



GENDER EQUALITY DUTY BRIEFING FOR SUBSTANCE USE SERVICE PROVIDERS

What is the Gender Equality Duty?

The Gender Equality Duty places on all UK public bodies the legal requirement to eliminate unlawful sex discrimination and harassment and promote equality between women and men. The promotion of equal opportunities between women and men requires recognition that the two groups are not starting from an equal footing and identical treatment will not always be appropriate. That is, women often face extra barriers to accessing services and fair and equal treatment.

The Duty also requires public bodies to take due account of the specific needs of transgender men and women in service provision, employment and vocational training.

The Duty covers all government departments and executive agencies, colleges and universities, schools, NHS Trusts and Boards, local authorities, police and fire authorities, inspection and audit bodies and many publicly-funded museums.

The Gender Equality Duty also covers private and voