, e.g. travel agencies and airports, but will also deal with the services provided by airlines and the design of aircraft. The Code applies only to UK registered aircraft and to UK airports. Under Part III of the DDA, the only aspects of the service that would be affected would be such things as booking arrangements, assistance from ground transport to check-in and from check-in to aircraft, help with luggage, appropriate assistance and information when on board the aircraft.

In line with the DRTF recommendation the Government intends that the voluntary code should be the standard to which the industry works but is committed to taking reserve powers to place it on a statutory footing should the voluntary route prove ineffective. To that end, it is proposed that provision should be made to lift the transport exemption for aviation but that it should be used only if the voluntary code does not deliver the Government's goals. The Department will be letting a research contract to benchmark the industry against the Code and then to follow that up two years later with a monitoring exercise to see whether the Code has been effective. If at that stage it is decided to invoke the legislative provisions it may be necessary to bring different sectors of the aviation industry within the scope of Part III at different times to reflect the very different operating conditions between, for example, operators of large and very small aircraft.

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<sup>5</sup> Airlines Contracts with Passengers. Consultation paper of Directorate-General for Energy and Transport, with Directorate-General for Health and Consumer Protection, European Commission



#### **4.7 Shipping**

Following publication of a Recommendation from the International Maritime Organisation<sup>6</sup> on meeting the needs of disabled people in the design and operation of larger passenger vessels DPTAC produced a complimentary guidance<sup>7</sup> which, if adhered to, is considered sufficient to meet Part III requirements for larger vessels. In terms of public transport the main impact will be on the Highlands and Islands ferries and the Isle of Wight services.

#### **4.8 Car hire services**

Discussions with car hire companies show that consideration is already being given to providing an effective service to disabled users as a matter of good practice. It would be for service providers to consider how, through their policies, practices and procedures, or through the provision of simple adaptations they could make their services more accessible.

For car hire firms it is possible to fit, without making any physical alteration to the vehicle, simple "push-pull" hand controls. These would greatly increase the number of disabled users who could hire vehicles.

#### **4.9 Breakdown services**

Again, discussions with industry indicate that consideration is being given to meeting the needs of disabled members as part of general good customer practice.

Breakdown firms endeavour to fix by the roadside a higher proportion of vehicles used by disabled people where transferring to a recovery vehicle would be difficult or impossible. The inclusion of these services within Part III would place a duty on operators to put policies, practices and procedures in place to provide an alternative way of assisting a disabled person by, for example, arranging for an accessible vehicle to collect them from their car, should this be necessary

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<sup>6</sup> "Recommendation on the Design and Operation of Passenger Ships to Respond to Elderly and Disabled Persons' Needs. IMO (1997)

<sup>7</sup> The Design of Large Passenger Ships and Passenger Infrastructure: Guidance on meeting the needs of disabled people DPTAC(2000)



## **5 Risk assessment**

These measures create new civil rights for disabled people. They introduce new requirements on transport operators to ensure that they do not unreasonably discriminate against disabled people. For example, they will deal with gratuitous discrimination where a bus driver refuses to allow a disabled person to board his vehicle for no other reason than their disability.

## **6 Options**

The Government is committed to establishing comprehensive and enforceable civil rights for disabled people including, with respect to this paper, removing the anomalous exemption of transport services from some of the civil rights duties in Part III of the DDA.

Two options are available to the Government concerning discrimination against disabled people in the provision of services within public transport:

Option 1 - To rely on voluntary compliance by the transport sector with the measures relating to the provision of services in Part III of the Act

Option 2 - To legislate to remove the exemption for the transport sector.

A substantial proportion of the bus, rail, air and maritime industries have voluntarily undertaken improvements to the services that they provide to disabled people, primarily through ensuring that their staff have disability awareness training. There is however room for improvement and for standards to be more consistent.

The major organisations providing vehicle breakdown and recovery services have also improved the level of service to disabled members, as have some car hire companies. It is likely however that improvements will not take place across the industry without further encouragement.

In the coach, taxi and private hire vehicle industries, however, disability awareness training and consequent improvements in services to disabled people are much less comprehensive.

The Government proposes that the best course of action to ensure a consistent level of service to disabled people across the full range of



public transport services is to pursue Option 2 and to remove the current exemption from compliance with the Part III provisions (as set out in 3.2). For many providers, who are already following good practice, the effects will be minimal. For other providers, while there might be cost considerations these should, to some extent, be off set by the fact that more customers will be attracted to use the services provided. Such measures should also lead to an improvement in public relations.

## **7 Issues of equity or fairness**

The following issues of fairness arise:

- Is the chosen option consistent with the Government's expressed policy of developing comprehensive and enforceable civil rights for disabled people
- Will the costs be borne fairly across all the public transport businesses?

### **7.1 Consistency with the Government's policy on civil rights for disabled people**

The Government's 1997 manifesto commitment was:

"We will seek to end unjustifiable discrimination wherever it exists. For example, we support comprehensive, enforceable civil rights for disabled people against discrimination in society or at work, developed in partnership with all interested parties."

This has been reinforced in the 2001 manifesto, which states:

"Our ambition is to enable people with disabilities to play a full part in the community...We are now committed to extending basic rights and opportunities, as indicated in our response to the Disability Rights Task Force."

It also commits to:

"Change in our public services so that they better advance equality of opportunity".



The 10 Year Plan for Transport sets out that the Government is committed to public transport that is accessible to disabled people. The plan states:

"Building in accessibility for disabled people in all new investment is a condition of public money being spent. Local authorities and transport operators should ensure that the transport needs of disabled people are factored into their plans and that the full benefits of improved public transport are accessible to all."

Public transport plays a major role in providing personal mobility for disabled people, while for those who rely on a private car, recovery from a breakdown and the ability when necessary to hire a vehicle they are able to drive are of importance. Within the public transport sector extant legislation requires (over time) the design and provision of fully accessible bus and rail vehicles with, in due course, similar requirements for the taxi industry.

To have mandatory requirements for accessible vehicles and related infrastructure, but not for the services provided with them, is an anomaly, which could lead to gratuitous discrimination, thereby, reducing the effectiveness of the vehicle design regulations made under Part V of the DDA. Removing the Part III exemptions should obviate this.

## **7.2 Fair distribution of costs**

The legislation will apply to transport service providers of all sizes throughout the country. **The cost to individual service providers will be limited by the fact that the legislation requires them to do only what is reasonable in all the circumstances of the case.** Any cost incurred by the service provider in making reasonable adjustments to policies, practices and procedures will be spread across all customers as part of the service providers' general expenses.

## **8 Benefits**

Many of the duties placed on the providers of transport services by the removal of the exemption from Part III can be met by ensuring that staff have good training in disability awareness. Such training should greatly reduce the discrimination, which is often caused by lack of awareness or ignorance rather than intention, which disabled travellers sometimes meet.



Disabled people form a very substantial proportion of the total population; a proportion that is likely to increase in the future because of the ageing of the population and the higher incidence of disability among older people. It has been estimated<sup>8</sup> that approximately 20 per cent of the adult population<sup>9</sup> is covered by the provisions of the DDA.

Benefits will arise from:

- Improved personal mobility for disabled people.
- Access to a wider range of facilities and activities (including employment) enabling disabled people to play a fuller role in the economy and in society.
- Improved legal rights of access to services. More transport services will become accessible in the fullest sense of the word. Services that are already doing much to help disabled travellers will be encouraged to do more.

While it is not possible to quantify these benefits accurately in financial terms, transport service providers could expect to see increasing numbers of disabled people using their services over time.

## **9 Costs**

### **9.1 Business sectors affected**

As set out in Section 3.2 (above) the following transport sectors will be affected:

- Rail
- Buses and coaches
- Taxis
- Private hire
- Aviation
- Shipping

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<sup>8</sup> "The Disability Discrimination Act: Analysis of Data from an Omnibus Survey; In-house report 30, Grahame Whitfield, DSS, 1997

<sup>9</sup> Grundy, E., Ahlburg, D., Mohamed, A., Breeze, E. and Sloggett, A. (1999) Disability in Great Britain: Results from the 1996/97 Disability Follow-up to the Family Resources Survey, (Department of Social Security, Research Report No. 94)



- Car hire
- Breakdown services

As virtually all service providers in these sectors will be affected, it is impossible to identify a typical business. In part this is because there is such a wide diversity of service providers, but is also because the extent and consequent cost of any adjustments will vary considerably.

However, to illustrate the likely impact of the legislation, the following section considers each sector separately and estimates the order of costs expected for that sector.

## **10 Impact on the transport sector: costs**

### **10.1 Rail services**

There are three aspects of Part III legislation that could affect rail services. The first of these is the requirement to provide an alternative catering service where disabled people cannot get to the buffet or dining car and assistance from staff where passengers have a sensory or physical impairment.

Train operators have different policies on the provision of refreshments and varied styles of service, in some cases on the same train. On some services (a minority) a full dining service is offered. In these circumstances train staff could either assist the disabled passenger to the dining car or, if that is not possible, provide the service at the passenger's seat. This would, of course, only apply where the disabled person was travelling in the eligible class.

Trolley services, sometimes provided alone, sometimes with a buffet service should not be a problem as they come to the passenger. Where there is only a buffet service, train staff could be expected to bring any refreshments to disabled passengers if they were not able easily to get to the buffet car.

Essentially the provision of this kind of assistance is a management matter. Train staff will require clear instructions on what to do under the various circumstances and the train operators will need to make sure that the appropriate service is provided. There should not be any additional costs provided the service is efficiently managed.



The second requirement is for training train and platform staff in disability awareness. Training of this kind has been given for many years, starting some time before the privatisation of rail services. A recent check (April 2002) with the operators showed that all of those companies prepared to answer the request for information were providing disability awareness training. Eight out of the 16 who replied were using external consultants, the remainder used internal services.

The Strategic Rail Authority's Code of Practice on Train and Station Services for Disabled Passengers includes a section on staff training, which sets out the core components of training. The Code also recommends that the Association of Train Operating Companies (ATOC) "considers and adopts a standard format and content for disability awareness training and disability equality training and the use of associated equipment." With the widespread training already extant in the industry the requirements, so far as compliance with Part III is concerned, should not pose more than a marginal additional cost. The direct costs of training provided by external consultancies to one train company average just under £200 per staff member, but there are additional costs in providing cover for staff attending the course. These would take the full cost up to approximately £300 per staff member.

Newly appointed staff will be trained in disability awareness; it may be reasonable to take these recurring costs as a consequence of the application of Part III. Staff turnover on rail services is generally quite low - below that of the bus industry. Taking this at five per cent of the total staff of rail travel assistants, operatives and drivers would mean disability awareness training for 2250 staff each year at a total cost of some £6.75 million.

The third requirement is of more consequence: the possibility that the 24-hour book-ahead requirement to guarantee assistance particularly for wheelchair users will be removed. Were this to be considered reasonable there could be some significant implications.

Two major operators (Thameslink and WAGN) and parts of other services (e.g. Chiltern) use driver only trains. The Health and Safety Executive would not countenance drivers helping disabled passengers on and off trains. Therefore the disabled passenger would be wholly dependent on platform staff for assistance. However, out of a total of some 2500 stations across the network, approximately 1000 are unstaffed and a similar number are only staffed at certain times. Some of the latter have only one staff member who operates the ticket office and



who, again, may not be able to assist disabled passengers. Even where a member of staff is available, there are stations that have no access for disabled persons to one platform due to the fact that there is only one entrance to the station and no crossing over the line other than a footbridge only accessible by steps.

Even on those services that have an additional crew member there could be difficulties if a disabled passenger who needs assistance travels without advance notice. On short trains (e.g. two or four carriages) it would be feasible for the train staff to provide assistance, particularly if as is the case with some, a lightweight wheelchair ramp is carried on board. On long trains (up to twelve carriages) calling at busy stations, it could be difficult for the staff member to identify the person needing assistance.

The provisions of the DDA make allowance for a test of reasonableness. Therefore a service provider must take such steps as are reasonable to change the practice, policy and procedure so that it no longer has the effect of making it impossible or unreasonably difficult for a disabled person to use the service. Whilst train operators might be able to justify not providing access without notice, or at all, to some services such as those at unstaffed stations or at stations where there is no level access they will need to satisfy themselves on a case by case basis that their actions are justified. Ultimately, such matters are for the courts to decide.

At present it is not known how many stations have level access. The costs of fully staffing previously unstaffed stations would be high. Depending on the time period over which trains call at any given station, there could be a requirement for up to three or four staff at each station. Those stations that are partly staffed would need one or two extra staff, again dependent on the period during which the station is used but no staff are present.

Any calculations of cost can only be indicative, but fully manning unstaffed and partly staffed stations is estimated to cost well in excess of £100 million per annum. If only 25 per cent of unstaffed stations and 50 per cent of part-staffed stations were fully manned, it is estimated that approximately 1,500 additional station staff would be needed at a total annual cost of approximately £45 million per annum.

In addition to this recurring cost, new or refurbished staff accommodation would have to be provided at unstaffed stations. It is not possible to



estimate how much this would amount to, except to say that it would be substantial.

A mail-back questionnaire survey of Disabled Persons Railcard holders has been carried out. The preliminary analysis of the first 400 questionnaires suggests that the requirement to book in advance if assistance is required is not seen as a problem.

The 400 respondents included 63 wheelchair users (15.8 per cent) and a further 16 (four per cent) who used a scooter. Almost 30 per cent (119 respondents) were blind or partially sighted but the commonest disability was walking difficulty, which applied to almost half the respondents (197, 49.3 per cent)<sup>10</sup>.

The Railcard holders make quite a lot of use of rail services. Almost two-thirds (260 respondents) had used rail services within the previous month, making an average of seven journeys per person over this time. Only four per cent had not made a rail journey in the previous year. Just over half of the respondents (54 per cent) usually travelled with a companion.

A question was asked about the time in advance that people usually booked their journey. Just over one-third (34 per cent) did not book in advance, a further 30 per cent booked from two to seven days in advance, 17.5 per cent booked two weeks in advance, just under 15 per cent booked three or four weeks ahead.

About 14 per cent of respondents were wheelchair users who are the group most likely to require assistance within stations and on trains. Of wheelchair users about 80% booked more than 24 hours in advance.

At the end of the questionnaire, respondents were given the opportunity to write about any aspect – good or bad – of rail services. In total almost 450 comments were made covering a very wide range of issues. Although critical comments outweighed positive views by about 7:2, a number of criticisms related to the general performance of the rail service. Those included poor timekeeping and unreliability, overcrowding and trains not being kept clean. Lack of staff to provide assistance at stations was mentioned by 32 (eight per cent) respondents, lack of staff help on trains was mentioned by 17 respondents; 16 said that there was still a need for further/better training in disability awareness.

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<sup>10</sup> percentages sum to over 100 per cent because some respondents recorded more than one impairment.



Notwithstanding these criticisms, about 10% commented that the rail services were generally good and about 10% said they found rail staff helpful. This emphasises the importance of comprehensive training in disability awareness. The other important, positive, issue with respect to this legislation is that there were only four respondents who mentioned difficulty in getting through to book assistance and there was no criticism of the requirement to book in advance.

As was said in Section 4.2 the proposed change presents no obvious new issues for underground and light rail/tram services. The main difficulty for the former is the station infrastructure and that is already covered by Part III of the Act and so must be addressed. Modern light rail and tram services are, for the most part, fully accessible and their staff, as well as those on the underground services, have had disability awareness training in place for some time. Similarly for systems like the Heathrow Express, where there is no book-ahead requirement, and the infrastructure and vehicles are accessible, there are no obvious new issues.

The operators of heritage railways will be included within the scope of Part III. A recent assessment of a selection of heritage operators carried out for the Department suggests that nearly all recognise the requirements of disabled passengers. For many heritage operators their passengers are usually also visitors to associated buildings and museums, which are already covered by the provisions of Part III. Many operators recognise the importance of providing facilities, which enable disabled visitors, together with their families and friends to visit their attractions. Most already provide detailed information for disabled people on the accessibility of their vehicles and sites and also train key staff in disability awareness. There is however scope for a more thorough approach based on shared good practice. The Department is considering working with heritage rail operators to develop a good practice guidance.

#### **Costs to service providers : rail services**

<b>Item</b>	<b>Non-recurring costs (£m)</b>	<b>Recurring costs (£m pa)</b>
Training in disability awareness	-	6.75
Full staffing of unstaffed and partly staffed stations	45	135



## 10.2 Buses and coaches

Other than outlawing gratuitous discrimination the inclusion within Part III should not have a significant effect on the industry. The majority of bus operators, including the five largest operators, all have disability awareness training as part of their induction training and are also including existing drivers. Among small and medium sized bus operators, disability awareness training has tended to be given on a more ad hoc basis – for example when a company is entering into a Bus Quality Partnership or bidding for a contract – but it is becoming more widespread.

Within the coach sector, which employs approximately 25-30,000 out of a total of some 150,000 staff in the industry as a whole, disability awareness training is less well developed. However, it is increasing and will be further extended as more fully accessible vehicles come into operation.

The "Workforce Development Plan" for the Road Passenger Transport Industry produced by the Passenger Transport Forum for Employee Development (TRANSFED) shows that future skill needs include a requirement for training in disability awareness, referred to as "special needs training" in the recommended Employee Development Plans.

The Skills Foresight report<sup>11</sup> includes details from the TRANSFED survey 2000, which showed that nearly all those bus firms that responded to the survey had trained their staff in the preceding 12 months. Only a few had trained all their staff, but almost one quarter had trained at least 50 per cent of their staff. Thus the culture of training, including disability awareness, is well established in the sector.

From discussions with the industry, disability awareness training typically lasts one day. The costs associated with the training include driver's pay, instructors' costs (including any external trainers) materials and room hire. Classroom training is normally done for groups of drivers, which reduces per capita costs; a similar approach has been used by First when training drivers in the use of the wheelchair passenger lift on their new National Express London-Heathrow-Bath coach service. The actual costs vary from company to company depending on pay rates, number of members undergoing training at any one time, use of external instructors etc. Figures provided by the industry range from around £200 to £500

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<sup>11</sup> "Skills Foresight for the Road Passenger Transport Industry" TRANSFED, July 2000



per driver trained; for the purposes of this analysis a mid-point cost of £350 is taken.

Ignoring for the moment the large numbers of staff who have already received training, the industry has two aspects to deal with; training existing staff and training new entrants. As a whole the industry employs approximately 120,000 bus and coach drivers<sup>12</sup>. TRANSFED found that there were wide variations in staff turnover, but as a whole the rates were quite low; on average 9.5 per cent for bus companies and 5 per cent for coach companies. Of the 120,000 drivers, it is estimated that approximately 25,000 are coach drivers.

If the size of the industry remains constant, then training in disability awareness would be needed for some 9000 bus drivers each year (9.5 per cent of 95,000) and for about 1250 coach drivers (5 per cent of 25,000). At the cost quoted earlier (£350 per trainee) the total cost to the industry would amount to between £3.5 and 3.6 million per annum. To put this in context, the CPT estimates that the total costs for the whole induction training process are £45 million per annum.

The other aspect is that of completing the disability awareness training of existing staff. The proportion who have already received this training is not known, but the TRANSFED survey found that the majority of bus companies (particularly the larger ones) had trained their staff in the preceding year: a few had trained their whole staff in this period, nearly one quarter had trained at least 50 per cent of their staff. The content of this training is not specified but given the industry's increasing awareness of the importance of customer care, including disabled people, it is reasonable to assume that much of the training given will include disability awareness.

Training programmes are not as widespread in the coach sector. The TRANSFED survey found that just under half of the responding coach companies had been involved in training during the previous year. Of these one third (i.e. 15-16 per cent of all) had trained at least 50 per cent of their staff.

Given that these figures refer to training over a twelve-month period, it could be argued that the industry – certainly the bus sector – has already absorbed the costs of training in disability awareness for its staff. However, some allowance should be made, as non-recurring costs, to cover those companies that have not yet introduced disability awareness

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training for their existing staff. The survey returns suggest that about half the coach sector may not have done this training, plus a small proportion of bus companies – mostly small operators. For the purpose of this assessment, this proportion is taken as ten per cent of the bus sector. Thus the costs associated with existing staff are estimated to be £4.38 million for the coach sector (£350 x 12,500 – 50% of coach staff) and £3.33 million for the bus sector (£350 x 9500 – 10% of bus staff).

#### **Costs to service providers – bus and coach industry**

Item	Non-recurring costs (£m)	Recurring costs (£m pa)
Training in disability awareness	7.7	3.6

### **10.3 Taxis and Private Hire Vehicles**

As with the bus and coach sector, the costs associated with applying Part III of the DDA to the taxi and private hire vehicles (PHV) sector are those of providing disability awareness training. Recent DfT surveys show that there are approximately 185,000 licensed taxi/PHV drivers in England and Wales. Unlicensed PHV ("minicab") drivers in London are estimated by the Public Carriage Office to amount to some 40,000. There are a further 20,000 licensed taxi drivers in Scotland, some of whom hold dual taxi/PHV licences; there are no recent figures for the number of licensed PHV only drivers. In Northern Ireland, again, there are no recent figures available, but it is estimated that the number of licensed drivers is around 8000. Thus in total it is estimated that there are about 255,000 licensed taxi and licensed and (pro tem) unlicensed PHV drivers.

The TRANSFED survey referred to earlier found that training for taxi and PHVs is much less common than in the bus and coach sector. In their survey, 57 per cent of the responding firms said that no training was required for their staff; training being on any aspect of providing the service. It is also the case that many drivers are self-employed and would not be subject to training of this kind unless it was a condition of licence. Some local authorities have introduced training in disability awareness, usually for new drivers, but they are a minority. A review of Local Transport Plans in England showed that one-third of the unitary authorities (who are licensing authorities) either had or were planning to introduce disability awareness training for taxi drivers - covering approximately 23,000 drivers. Although they are not taxi licensing



authorities, five County Councils and three Metropolitan authorities also mentioned policies of encouraging (or in one case, requiring) disability awareness training for taxi drivers.

In London the Public Carriage Office (PCO) requires taxi drivers to demonstrate that they can use the wheelchair access equipment (ramp and securement) correctly but, at present, does not have any further training. The London based radio-circuit company, ComCab have a short session on disability awareness in the training given to their drivers. The PCO which, when licensing requirements are in place have responsibility for 40,000 private hire (minicab) drivers as well as 24,000 taxi drivers, is looking at additional skills training in disability awareness. The course is planned to include recognising and responding to passengers with additional needs including the use of appropriate means of communication, offering appropriate assistance when necessary, adopting a driving technique in accordance with the passenger's needs and awareness of relevant legislation.

Any authority providing the training will have costs to bear, which would be charged (wholly or partly) to the participating drivers. Current or planned charges are typically £30 to £50, but the main cost will be loss of earnings over the period of training. Taxi driver earnings vary considerably from area to area. An analysis carried out in 1999 estimated that in larger cities the average gross earnings from full-time taxi work were around £25,000 and elsewhere approximately £17,500. The more comprehensive training programmes take one to two days: if an average of one-and-a-half days is taken then loss of earnings would be about £135 in larger cities and £95 elsewhere (based on 270 working days a year).

There are no figures available nationally for staff turnover in the taxi and private hire trade. Entry into the trade is still relatively low cost in most parts of the country and turnover depends to a considerable extent on the state of the local economy. However, the generally low levels of unemployment and the, albeit modest, increases in costs of entry are thought to have reduced turnover in recent years. For the purposes of this assessment an annual turnover rate of 12 per cent has been assumed.

Initial (non-recurrent) costs will apply to the training of existing drivers, thereafter there will be recurring costs of training new entrants. Because of the relatively low proportion of training currently in place, it is estimated that the initial costs will apply to some 80 per cent of the trade.



It is further estimated that approximately 40 per cent of the trade operate in the conurbations/large cities with the higher level of gross earnings and that future new entrants will reflect this 40:60 split between these areas and elsewhere in the country. Based on the figure of 255,000, training of existing drivers would be needed for 204,000 (80 percent of the trade) of whom approximately 82,000 will be from the higher earning areas. Thus the cost in lost earnings for these drivers will amount to approximately £11,000,000 (82,000 x £135) and for the others £11,600,000 (122,000 x £95). The charges made for the course are taken as £40, amounting in total to £8,160,000 (204,000 x £40).

The recurring costs are those for training new entrants of whom there would be 30,600 each year (12 per cent of 255,000) with an annual earnings loss of just under £3.4 million (assuming a continued 40:60 split between higher and lower earnings areas) and a cost in course charges of just over £1,200,000.

#### **Costs to service providers: taxi and private hire**

Item	Non-recurring costs (£m)	Recurring costs (£m pa)
Loss of earnings during training	22.6	3.4
Charges for training	8.2	1.2
Totals	30.8	4.6

#### **10.4 Aviation**

A voluntary code of practice, "Access to Air Travel For Disabled People", is being prepared by the Department for Transport, working with the British Air Transport Association (BATA), the Airport Operators Association (AOA), the Association of British Travel Agents (ABTA) and the Disabled Persons Transport Advisory Committee (DPTAC). The Code covers all aspects of air travel; from accessing information through to arriving at the final destination. Several aspects are already covered by Part III i.e. access to travel agents and airports, but the Code goes beyond those to include airlines and the design of aircraft.

The Code includes those activities that would fall within the scope of Part III of the DDA; such as the provision of travel information in accessible



formats, booking arrangements for passengers who may require assistance, providing assistance at the airport and on-board the aircraft. The Code also makes clear that disability awareness and equality training should be provided for all staff involved in the air transport service; travel agents, airport and aircraft cabin staff.

If the Part III requirements are extended to air carriers, the consequent training would be based on the context of the draft code. British Airways has provided an estimate of the costs associated with ensuring that all their staff are trained in their responsibilities to customers. The training would be based on classroom teaching with the following learning objective: "Provide staff skills and confidence they need to ensure that all stages of the journey, from booking to travel, are as easy as possible for all concerned." Specific topics included in the training would be:

- Barriers faced by disabled people, including attitude, environment and organisation
- Principles of access audits
- Suggestions for removing barriers faced by disabled passengers
- Information on the range of disabilities, including hidden disabilities
- The skills needed for escorting, lifting or searching disabled passengers
- Enabling staff to deal with unexpected occurrences
- Communication and interpersonal skills for dealing with disabled people, particularly those with sensory impairments.

The training would need to be tailored according to job function. Thus customer facing and operational staff involved in providing services directly to disabled people would require more detailed training than office based/support staff, where the emphasis would be on understanding the impact that their decisions have on disabled people. On estimating the costs it is assumed that customer facing and operational staff would require a half day programme, and the remaining staff a shorter briefing of approximately two and a half hours. However, most operational and customer facing staff are rostered for a minimum



period of one day; this has been factored into the cost estimate made by British Airways.

The majority items of cost are staff time: approximately £5.4 million for operational and customer facing staff and £0.4 million for office based/support staff, plus the cost of back fill for cabin and flight crew, estimated to be just over £2.5 million. The development and implementation of the training programme over a two year period is estimated to add a further £0.5 million, giving an overall total of approximately £8.8 million, if training costs incurred by other UK air operators are (pro rata) broadly similar to those estimated for British Airways, the total costs of staff training would amount to approximately £22 million.

Staff turnover in air operations is estimated to be seven percent, which would mean a continuing cost, once current staff have been trained of approximately £1.5 million per annum.

#### **Costs To Service Providers: Air Operators**

Item	Non-recurring costs (£M)	Recurring costs (£M per annum)
Training of operational, customer facing and office staff	22.0	1.5

This proposed approach would enable the Government to bring air services into the scope of Part III of the DDA if it is found that compliance with the voluntary code of practice is ineffective and the levels of service provided for disabled people are unsatisfactory and lead to discrimination against them.

#### **10.5 Shipping**

The requirements under Part III for shipping, particularly ferries, largely mirror those that will apply to air transport. Thus travel information, booking arrangements, assistance at ports and on-board ship should all be available to meet the needs of disabled passengers, and again as with air services there is need for staff training in disability awareness. In 1997 the International Maritime Organisation (IMO) published its "Recommendation on the Design and Operation of Passenger Ships to



Respond to Elderly and Disabled Persons' Needs". This document gave basic advice on how the needs of disabled people should be met, including provision of information in appropriate formats and training for crews. In November 2000 DPTAC published its complimentary Guidance on meeting the needs of disabled people on large passenger ships, particularly ferries. This covers the areas mentioned at the start of this section (information, booking etc) including disability awareness training.

Maritime Services will only be brought into the scope of Part III if, following a review of the industry, it is found that the standards of service set out in the DPTAC guidance are not provided and that there is discrimination against disabled travellers. The indications are that the ferry services are complying with the voluntary code as part of their wider customer care services and that there are no significant additional costs arising as a consequence of this.

#### **10.6 Car hire services**

The principal way in which these services could assist disabled drivers is by providing cars fitted with simple devices such as push-pull hand controls, foot pedal extenders or steering wheel spinners. The purchase costs of these devices are low, ranging from £28 for a spinner to £265 for push-pull hand controls. They can be fitted and removed quickly and do not require any engineering modifications to be made to the standard car controls.

Major car hire services are already making vehicles available with these controls, though take-up of them has been low to date. Further publicity and making corporate hirers of vehicles aware of this service (for example for any of their staff who may have a permanent or temporary disability) should lead to better utilisation.

A survey carried out by the British Vehicle Rental and Leasing Association (BVRLA) found that the period of advance notice required to make an adapted vehicle available ranged from 48 hours up to (in one case) seven days. Requests for other non-standard items, for example a ski rack, also require 24 to 48 hours notice. It would seem reasonable to expect that the period of notice required for an adapted car should be comparable to that needed for other non-standard items: 48 hours should be sufficient to allow for the controls to be sent and fitted at the location requested or for the vehicle to be taken to a specialist sub-contractor for the fitting.



The BVRLA survey also showed that the insurance position for the rental of adapted vehicles is not consistent from one company to another. In some cases there is no difference to the insurance, but in others there may be an excess charge. However, insurers cannot discriminate against a driver simply because he is disabled; any excess charged should be on the basis of risk category assessment. Disabled drivers using appropriate controls are not known to constitute such a category.

There is very little evidence of the extent to which cars adapted for use by disabled drivers are supplied. Information supplied by DVLA shows that last year 11,500 restricted driving licences were issued out of a total of 5.5 million; approximately 0.2 per cent. Some of these will be for drivers who need vehicles with substantial adaptations, which could not reasonably be required from the vehicle rental industry. BVRLA estimates that approximately ten million vehicle rentals are provided per annum by their members. The Association represents about 85 per cent of the total industry, which would imply total rentals of around 11,750,000. At a rate of 0.2 per cent, this would mean about 23,500 rentals to disabled drivers per annum. What little evidence is available suggests that actual rentals are much lower than this. One of the largest companies in the sector has one adapted vehicle available but this is not fully utilised. This experience is reflected elsewhere in Europe with the best utilisation, again of one vehicle, being 70 per cent in the Netherlands.

It appears to be usual in the UK, though not elsewhere, to charge extra for a vehicle fitted with modified controls, to cover the fitting and rental or purchase of the controls. This could be regarded as discriminatory.

The BVRLA has estimated that on average the additional costs of hiring an adapted vehicle amount to £117, this figure including hiring, arranging carriage of, and fitting the controls. At a take-up rate of 0.2 per cent this would amount to an additional cost per annum of £2,750,000 across the industry as a whole, though for the reasons given above actual take-up is likely to be considerably lower than this, at least in the shorter/medium term.

#### Cost to service provider – car hire

Item	Non-recurring costs (£m)	Recurring costs (£m pa)
Provision of vehicle with adapted controls	-	2.0 - 2.8



## **10.7 Breakdown services**

From discussions with the principal national breakdown services, there is already provision made to meet the needs of a disabled driver whose car breaks down. Those services that directly employ their own patrol staff (AA and RAC) give them training in disability awareness and in handling wheelchair users. Green Flag operates through an independent network of recovery operators, rather than with patrols employed direct. Although these operators do not receive disability awareness training from Green Flag, they have experience of dealing with the needs of disabled car users. The organisation is not aware of any case, over the last 30 years, where the recovery operators have been unable to resolve any problems associated with assisting a disabled person whose vehicle has broken down.

In general, approximately 80% of all breakdowns can be repaired at the roadside, so it is only a minority who need onward mobility. Most disabled people can be accommodated in standard recovery vehicles, but there are occasions when this is not possible, usually where the person concerned cannot transfer from their wheelchair. When this happens the breakdown services have special procedures in place. These can include getting the police to cordon off the vehicle so that the wheelchair user can be safely assisted out of his vehicle or, with the customer's consent, recovering the vehicle with him still in it - for example when the vehicle has broken down in a dangerous place.

Where onward transport is required this will be arranged, often by using fully accessible taxis or other appropriate vehicles. Although recoveries of this kind are relatively few in number there are extra costs incurred but these are covered by the breakdown services even where the additional service is outside the terms of the policy held by the customer.

It is not considered that applying Part III requirements would result in any appreciable increase in the costs of breakdown services as most providers already make satisfactory arrangements for meeting the needs of disabled motorists whether they are the driver or the passenger.

## **11 Impact on small businesses**

The majority of taxi, private hire, car rental and hire services companies are small businesses. A substantial number of coach and bus operators are also small, though the industry is dominated by a small number of very large companies. The other industries (rail, with the exception of



heritage operators, breakdown services, aviation and maritime) are mainly composed of large companies with the exception of the travel agency business.

With the exception of the car hire services sector, the requirements placed by the proposed legislation largely concern the provision of appropriate training in disability awareness. The additional costs of this are modest. In the taxi and private hire sector, which has the highest number of small businesses (often just a single person) the costs of attending a training session, including allowance for lost earnings, would be of the order of £140-£180 (approximately), estimated to be around one per cent of gross annual earnings. The impact on small businesses in other transport sectors is not expected to be any greater than this.

There could also be benefits to small businesses on the basis that they should be able to increase their potential pool of customers by providing services which are accessible to a greater number of disabled people, together with their friends and families.

## **12 Replying to the consultation and further information**

12 weeks have been allowed for consideration of this consultation, please return your comments by [date] by post to:

*{to be added}*

or by e-mail to: *{to be added}*

For further information on the consultation please contact:

Mobility and Inclusion Unit, Department for Transport  
1/18 Great Minster House  
76 Marsham Street  
London  
SW1P 4DR

or telephone 020 7944 8021



**Consultation List**

Air Operators Association  
Airport Forum  
Association of British Travel Agents  
Association of Train Operating Companies  
Association of Transport Co-ordinating Officers  
Automobile Association  
British Air Transport Association  
Chamber of British Shipping  
Civil Aviation Authority  
Confederation of Passenger Transport  
Dial-a-Ride and Taxicard Users' Association  
Disability Rights Commission  
Disabled Persons Transport Advisory Committee  
Green Flag  
Her Majesty's Railway Inspectorate  
Joint Committee on Mobility of Blind and Partially Sighted People  
Joint Committee on Mobility for Disabled People  
London Regional Passengers Committee  
London Transport Users Committee  
Maritime Coastguard Agency  
MENCAP  
National Association of Taxi and Private Hire Licensing &  
Enforcement Officers  
National Federation of Bus Users  
National Private Hire Association  
National Taxi Association  
National Union of Rail, Maritime and Transport Workers  
Passenger Transport Executives  
People First  
Rail Passenger Council  
Railtrack  
Royal Association for Disability and Rehabilitation  
Royal Automobile Club  
Society of Motor Manufacturers  
Strategic Rail Authority  
Train Operating Companies  
Transport & General Union





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CO  
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SS  
DH

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Office of the Deputy Prime Minister  
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SW1A 2AU

26 March 2003

*As John*

#### AMENDING THE DISABILITY DISCRIMINATION ACT - DA CLEARANCE

I have considered the issues and proposals in the letter from Andrew Smith dated 10th March 2003. I note that the first measure concerns extension of the definition of disability to more people with HIV, MS and cancer, although further detail in the body of the letter refers to MS only. I assume you intend to apply the same principles to both HIV and cancer, although please let me know if this is not the case.

I am content to agree the details put to DA Committee members. Implementation of the two new measures will not only increase rights and opportunities for disabled people, but will also reduce the likelihood of claims in situations where there is clear misunderstanding or where an adjustment would resolve the problem. My Department is strongly committed to the fair treatment of disabled people and I am therefore pleased to see extension to the definition of disability being proposed for inclusion in the draft disability Bill.

*I am copying this letter to the Minister, DA and LD Committee colleagues and to Sir Andrew Turnbull.*

*[Signature]*  
Charles Clarke

department for  
**education and skills**  
creating opportunity, releasing potential, achieving excellence



INVESTOR IN PEOPLE





From the Secretary of State  
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1.6K  
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## RESTRICTED – LEGISLATION

Rt Hon John Prescott MP  
Deputy Prime Minister and  
First Secretary of State  
26 Whitehall  
London SW1A 2WH

CO  
c SW  
EL  
GN  
OT

26th March 2003

*Dear John,*

## REGULATIONS TO IMPLEMENT THE DISABILITY PROVISIONS OF THE ARTICLE 13 EMPLOYMENT DIRECTIVE

This letter notifies DA colleagues of my plans for implementing the disability provisions of the Article 13 Employment Directive as they affect employment and work situations. I am seeking clearance on some matters which have arisen either during further development of the draft Regulations or consultation on "Equality and Diversity - the way ahead". I am seeking DA clearance by 10 April.

1. Barbara Roche recently consulted on draft Regulations arising from the Article 13 Employment and Race Directives, and some modest amendments to the Sex Discrimination and Equal Pay Acts. Barbara wrote on 20 March about some cross-cutting issues arising from the consultation which affect all or most of the equality strands and I will be replying to that letter in due course. She also proposed to use affirmative resolution procedures for the main Regulations which is my intention too (with one exception which I mention below) and we would hope to be able to hold the debates on the disability Regulations at the same time.



## RESTRICTED - LEGISLATION

2. I am also writing separately, however, because I have two changes to my proposals for the draft Regulations transposing the disability requirements of the Article 13 Employment Directive. I also mention one issue which I was intending to cover in the Regulations but, due to lack of *vires*, am now proposing to cover in my Disability Bill (further to my main proposals for the Bill about which I wrote on 10 March) and one issue where I can now clarify how the regulations would work. Other changes required by the Directive's disability provisions in respect of education bodies - largely to do with vocational training in further and higher education - are being taken forward separately and later by DfES colleagues.

### *Previous clearance*

3. DA agreed the policy underlying our consultation document "Towards Equality and Diversity" (published in December 2001) and "Equality and Diversity - the way ahead" (published in October 2002). In the light of responses to the latter consultation, and with further consideration of policy, I am seeking colleagues' clearance as follows:

- i. **Occupational Pension Schemes** – partly because of concerns raised during consultation, I have decided not to proceed with the previously proposed split approach to indirect discrimination (reasonable adjustments for employers and objective justification for trustees/managers of schemes). Instead I propose to apply the duty to make reasonable adjustments both to employers and trustees/managers. This will be done in a separate set of Regulations, to be laid before Parliament (under the negative procedure) later this year - probably in the autumn. See **Annex A**;
- ii. **Group Insurance Schemes** - I shall not be pursuing changes that I proposed previously to the approach in the Disability Discrimination Act (DDA) to coverage of benefits from group insurance schemes provided by third party insurance companies



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for employees under an arrangement with their employer. Further legal advice is that we do not have *vires* under the European Communities Act powers for the proposed Regulations because the benefits paid out by insurers are not covered by the Directive. Instead, I propose to take forward the commitment on group insurance in "Towards Inclusion" in a Disability Bill as I explained in my letter to DA of 10 March about amending the DDA. Our Regulations will, however, continue to cover contributions by employers to group insurance schemes;

- iii. **Discriminatory Advertisements** – Of those who expressed a view on my proposals, 99% were in favour. However, I am proposing to change slightly the approach to how I will legislate to cover discriminatory advertisements. Following further legal advice on *vires* I can no longer seek to cover third party publishers using EC Act powers although the bulk of the published Regulation on advertisements remains. Instead, I propose to make the necessary small change in the Disability Bill (subject to final LP approval) to ensure that publishers are covered in a similar way to how I would have covered them in the Regulations. See **Annex A**;
- iv. **Office Holders** - the Directive requires us to ensure that we extend the DDA to cover any office or post holder engaged in genuine and effective work performed under the direction of another in return for remuneration. Barbara's letter contains more detailed proposals about office holders and I will confirm my agreement to them when I reply. However, the point I wish to address here is how the disability regulations will identify the person responsible for making reasonable adjustments. My proposals are in **Annex A**.

- 4. In the consultation document, we also asked whether there was agreement with my proposal to use a reasonable adjustment approach to addressing indirect discrimination in relation to performance pay



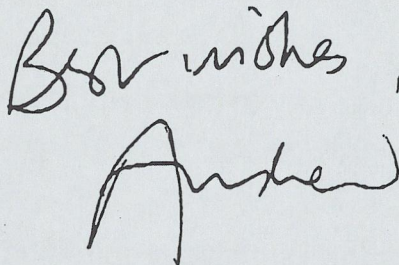
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schemes. 89% of those who expressed a view were in favour and I will be implementing the provisions as proposed.

*Regulatory Impact Assessment*

5. I enclose a draft regulatory Impact assessment at **Annex B**. This updates the one prepared previously for the consultation on "Equality and Diversity - the way ahead". There are no significant changes to the costings cleared previously by DA. If I consider that Barbara's proposals on office holders (see paragraph 3. iv above), affect my own proposals in ways which require additional costings I will provide them when I reply.

6. I am copying this letter to the Prime Minister, members of DA and LP committees and to Sir Andrew Turnbull. Equality legislation is reserved to the Westminster Parliament, but I shall be writing separately to the devolved administrations in Scotland and Wales to tell them formally about our proposals.

A handwritten signature in dark ink, appearing to read 'Andrew Smith', with a stylized, cursive script.

**ANDREW SMITH**



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### ANNEX A

#### IMPLEMENTING THE DISABILITY PROVISIONS OF THE ARTICLE 13 EMPLOYMENT DIRECTIVE

*Further detail for DA colleagues on changes to policies which have already been cleared:*

#### **Occupational Pension Schemes**

1 The Directive requires Member States to outlaw indirect discrimination in relation to, amongst other things, pay. Occupational pensions are treated as deferred pay by the European Court of Justice under equality legislation. The Directive allows Member States to require employers and pension scheme trustees and managers either to objectively justify indirectly discriminatory aspects of a scheme or to make a reasonable adjustment to overcome any particular disadvantage which a disabled person might face in comparison with others.

2 In dealing with indirect discrimination in relation to occupational pension schemes, "Towards Equality and Diversity - the way ahead" proposed the following split approach:

"employers will be required to make reasonable adjustments for particular disabled people where they are responsible for setting the scheme rules and those rules cause a substantial disadvantage.

pension managers [and] trustees will have to justify the way in which they fulfil their responsibilities under the scheme in an objective way (by using actuarial evidence for example)."

3 At the time, we felt that the objective justification approach was more appropriate for managers and trustees. However, further consideration in the light of consultation responses has led us to rethink. We now propose to apply the duty to make reasonable adjustments both to employers and trustees/managers.

4 The main reasons for also adopting the reasonable adjustment approach for trustees/managers are:

- applying different legal tests to employers and trustees might lead to uncertainty and complexity where pensions decisions are made by employers and trustees/managers as a joint exercise;
- it is not always obvious where responsibility for decisions lie. To have the same approach for everyone would make it easier in grey areas;
- an objective justification approach would not necessarily make it easier for trustees and managers to avoid modifying their present arrangements under any particular scheme as some organisations had



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thought. This is because the test of 'proportionality' within the objective justification approach might require an alternative way of achieving the aims of a pension scheme to be adopted if it has a lesser discriminatory impact;

- o the National Association of Pension Funds - the leading pensions representative body - argued that the reasonable adjustment approach should also apply to trustees. Few pensions industry and employer bodies who supported the split approach felt positively that it would work. Several disability organisations also expressed concerns about possible confusion with different approaches being adopted for employers and trustees/managers.
- o if sex discrimination case law on this issue is read across to disability, then costs alone might not be a defence in an objective justification case. It might then be difficult to untangle a defence based on costs alone from one based on actuarial evidence (which of course underpins cost assessments). The latter type of defence is one on which the industry would be relying. By contrast, costs are explicitly permitted to be taken into account in determining whether or not an adjustment is reasonable.

5 We also now intend that the Directive's requirements on occupational pensions in relation to disabled people should be transposed using a rule inserted by the Regulations into all pensions schemes (similar to the current approach in the DDA) rather than the free-standing anti-discrimination provisions on which we consulted. This is the approach already adopted in the Equal Pay Act; it would not affect disabled people's rights or remedies and would be welcomed by the industry.

6 In order to provide extra time for discussions with the DRC and the pensions industry on the change in approach on transposing the Directive's occupational pensions requirements - which is anyway a complex area - these Regulations will be laid later in 2003 than the other Regulations and would use the negative procedure. Commencement would remain the same as for the other disability Regulations - October 2004.

### **Discriminatory advertisements**

7 Although not required by the Directive, the draft Regulations to amend the DDA proposed changes to the way the DDA covers discriminatory advertisements. Broadly speaking, publication of such adverts would be made unlawful with the Disability Rights Commission (DRC) - and only the DRC - empowered to bring enforcement action. Such enforcement action would have been against those who publish the advert, or cause the advert to be published including in certain circumstances a newspaper. However, recent advice from Cabinet Office Legal Advisers (COLA) takes the view that, on balance, we do not have the *vires* under section 2(2) of the European Communities Act 1972 (ECA) to include newspaper (and other) third party publishers in the provision



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8 Third party publishers are not subject to liability under the SDA/RRA provisions if they can show that they reasonably relied upon a statement provided by the person placing the advertisement that the intended act was in fact lawful, for example because of the positive action or genuine occupational qualification provisions of those Acts. It is a criminal offence for a person causing the advertisement to be published knowingly or recklessly to make certain false or misleading statements to a (newspaper etc) publisher; punishable, on summary conviction, by a fine not exceeding level 5 (£5000) on the standard scale.

9 As originally proposed, the disability Regulations (as amended to reflect COLA's advice) will now cover employers and others brought within the extended scope of Part 2 of the DDA, but not third party publishers (e.g. newspapers). The DRC will have power to take enforcement proceedings. Through the Disability Bill, we propose to add to the new section implemented by the Regulations provisions prohibiting third party publishers (such as newspapers etc.) from publishing adverts which indicate an intention to discriminate against disabled people.

10 To meet concerns from the Newspaper Society raised during consultation, we intend to provide in the Bill that third party publishers will be liable only if they know (or should have known) that the publication of the advertisement would be unlawful. And there will be no liability where the third party publisher can show that he reasonably relied on a statement made by the person placing the advertisement that its publication would not be unlawful. As originally proposed, it would be a criminal offence for the person who places the advertisement knowingly or recklessly to make a false or misleading statement to the effect that publication of an advert would not be unlawful.

### Office Holders

11 The Employment Directive requires us to cover office and post holders who engage in genuine and effective work performed under the direction of another in return for remuneration. The disability Regulations would identify the person responsible for making reasonable adjustments - the DDA's main way of tackling indirect discrimination - or for responding to other allegations of discrimination, as follows:

- for the appointment process, the person making or recommending the appointment;
- for determining the terms of the appointment, the person responsible for determining them;
- for working conditions (e.g. training and other benefits), the person responsible for determining those conditions. For example, DWP would be



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responsible for making adjustments if we decided to train office holders in all our NDPBs for some reason but the Disability Rights Commission would be responsible if it decided to train its own commissioners. In a case where there is no-one determining particular working conditions (e.g. because the post is for a remunerated chairman of an advisory committee with no budget of its own; or is for a person working entirely on his/her own and not as part of any larger body), the responsibility for discrimination and reasonable adjustments should rest with the person making the appointment (in effect, often a Government Department);

- for terminating an appointment, the person with the power to terminate the appointment.

12 At the moment anyone appointing an office holder would obviously need to ensure the holder could fulfil the functions of the post regardless of whether or not they were disabled and regardless of current protection by the law. The responsibilities outlined above fall fairly obviously in most cases, generally in ways in which Departments and NDPBs would currently choose to make adjustments for office holders as a matter of good practice.



**RESTRICTED - LEGISLATION****Annex B****Draft Regulatory Impact Assessment for the Disability Provisions of the Article 13 Employment Directive****1. Title**

Regulatory Impact Assessment for draft Regulations under Article 2(2) of the European Communities Act 1972 implementing the disability provisions of the Employment Directive (2000/78/EC) brought forward under Article 13 of the EC Treaty.

**2. Purpose and Intended Effect****(i) Issues and Objectives**

1. Disabled people are protected against unlawful discrimination by the Disability Discrimination Act. Whilst recognising that the Act offers a number of significant protections, the Government believes it can be improved in a number of areas. In its 1997 manifesto, the Government gave a commitment to supporting comprehensive civil rights for disabled people in employment and society more widely.

2. In December 1997, the Government established a Disability Rights Task Force, comprising members from disability organisations, organisations representing large and small employers, trade unions, businesses and local authorities, to consider how best to deliver this commitment. In December 1999, the Task Force reported to Government ("From Exclusion to Inclusion") with 156 recommendations for action (both legislative and non-legislative) across a number of areas: defining disability; education; employment; access to goods, facilities, services and premises; travel; the environment and housing; participation in public life; local government; and health and social services.

3. The Government has implemented the Task Force's recommendations on civil rights in education in the Special Educational Needs and Disability Act 2001. Ministers at the Department for Transport have consulted on the Task Force's proposals which would bring transport operators within the scope of Part 3 of the DDA. In its 2001 consultation document, "Towards Inclusion – civil rights for disabled people" – the Government responded to the Task Force's recommendations and consulted on its own proposals for further civil rights for disabled people. The Task Force's recommendations foreshadowed a number of the changes that are now required by the Employment Directive. In its 2001 manifesto, the Government set out its commitment to extend basic rights and opportunities as indicated in "Towards Inclusion".



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4. The Employment Directive established a general framework for equal treatment in employment, vocational training and occupation and requires Member States to introduce legislation to prohibit discrimination in those areas on grounds of religion and belief, disability, age or sexual orientation. This impact assessment deals only with those obligations arising from the Employment Directive which require the Government to amend the employment and related provisions of the DDA. The Government's proposals for implementing the Directive were consulted upon in the 2001 document "Towards Equality and Diversity". As well as looking at a number of crosscutting issues which impact on all the areas in the Directive, that document sought views on the Government's proposals for the Directive's requirements on group insurance and pension schemes, performance related pay schemes and qualifying bodies. More detailed proposals, including draft Regulations, formed part of the consultation exercise "Equality and Diversity - the way ahead", which ended on 24 January 2003. The Government has carefully considered the responses to the consultation, which were largely supportive of the proposed approach on disability, a number of which have helped in framing the final draft Regulations.

5. The measures proposed by the Government will:

- a. end the current exemption of small employers (i.e. those employing fewer than 15 employees) from the scope of the DDA;
- b. bring into scope of the DDA, or end the exclusion from it of, a number of occupations (i.e. fire-fighters, the police, prison officers, barristers in and their pupils, advocates and their pupils, partners in partnerships, and employment onboard ships, planes and hovercraft) and remunerated office holders;
- c. take account of the Employment Directive's requirements on: occupational pension schemes (Regulations for which will be laid later in 2003), performance related pay schemes and qualifying bodies (i.e. those that award qualifications or control entry into professions);
- d. ensure that discrimination on the grounds of prejudice is outlawed;
- e. outlaw harassment of disabled people; and
- f. reverse the burden of proof in Employment Tribunal cases so that it will be for employers to prove that an act of discrimination was not unlawful.

6. There are a number of structural and consequential amendments that are required to the DDA as a consequence of the Employment Directive. For example, the Directive expressly defines the concepts of direct and indirect discrimination and, in the case of the latter, provides that Member States may choose either to make a reasonable accommodation for a disabled person where an apparently neutral provision, practice or criterion places him at a particular disadvantage or to objectively justify such a provision, practice or criterion. The DDA, whilst not differentiating between direct and indirect discrimination, already provides that employers (and others) must make reasonable adjustments to their working arrangements or premises. In the vast majority of cases, the Government has concluded that it will retain the



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current approach in the DDA. In some limited cases, which are explained later in this assessment, the Government has said it will adopt the objective justification approach. Other than in this respect, this assessment does not cover purely structural or consequential amendments to the DDA which have no effect on benefits or costs, other than to ensure the Act complies fully with the Directive.

### 3. Options

#### (i) Identifying the options

7. The Government is required under Community law to implement the disability provisions of the Employment Directive. In doing so, it must not lessen existing protections in the DDA. The Directive allows the Government until 2006 to implement its disability provisions but the Government has concluded that it will do so in October 2004. This will have the advantage of linking up with implementation of the final phase of Part 3 of the DDA (requiring reasonable adjustments to physical premises of service providers if access to services is impossible or unreasonably difficult for disabled people) which also comes into force in October 2004.

8. This approach will rationalise the process of introducing two significant changes to disability legislation. In this way, it will help to limit any burdens imposed on those small employers newly brought within scope who are also service providers.

### 4. Costs and Benefits

9. Annex A provides details of the potential costs and benefits. It should be noted that some of the assumptions and calculations that underpin the original RIA which appeared in "Towards Inclusion", the Government's response to the recommendations of the Disability Rights Task Force, and on which this RIA is based, have been altered to reflect the availability of new and more up-to-date data sources or to provide continuity with other Article 13 strands.

#### 4.1 Business

10. The Regulations will ensure that businesses must consider disabled applicants who may be the best person for the job and encourage them to retain the expertise and experience of workers who become disabled or whose disability worsens when they might not have done previously. Employers will also be better informed about minor adjustments that often help them to employ or retain effective workers. This will also reduce recruitment and training costs.

11. Overall, the costs to business are around £4.3 million one off costs, and £2.4 million recurring costs. The issue that has the most substantial impact on costs is the extension of the employment provisions of the DDA to cover small business. The average cost per business for **small businesses**



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of removing the employer exemption is £5.50 although many businesses will have no costs at all.

### **4.2 Other benefits and costs**

12. There are clear benefits to society and disabled people in the promotion and extension of a more diverse workforce. Disabled people are able to make a greater contribution to the economy and to participate in a wider range of social and other activities. Employers can call upon a wider range of knowledge and expertise to ensure their services and products are available to disabled people, who have an estimated spending power of £45 billion.

13. There are costs to Government with employees and office holders working for it, due to the extension of the DDA to cover police and prison officers and remunerated office holders. These are estimated at around £90,000 recurring and £30,000 one-off costs.

14. There are recurring costs to Government as the body responsible for the Tribunals Service, and these are estimated at around £0.4 million.

15. There are potential benefits to individuals who may become more likely to obtain a job, or higher paid job, as a result of the measures. We estimate that the potential gains to individuals may be £1.78 million per annum.

### **Employees and Individuals**

16. There are two main benefits to employees and individuals: first, an extension of the coverage of the DDA to include more employees, occupations or individuals; and second, greater protection for those covered by the DDA. These proposals extend DDA protection to over 600,000 additional disabled people in employment and occupations.

## **5. Compliance Costs for Business**

17. We have assumed, as is the usual practice, that where an employer successfully defends a complaint to a tribunal or court, there will be compliance costs. These costs have been included in our assessment of the costs to business and Government given above. However, where a claim is lost, the employer has obviously not complied, so the costs are not included.

## **6. Impact on Small Business**

18. Consultation with small businesses was carried out in developing the Government's initial proposals in "Towards Inclusion". Focus groups of small business interests were also held – see annex C of this RIA. That document was circulated to over 5,000 organisations including small employers and their representative organisations. "Towards Equality and Diversity", the Government's consultation document on implementing the Employment Directive, was circulated to over 6,000 organisations including small employers and their representative bodies.



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### **7. Other Costs and Benefits**

19. All costs and benefits have been incorporated into the Appendices.

### **8. Results of Consultations**

20. This draft RIA will be made publicly available. Earlier versions have formed part of the various consultation exercises mentioned in heading 2 above.

### **9. Summary and Recommendations**

21. This impact assessment estimates that the total compliance cost for business is around £4.3 million for one off costs and around £2.4 million for recurring costs. The ending of the small employer threshold in Part II of the DDA is expected to be the most significant element, imposing additional costs of approximately £6 million on 1.087 million small businesses.

22. There are also costs to the Government as an employer and as the authority responsible for the tribunal service. Overall, the costs to Government are expected to be approximately £0.5million.

23. There are also significant benefits arising from these proposals. They will ensure greater fairness and participation for disabled people by extending the coverage of the DDA to more employees and occupations and will help to promote greater social inclusion. In particular, the proposals to extend the DDA will ensure that around a further 600,000 disabled people in employment and occupations are covered by the Act's employment provisions.

### **10. Enforcement, Sanctions, Monitoring and Review**

24. Enforcement and sanctions are already laid down in the DDA and the Disability Rights Commission Act 1999. The courts and Employment Tribunals continue to be the means for individuals to obtain legal redress. The DRC continues to have enforcement powers and can support individual disabled people with legal complaints. Where new measures are being proposed, or existing measures are being extended, enforcement and sanctions will involve the tribunals, the courts and the DRC as appropriate. The DRC has a duty to keep under review the working of the DDA 1995.



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### **Appendix 1: Identifying the costs and benefits**

#### **2. Main changes required to the employment provisions of the DDA as a result of the Article 13 Directive**

##### **General**

2.1 The main costings covered in this RIA were consulted upon in the 2001 document "Towards Inclusion". It should be noted that some of the assumptions and calculations that underpin the original RIA which appeared in "Towards Inclusion", the Government's response to the recommendations of the Disability Rights Task Force, and on which this RIA is based, have been altered to reflect the availability of new and more up-to-date data sources or to provide continuity with other Article 13 strands.

##### **Outlawing discrimination on grounds of prejudice**

2.2 This will have a largely neutral effect. Although the DDA does not expressly outlaw justification of less favourable treatment on grounds of disability alone, it is unlikely that an Employment Tribunal would endorse less favourable treatment by an employer solely on the grounds of prejudice (i.e. a person's disability rather than their competence to perform a particular job). However, this measure will clarify the position.

##### **Outlawing harassment**

2.3 This will have a largely neutral effect. Although the DDA does not expressly outlaw harassment, the statutory Employment Code of Practice states that harassing a disabled person will almost always amount to a "detriment" under the Act. Therefore, the position will remain unchanged although this measure will introduce greater clarity.

##### **Reversing the burden of proof in ET cases**

2.4 This will have a largely neutral effect. Established case law means that Employment Tribunals already require respondents to prove that an act of discrimination was not unlawful once a prima facie case of discrimination has been made out by the applicant. This measure will enshrine existing practice in law and provide greater clarity.

##### **Removing the justification for failure to make an adjustment**

2.5 Removing the justification for failure to make a reasonable adjustment will have a neutral effect. In any situation where an employer could justify such a failure, the adjustment would in fact not have been reasonable in the first place. The employer's only necessary defence is therefore one of unreasonableness. In fact, there might be modest tribunal savings from the combining of defences.



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### Small business exemption

2.6 Currently, all businesses employing fewer than fifteen workers are exempt from having to comply with the requirements of Part II of the DDA. Removing this exemption would result in costs for familiarisation with legislation, small recruitment costs (eg. occasional adjustments for interviews), some workplace adjustment costs, as well as occasional costs arising from tribunals.

2.7 Only a small minority of employers are expected to have to make adjustments under Part II of the DDA. Employers are not required to make anticipatory changes, that is they only have to make changes when a disabled person applies for and/or is recruited into the job. Those employers with no disabled employees may not incur any costs. Furthermore, the majority of disabled employees do not require any adjustments to be made and most of those that are needed have nil or minimal cost. This will make the average cost to employers much lower. Small employers may take time to acquaint themselves with the new legislation and may need to seek advice when recruiting or retaining disabled employees. However, many employers with a disabled employee are unlikely to seek advice if they have no difficulties with adjustments or their employee.

2.8 However, small businesses which are service providers already need to make reasonable adjustments under Part III of the DDA, where there is no small business exemption. The final stage of Part III comes into force on 1 October 2004 and applies to businesses and other providers of services to the public where physical features make access to their services impossible or unreasonably difficult. The estimated costs for all businesses from adjustments in relation to physical features is in the range of £606-1238m<sup>1</sup>. There are approximately 2.1 million service providers<sup>2</sup> in the UK, hence the cost per service provider is estimated to be in the range of £289-590. In comparison, the cost to small business of removing the exemption in the employment provision is estimated to be only £5.50 per business on average. (Detailed costing is below.)

2.9 The impact on industries will vary dependent on the number and the proportion of small businesses. There are approximately 1.087 million<sup>3</sup> businesses with 1-14 employees. Extending Part II to incorporate businesses with 1-14 employees brings 382,000 DDA disabled employees into coverage of the employment provisions of the DDA.

2.10 Research evidence<sup>4</sup> suggests:

- a. Fewer than 10% of firms with disabled employees (now or in the past) have had to make adjustments in order to recruit a disabled person.
- b. Between a half and two thirds of firms have not had to make adjustments or provide support for disabled employees that they have, or have had.



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- c. Four fifths of firms that have made adjustments have found it easy or very easy to do so.
- d. Only a third of those who have made adjustments say that they have incurred any direct financial cost in doing so.
- e. Small firms are less likely to have disabled employees: 28% of those with 1-14 employees have a disabled employee, compared to 53% of those with 20-49 employees.
- f. The most common adjustments relate to changes in working patterns or hours, and the organisation of work.
- g. Hardly any small employers express a negative attitude towards the Act, with two-thirds saying they are in favour of the Act, and the remaining third saying they are neither in favour nor against it.

2.11 The research thus suggests that most businesses who have or recruit disabled employees will face no costs. Furthermore, if costs are faced, there is Government support for disabled people through Access to Work which can help mitigate costs, although the scheme is not directly linked to DDA adjustments. The Access to Work programme is delivered by Jobcentre Plus and provides support tailored to the needs of individual disabled people to enable them to overcome the effects of their disability in the work place. Individuals must be in or about to enter paid work.

2.12 Support can take the form of help with the cost of getting to work, help with the cost of aids and adaptations to equipment, computers or the work place and with the cost of communicator support for those with a hearing or visual impairment. In the financial year 2001/02 over 32,000 disabled people were helped at a cost of just over £41 million.

2.13 Under Access to Work, a Disability Employment Adviser will normally visit the employer's premises and together with the applicant and the employer, arrive at the most effective solution to the needs of the disabled applicant in the work place. All help is for a maximum period of 3 years after which Jobcentre Plus reviews the circumstances. If the beneficiary continues to be eligible for help under the rules that then apply, Access to Work may provide help for a further period.

2.14 There are two main sources of direct advice for businesses adapting to the employment provisions of the DDA - the Disability Rights Commission (DRC) and Equality Direct. The DRC was set up in April 2000. It has a general duty to work towards the elimination of discrimination against disabled people; to promote the equalisation of opportunities for disabled people; and to encourage good practice in the treatment of disabled people. One of its specific functions is to provide an authoritative source of information and advice to employers and service providers about their obligations under the Disability Discrimination Act and guidance on good practice. The DRC's Helpline dealt with 145,000 enquiries in the Commission's first two years of operation, around 12% of which have been from employers or their advisers. Equality Direct was launched on 29 January 2001. Open to all businesses in England, but designed with the needs of small business in mind, the telephone advice service provides business with information and advice on



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equality issues, including disability. The service aims to help businesses resolve specific management issues and identify the costs and benefits of the options open to them.

**Cost/benefit to business:** There are approximately 1.087 million businesses with between 1 and 14 employees. 28% of these businesses<sup>5</sup>, i.e. about 304,000, have a disabled employee

We assume that all of the 304,000 businesses with a disabled employee will read guidance and/or seek advice from either Equality Direct or the DRC helpline (both helplines are free phone numbers). We further assume that of the small businesses without a disabled employee 6% would seek guidance. Therefore 351,000 businesses will read guidance and/or phone one of the helplines. We assume a manager at each of these businesses spends 30 minutes reading the guidance and/or phoning the helpline and that these managers are paid an hourly rate of £22<sup>6</sup>. Thus the cost to small businesses of reading guidance and contacting one of the helplines is £3.94m (351,000 \* 1/2 the hourly pay of £22).

There will also be some recruitment costs. There are approximately 6,000,000 vacancies advertised a year. Approximately 13% of employees are in small firms<sup>7</sup> and approximately 9% of them are DDA disabled<sup>8</sup>. The costs of altering recruitment procedures in order to allow for disabled people will probably be comparatively low. Firms are unlikely to need to place more adverts in order to meet the provision or to place them in different media. Some firms may need to make some adjustments to job adverts but we assume that the costs of this will be fairly low. If we assume that the average cost is £10 then the total comes to around £0.7 million.

There will also be some tribunal costs. As noted above approximately 28% of disabled employees are in small firms. There are currently 2642 disability cases which go to the tribunal. We assume that this will increase by 680 cases<sup>9</sup>. The cost per case to business is £2,000<sup>10</sup> which implies a total cost of £1.36m.

The total cost to small business will be about £6m. The average cost to the 1.087 small businesses brought under the scope of the act will be approximately £5.50 per business.

**Cost/benefit to Government:** Tribunal cases are estimated to cost the government £540<sup>11</sup> on average. On the basis of 680 extra cases this generates a cost to government of £0.37million.

**Cost/benefit to employees:** Removing the exemption for small businesses means that all employees working in businesses with fewer than fifteen employees will benefit from DDA coverage. This is estimated to bring benefits to 382,000 DDA disabled employees.

**Partners in business partnerships**



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2.15 The DDA will be extended to cover partners in business partnerships. This is not expected to have a significant effect on overall costs to businesses. In particular, we assume that there are no additional recruitment costs involved and that tribunal costs would not generally occur because the partners themselves would suffer if they took legal proceedings against their own partnerships. However, adjustments to the workplace might still have to be made.

**Cost/benefit to business:** There are around 558,000<sup>12</sup> business partnerships in the UK of which 99%<sup>13</sup> are estimated to have fewer than six partners. Assuming that the average number of partners in partnerships is three, then there are approximately 1.67 million partners in the UK. It is assumed that the same proportion of partners are disabled as disabled people in employment generally. So, there will be around 148,000 (8.87% x 1.67 million)<sup>14</sup> disabled partners. We need only concern ourselves with the workplace adjustment costs of the DDA's employment provisions which are a non-recurrent cost of £1.50 per person. So, additional costs to partnerships will be **£223,000 one off** (£1.50 per disabled partner\* x 148,000 disabled partners).

**Cost/benefit to partners:** 148,000 disabled partners will benefit from coverage from the employment provisions of the DDA.

### Police officers, firefighters and prison officers

2.16 The extension of the employment provisions of the DDA to cover police officers, firefighters and prison officers will incur recruitment, workplace adjustment and tribunal costs to Government as an employer. In addition, the increase in tribunals will involve a further cost to the Government.

**Cost/benefit to Government:** There are 166,000 police officers, 46,000 firefighters and 45,000 prison officers in the UK<sup>15</sup>. We assume the proportion of police and prison officers and firefighters who are current-DDA disabled to be 8%<sup>16</sup>. So there will be around 20,560 (8% x 257 000) DDA disabled employees in these professions. Assuming that the average cost to public sector employers of the DDA's employment provisions is the same as the average cost to private sector employers, the average cost to the public sector of the DDA's employment provisions will be around £6.00 per disabled employee [comprising £1.50 non-recurrent costs (adjustments to the workplace costs) and £4.50 recurrent costs (recruitment and tribunal proceeding costs)]. So, additional costs to the public sector will be **£30,840 one off** (£1.50 per disabled employee x 20,560 disabled employees) and **£92,520 recurrent** (£4.50 x 20560 disabled employees).

**Cost/benefit to Government:** There is also the direct government cost of the increase in tribunals. The number of DDA disabled employees will increase by approximately 1%<sup>17</sup> from 2.15 million. After the removal of the small business exemption there are assumed to be 3031<sup>18</sup> tribunal cases involving disability: therefore an increase of 1% will mean 31 more tribunal cases at a cost of £16,717 (£540 x 31) to the government and £61,915 (£2000 x 31) to business.



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**Cost/benefit to employees:** Approximately 20,560 employees will benefit from coverage from the DDA.

### **Barristers and advocates and their pupils**

2.17 The DDA will be extended to cover barristers and barristers' and advocates' pupils. This will result in an increase in recruitment, workplace adjustment and tribunal costs, for barristers and pupils.

**Cost/benefit to business:** The employment provisions of the DDA will be extended to cover barristers in chambers and their pupils. There are 10,132<sup>19</sup> barristers in independent practice in England and Wales and 686 pupils<sup>20</sup>. It is assumed that the same proportion of barristers and pupils are disabled as disabled people in employment generally. There are 10,132 barristers in independent practice in England and Wales and 686 pupils<sup>21</sup>. It is assumed that the same proportion of barristers and pupils are disabled as disabled people in employment generally. So, there will be around 959 (8.87% x 10,818) disabled barristers and pupils. The average cost of the DDA's employment provisions will be around £6.00 per disabled barrister/pupil (comprising £1.50 non-recurrent costs (adjustment to the workplace costs) and £4.50 recurrent costs (recruitment and tribunal proceeding costs)). So, additional costs to barristers will be £1,430 one off and £4,316 recurrent. In Scotland, there are only 400 advocates so the costs will be minimal.

**Cost/benefit to employees:** Approximately 974 barristers and pupils will benefit from coverage from the DDA.

### **Employment onboard ships, planes and hovercraft**

2.18 The DDA's Employment Provisions will be extended to cover employment onboard ships, planes and hovercraft.

**Cost/benefit to business:** The extension of the territorial coverage of the DDA will bring in employment on ships, aircraft and hovercraft. It is estimated that the extension would cover around 90,000 employees. So, there will be around 7,980<sup>21</sup> (8.87% x 90,000 employees) disabled employees affected by the extension of territorial coverage. The average cost of complying with the DDA employment provisions is £6.00 per disabled employee, comprising £1.50 non-recurrent and £4.50 recurrent costs. The total costs would be: £11,969 non-recurrent and £35,908 recurring costs per year.

**Cost/benefit to Government:** In 2000/01, there were 2,624 tribunal cases involving disability discrimination. If there had been no small business exemption we estimate that there would have been 3,031. There will be 7,980 additional disabled employees who fall within scope of the DDA, an increase of 0.37%. If the changes lead to a 0.37% increase in disability tribunal cases (11 cases a year) at £2,000 a case this implies a cost to business of £22,434



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**Cost/benefit to employees:** 7,980 employees benefit from DDA coverage.

### Office holders

2.19 The DDA's employment provisions will be extended to cover remunerated office holders (in addition to employees), many of whom are likely to be in the public sector although other significant groups are company directors and many Ministers of religion.

2.20 There are 22,000 appointees to public bodies of whom 3.3% consider themselves to have some form of disability<sup>22</sup>. Although not all of these would be covered by the implementation of the Employment Directive (as many are not remunerated) this suggests there would be a maximum of 725 (3.3% x 22,000) additional disabled people covered by the DDA who work in the public sector or about one hundredth of one percent of the current total

2.21 There are 31,000 sole company directors who meet the DDA definition of disability<sup>23</sup>. This would increase the number of people covered by the DDA by one half of one percent.

2.22 There are 6,000 ministers of religion who meet the DDA definition of disability<sup>24</sup>. This would increase the number of people covered by the DDA by one tenth of one percent.

2.23 The Regulations identify who is responsible for making any reasonable adjustment that is required for a person appointed as an office holder. Broadly speaking, they do this as follows:

- i. appointment - the person making or recommending the appointment;
- ii. terms of appointment - the person responsible for determining them;
- iii. working conditions - the person responsible for determining those conditions.
- iv. termination of appointment - the person with the power to terminate the appointment.

**Cost/benefit to business/government :** these are likely to be insignificant. There will be some costs which arise as part of the need to make reasonable adjustments for appointed office holders. However, because the approach being taken to the duty to make adjustments is to identify the person who, generally speaking, would currently be responsible for ensuring office-holders, whether disabled or not, could fulfil their functions, we estimate there would be little in the way of additional costs.



## RESTRICTED - LEGISLATION

**Cost/benefit to employees:** 700 to 1,000 public appointees benefit from DDA coverage, 31,000 company directors, and 6,000 ministers of religion

### Employment Tribunals

2.24 Employment Tribunals would be able to consider, in the main, former employees' claims about discrimination where the discrimination has arisen directly out of the former employment. An example would be securing an appropriate reference for a new job. This may result in a marginal increase in the number of tribunals, with resultant costs for businesses and Government and benefits for the individual employees concerned.

**Cost/benefit to business:** As noted above we estimate that there would be 3031 disability employment tribunal cases if the small business exemption were removed. If the effect of the above change is to increase the number of claims - by way of illustration by say 0.5% - then there will be an additional 15 cases. The compliance cost to business is therefore estimated to be approximately £18,000 recurring per year.

**Cost/benefit to Government:** On an average cost to government of £540 cases per year the total cost to government would be £8,100

**Cost/benefit to employees:** Any disabled employee who is dismissed or leaves a job stands to benefit from this change.

### Trustees and managers of occupational pension schemes

2.25 Complaints against trustees and managers of occupational pension schemes should be heard by Employment Tribunals. There could be an increase in tribunal cases imposing a cost on both the pensions business and the Government. However, there will be greater consistency of remedies within Part II of the DDA.

**Cost/benefit to government:** As noted above we estimate that there would be 3031 disability employment tribunal cases if the small business exemption were removed. If the effect of the above change is to increase the number of claims - by way of illustration by say 0.5% - then there will be an additional 15 cases. The compliance cost to business is therefore estimated to be approximately £18,000 recurring per year.

**Cost/benefit to Government:** On an average cost to government of £540 cases per year the total cost to government would be £8,100

**Cost/benefit to employees:** Any disabled employee who is dismissed or leaves a job could stand to benefit from this change.

### Instructions or pressure to discriminate

2.26 The DRC will be able to bring an action against employers who instruct or bring pressure to bear on people to commit an act of unlawful



## RESTRICTED - LEGISLATION

discrimination. This will benefit disabled employees and other employees who have been pressured to act in an unlawful way. However, judging by the slight use of the similar power in the SDA and RRA, this new power is unlikely to lead to many actions and therefore will not impose significant costs on either the public sector or employers.

**Cost/benefit to employees:** There will be a general benefit to employees who are pressured to discriminate and to disabled employees who suffer such discrimination.

### **Discriminatory adverts**

2.27 Adverts published by those covered by Part 2 of the Act will be made unlawful where they indicate an intention to discriminate against disabled people and the DRC will be able to bring an action against those who publish such adverts. Tribunals are already able to infer a discriminatory nature where such adverts are used by an employer. We are not aware of such adverts being published, nor of significant use by the Equal Opportunities Commission or Commission for Racial Equality of similar enforcement powers. The costs are likely to be neutral from the new provisions.

**Cost/benefit:** There will be some benefit to disabled people from having a clear prohibition.

### **Occupational pension schemes**

2.28 The DDA will be amended to require employers, where they set pension scheme rules, and pension scheme managers and trustees, where they apply discretion, to make reasonable adjustments to eliminate substantial disadvantage faced by a disabled person. Employers and managers/trustees will be able to argue against an adjustment on grounds which might include cost or other factors (often based on actuarial evidence) which might make it unreasonable. This approach has been adopted following representations made by the pensions industry during the public consultation on the draft Regulations. Previously, the Government had proposed that there should a split between employers and pension scheme managers and trustees so that employers were required to make reasonable adjustments and managers or trustees were required to objectively justify any of their policies, practices or criteria which placed disabled people at a particular disadvantage. The Government believes the changed approach will ensure consistency of the law as between employers and pension scheme managers/trustees and create greater certainty for disabled people participating in such schemes.

2.29 In total there are up to 14.4 million employees who are potentially covered by a pension scheme, although not every employee will be a member of the scheme offered by their employer. Approximately 10-11 million of these employees will be active members of their employer's



## **RESTRICTED - LEGISLATION**

occupational pension arrangements. According to the 2000/2001 Family Resources Survey, about 7.7% of individuals who are making a contribution to these schemes have a long-standing illness/disability which limits their activities. However, we are not aware of evidence from our research that disabled people covered by occupational pension schemes are disadvantaged by the rules nor that disabled people generally have limited access to schemes.

### **Group Insurance schemes**

2.30. It is now clear that the Employment Directive does not cover any payments made to individuals by insurance companies under group insurance schemes. The draft Regulations that were consulted upon in this respect will therefore not be taken forward but the Regulations will ensure that employers' contributions to such schemes on behalf of their employees are covered by the duty to make reasonable adjustments as proposed in the consultation.

### **Performance related pay schemes**

2.31. Employers will be required to make reasonable adjustments for particular disabled people to help overcome a particular disadvantage where a performance pay scheme is in operation. We anticipate that the costs of this amendment would not be significant: an employer would take reasonable steps to improve a disabled employee's performance as part of normal staff development taking into account the sort of changes that employers currently covered by the DDA might have to make to overcome workplace difficulties. If the employee did not qualify for performance-related pay after these steps had been taken, the employer would have to consider if further steps might be 'reasonable' in relation to the way in which the scheme itself operated. We will be seeking evidence during the consultation process on any effects of the proposals on performance pay schemes. We cannot repeat the analysis in 2.24 above because the FRS does not record whether people are covered by performance-related pay schemes

### **Qualifications Bodies**

2.32 The DDA will be amended to bring within scope of its employment provisions Qualification bodies. These are bodies (such as the General Medical Council and the Law Society) which can confer a professional or trade qualification) i.e. any type of authorisation which facilitates engagement



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in a particular profession or trade. The new provisions will provide that where a Qualifications Body applies a "competence standard" (that is an academic, medical or other standard used to determine whether a person has a particular level of competence or ability), that body will need to objectively justify that standard if it would substantially disadvantage persons who have a particular disability. The Body will need to do that by showing that the standard meets a legitimate aim and is a proportionate way of achieving that aim.

2.33 The approach on Qualifications Bodies will also ensure that where a Body is responsible for delivering any of its activities to disabled applicants for, or holders of, a professional or trade qualification, it will have to make a reasonable adjustment if any provision, practice, criterion or physical feature places a disabled person concerned at a substantial disadvantage. This could include, for example, allowing extra time for examinations, supplying exam papers in alternative formats or supplying a separate room for disabled candidates. (as long as doing so does not compromise a necessary aspect of an objectively justified competence standard).

2.34 We do not anticipate that there will be significant additional costs. In the main, we expect Qualifications Bodies to already be operating effective policies in respect of those disabled applicants or professionals they cover and that any adjustments which may be needed will be inexpensive.



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### Appendix 2: Summary of Quantifiable Costs and Benefits

#### Business

There are clear benefits to business: improved retention of staff, reduced recruitment and training costs, and improved ability to anticipate adjustment changes.

There are a number of quantifiable costs to business.

Quantifiable Cost	£ one-off	£ recurring
removal of the small business exemption	3.94	2.1
business partner workplace adjustments	0.22	*
extension to cover barristers		*
extension to ships, aircraft and hovercraft	0.01	0.036
extension to remunerated office holders	*	*
extension to former employees	*	0.03
extension to company directors	*	*
Extension to ministers of religion	*	*
Additional cases to cover occupational pension trustees	*	0.03
<b>TOTAL</b>	<b>4.2 (4.3)**</b>	<b>2.22 (2.4)**</b>

\* denotes less than £10,000

\*\* figures in brackets allow for inclusion of extension to cover fire-fighters, police and prison officers.

#### Government

There are a number of quantifiable costs to Government: as an employer, as the body responsible for the Employment Tribunals Service and as a provider of research, guidance and advice.

As an employer the costs are shown in this table.

Quantifiable Cost	£ one-off	£ recurring
extension to cover police/prison/fire officers	0.03	0.09

The costs for undertaking more cases through the Employment Tribunals Service are shown in this table.

Quantifiable Cost	£ one-off	£ recurring
additional cases due to small business exemption	-	0.36
additional cases to cover police/prison/fire officers	-	0.02
additional cases to cover ships, aircraft and hovercraft	-	*
Extension to cover remunerated office holders	-	*
additional cases to cover former employees	-	*
extension to company directors	-	*
Extension to ministers of religion	-	*
additional cases to cover occupational pension trustees	-	*
<b>TOTAL</b>	-	<b>0.4</b>

\* denotes less than £10,000



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### Employees

There are two main benefits to employees and individuals: first, an extension of the coverage of the DDA to include more employees or individuals; and second, greater protection for those covered by the DDA.

The benefits to disabled employees and individuals are as follows

Benefit	Number
extension to small business	382,000
extension to business partners	148,000
extension to police/prison officers	21,000
extension to barristers	1,000
extension to remunerated office holders	1,000
extension to company directors	31,000
Extension to ministers of religion	6,000
extension to ships, aircraft and hovercraft	8,000
<b>TOTAL</b>	<b>596,000</b>

### Greater protection for those covered by the DDA:

- Coverage of all former employees for anyone discriminated against by their employer after employment
- Coverage of occupational pension schemes for all discriminated against by such schemes
- Coverage against those who pressurise or instruct others to discriminate



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### Appendix C: Summaries of Focus Group Findings on Implementation Timetable

#### Focus group with 9 participants:

The consensus was that the most sensible course would be to introduce both customer and employee provision at the same time, since this would:

- i. keep it simple;
- ii. eliminate the need to classify businesses according to type, regarded by some as a potentially fractious exercise;
- iii. obviate the need for two rounds of potential adjustments;
- iv. eliminate confusion as to whether a business was or was not fully complying with regulations - or whether customers only were covered (only partially recognized by respondents).

#### Two focus groups with 13 participants plus phone survey of 20 others:

- Of the 33 companies, only 3 felt that it might be helpful to phase the implementation, eg. delay for companies which never served the public.
- All the companies agreed that phasing the implementation would lead to confusion over which businesses were covered at what point.
- All of those questioned felt that it would be 'fairer' if all businesses had to comply with the threshold removal from the same date.

#### FOOTNOTES

<sup>1</sup> DDA 1995 Access to Goods, Services and Facilities Regulatory Impact Assessment, Supplementary Information.

<sup>2</sup> DDA 1995 Access to Goods, Services and Facilities Regulatory Impact Assessment, Supplementary Information.

<sup>3</sup> Calculated from Small Business Service statistics and Labour Force Survey

<sup>4</sup> Impact on Small Business of Lowering the DDA Part II Threshold Project, Interim report

<sup>5</sup> Impact on Small Businesses of Lowering the DDA Part II Threshold Project, Interim report

<sup>6</sup> Hourly wage for a manager/administrator – 2001 NES uprated to include non wage costs

<sup>7</sup> Spring 2002 LFS

<sup>8</sup> Spring 2002 LFS



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<sup>9</sup> Calculated from Employment Tribunals Service stats and Labour Force Survey

<sup>10</sup> Employment Tribunals Service.

<sup>11</sup> Employment Tribunals Service

<sup>12</sup> Small Business Service 2001

<sup>13</sup> Inland Revenue

<sup>14</sup> Spring 2002 LFS shows 8.87% of employees are DDA disabled. Therefore  $8.87\% * 1.67\text{million partners} = 148,000$ .

<sup>15</sup> Summer 2000 LFS

<sup>16</sup> Summer 2000 LFS

<sup>17</sup> Spring 2002 LFS shows approximately 2.156m DDA disabled who are employees. The extension will increase the coverage of the DDA by 20,560 ie approximately 1%.

<sup>18</sup> Currently 2,641 disability tribunal cases (Employment Tribunals Service). This is uprated to 3,301 using the proportion of employees in small firms from the Labour Force Survey

<sup>19</sup> Bar Council as of 1<sup>st</sup> October 2000.

<sup>20</sup> Bar Council as of 5<sup>th</sup> January 2001.

<sup>21</sup> Spring 2002 LFS shows 8.87% of employees are disabled.  $8.87\% * 90,000 = 7,980$

<sup>22</sup> 'Public Bodies 2002'

<sup>23</sup> Spring 2002 LFS

<sup>24</sup> Spring 2002 LFS





PARLIAMENTARY UNDER-SECRETARY OF STATE FOR DEFENCE  
AND MINISTER FOR VETERANS AFFAIRS

MINISTRY OF DEFENCE  
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The Rt Hon Andrew Smith MP  
Secretary of State  
Department for Work and Pensions  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

D/WS of S/LM 5/2/0

26<sup>th</sup> March 2003

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MR  
CS

Dear Andrew,

Thank your letter of 10 March to John Prescott, seeking DA(EQ) clearance for new, and more detailed, measures for inclusion in a draft Bill later this year for pre-legislative scrutiny.

The MOD have no difficulty with the specific measures you propose. I know that we have in the past highlighted the need to safeguard the Armed Forces exemption from Part 2 (employment provisions) of the Disability Discrimination Act (DDA). This will need to be taken into account when drafting the Bill both in relation to the amendment of Part 3 and the introduction of a general duty to promote equality of opportunity for disabled people so that these provisions are qualified in respect of the recruitment and employment activities of the Armed Forces.

In addition, it would be helpful if the special position of the Armed Forces could be taken into account in circumstances where the broadening of Part 3 of the DDA would result in the removal of the exemption for providers of transport services. Adam Ingram wrote to David Jamieson about this on 8 October. The Armed Forces are in a unique situation in that they are not a transport service provider, yet they may be called upon to provide transport support for other Government Departments. Whilst the Armed Forces can be expected to prepare their personnel and equipment for such tasks to the greatest extent

Private Office



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possible it would not be appropriate to impose on the Armed Forces' statutory duties applicable to transport providers, including training in the transportation of disabled people and the conformity of military vehicles (including shipping and aviation) to requirements that might otherwise impact on operational effectiveness. I accept that the test for compliance would be one of reasonableness and the MOD would be in a strong position to justify its position. It should be, however, for Defence ministers to determine what is reasonable in matters affecting operational effectiveness, not the courts.

I am grateful to you for the opportunity to comment.

... I am copying this letter to other members of DA and LP committees and to Sir Andrew Turnbull.

*Best wishes*

DR LEWIS MOONIE MP







Ben Bradshaw MP

*Parliamentary Secretary and  
Deputy to the Leader of the  
House of Commons*

The Rt Hon Andrew Smith MP  
Secretary of State for Work and Pensions  
Richmond House  
79 Whitehall

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LP/03/66/JN  
~~24~~ March 2003

*Doc Andrew,*

**DISABLED PEOPLE (DUTIES OF PUBLIC AUTHORITIES) BILL**

**You wrote to Robin Cook on 12 March asking for clearance to support Bridget Prentice's Disabled People (Duties of Public Authorities) Private Members Bill at Second Reading on 28 March. You may take it you have agreement to proceed.**

Thank you for your letter of 12 March asking for agreement to support Bridget Prentice's Disabled People (Duties of Public Authorities) Private members Bill at Second Reading on 28 March. The Bill was on the handout list for this session and has been drafted by Parliamentary Counsel. It will amend the Disability Discrimination Act 1995 to place most public sector bodies under an obligation to eliminate unlawful disability related discrimination and harassment, and pursue equalisation of opportunities for disabled people

Helen Liddell responded to your letter, agreeing with the proposal and saying that a Sewel motion of the Scottish Parliament would be required. Due to the timing of the Scottish Parliamentary elections, this will not be possible until after May.

Barbara Roche's Private Secretary also responded, agreeing that the Bill should be supported, but asking that Ministers should be consulted on proposals for the content and implementation of the specific duties, before they go out for public consultation. She also said that the Government has a commitment to introduce a similar duty to promote equal





opportunities between men and women, but there are no plans at present for a wider duty that would encompass disadvantaged groups more generally.

No other colleagues have responded. You may therefore take it that you have clearance to support the Bill at Second Reading on 28 March, subject to the views of colleagues outlined above.

I am copying this letter to the Prime Minister, members LP Committee, Barbara Roche, Lord Filkin, Sir Andrew Turnbull and First Parliamentary Counsel.



**BEN BRADSHAW**





The Rt Hon Patricia Hewitt MP  
Secretary of State for Trade and Industry

Andrew Smith  
Secretary of State for Work and Pensions  
Richmond House  
79 Whitehall  
London SW1A 2NS

24 March 2003

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file

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Dear Andrew,

#### AMENDING THE DISABILITY DISCRIMINATION ACT (DDA)

You wrote on 10 March to John Prescott seeking DA clearance for further planned measures for inclusion in a draft Bill to amend the Disability Discrimination Act (DDA). These were to extend the definition of disability to more people with HIV, MS and cancer; and the introduction of a questionnaire process in county court cases about goods, facilities and services. I am content with these proposals.

I have also noted the extended Regulatory Impact Assessment covering these and the other planned measures for the draft Bill. There would be an impact on my Department's responsibilities when the DDA covers all Government functions, such as increased costs for the adaptation of premises and the communication of our programmes, and a slightly higher number of Tribunal cases to be serviced by the Employment Tribunals Service. I note that the RIA asserts these will not be significant and that the test of "reasonableness" will apply. (I would be grateful if before publication the name of the Employment Tribunals Service can be corrected.)

I am copying this to the Prime Minister, John Prescott, members of DA committee, members of LP and to Sir Andrew Turnbull.

Best wishes,

PATRICIA HEWITT



From Jacqui Smith, Minister of State



Department  
of Health

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IMC: 26424

The Rt Hon Andrew Smith  
Secretary of State  
Department for Work and Pensions  
Richmond House  
Room 205  
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**24 MAR 2003**

A handwritten signature in cursive script, appearing to read 'Andrew Smith'.

**AMENDING THE DISABILITY DISCRIMINATION ACT**

Thank you for copying your letter of 10 March to John Prescott, which sought clearance for two new measures for inclusion in a draft Disability Bill.

The Department of Health supports these new proposals which demonstrate further progress in meeting our manifesto commitment to achieving full civil rights for disabled people.

We look forward to being part of the cross-Whitehall consultation on taking this work forward.

I am copying this letter to the Prime Minister, members of DA Committee and to Sir Andrew Turnbull.

A handwritten signature in cursive script, appearing to read 'Jacqui Smith'.

JACQUI SMITH MP





**BARBARA ROCHE MP**

**MINISTER FOR SOCIAL  
EXCLUSION & EQUALITY**

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and President of the Council  
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CO  
✓  
C.E.C.  
CS

20 March 2003

*Dear James*

**DISABLED PEOPLE (DUTIES OF PUBLIC AUTHORITIES) BILL**

I am writing in response to the Secretary of State for Work and Pensions's letter of 12 March seeking approval for the Government to support Bridget Prentice MP's Bill introducing a duty to promote equality of opportunity for disabled people. My Minister agrees that the Government should support this Bill.

My Minister particularly welcomes the Secretary of State for Work and Pensions's assurance that the general duty is designed so that it is applied in a balanced and proportionate way, along with all the other duties that public sector bodies are required to carry out. As the Secretary of State for Trade and Industry flagged up to DA colleagues in November, the Government must be mindful of the cost to the public sector as well as of the benefits for public service delivery. To this end it is of vital importance that Ministers are fully consulted on proposals for the content and implementation of the specific duties that the Secretary of State for the Department for Work and Pensions mentions in paragraph 7 of his letter. This would need to be done before any public consultation.

On wider handling issues, the Government can expect calls for a similar duty to promote equal opportunities between women and men, or a wider duty in relation to equal opportunities for the full range of disadvantaged groups. The Government does have a commitment to move forward on a gender duty when legislative time permits, although there is no obvious vehicle at present. However, the Government will want to make clear that there are no plans for a wider public duty that would encompass disadvantaged groups more generally.

*Barbara.Roche\_MP@odpm.gsi.gov.uk*



I am copying this letter to the Private Secretaries to the Prime Minister, members of LP Committee, Patricia Hewitt, Lord Filkin, Sir Andrew Turnbull and First Parliamentary Counsel.

Yours

Mark

**MARK LIVESEY**  
**PS/BARBARA ROCHE**





0/03/2003

10:00

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Food and Rural Affairs

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

19 March 2003

From the Secretary of State  
The Rt Hon Margaret Beckett MP

Co

cc EM  
CS

Dear John,

**AMENDING THE DISABILITY DISCRIMINATION ACT (DDA)**

I am writing in response to Andrew Smith's letter of 10 March to you and members of the DA committee.

I can confirm that I am content with the plans as detailed in Andrew's letter. In particular the questionnaire proposal seems sensible given that this may help to clarify misunderstanding or identify obvious adjustments to resolve problems.

A copy of this letter goes to the Prime Minister, members of DA and LP Committees and to Sir Andrew Turnbull.

Regards

Margaret

MARGARET BECKETT



File (letter + attachment in inbox)  
**RESTRICTED - POLICY**

Emailed to ce's  
Attachment not attached  
(very long)

**10 DOWNING STREET**  
LONDON SW1A 2AA

From the Senior Policy Adviser

17 March 2003

Dear David

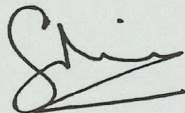
**STRATEGY UNIT REPORT ON 'ETHNIC MINORITIES AND THE  
LABOUR MARKET'**

Further to my letter of 21<sup>st</sup> February, I enclose for information a copy of the Strategy Unit's agreed final report on 'Ethnic Minorities and the Labour Market'.

Publication of the report is planned for Friday 21<sup>st</sup> March. A communications strategy to launch the report is being finalised by the Strategy Unit in conjunction with No 10 and individual departments.

I am copying this letter to the Private Secretaries to members of the Cabinet, Barbara Roche, and to Sir Andrew Turnbull and Geoff Mulgan in the Strategy Unit.

Yours ever,



**SIMON VIRLEY**

David Prout  
ODPM

**RESTRICTED - POLICY**

ds



13. MAR. 2003 12:56

SOFS PRIVATE OFFICE  
SOFS PRIVATE OFFICE PRIVATE SECRETARY

NO. 783 P. 2/3

NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4PN



Simon Virley  
Senior Policy Adviser  
10 Downing Street  
London  
SW1A 2AA

SV  
C: MR  
Co  
NA  
EC

12 March 2003

*Dear Simon*

**STRATEGY UNIT REPORT ON 'ETHNIC MINORITIES IN THE LABOUR MARKET'**

I refer to your letter of 20 February to David Prout, in which you seek final comments on the Strategy Unit report and agreement to publish it.

NIO and Northern Ireland Departments were not consulted on the report until the draft was at a very advanced stage – possibly because the report's scope is exclusively GB. The fact that Northern Ireland does not feature makes good sense, given the relatively low proportion of ethnic minorities in the NI population and the related lack of statistics on their performance in the NI labour market.

It would be helpful, for the avoidance of all doubt, for the report to state in its introduction that it covers GB only and that NI does not come within its scope.

The recommendations in the report are framed with UK Departments only in mind. While some of the recommendations are not appropriate to the particular circumstances of NI, the report has many resonances for us and we would hope to make use of it as we take forward the development and



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implementation of the Race Equality Strategy for Northern Ireland. Des Browne put the Strategy out to public consultation on 25 February.

Subject to the comment made in paragraph 2 (above), the Secretary of State is happy to agree to the publication of the report.

I am copying this letter to the recipients of yours.

*Respects*

*Kate Udy*

**KATE UDY**  
**PS/Secretary of State**







f

NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4PN

Simon Virley  
Senior Policy Adviser  
10 Downing Street  
London  
SW1A 2AA

*recd by Gae*  
12 March 2003

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*Kate Udy*

**KATE UDY**  
**PS/Secretary of State**



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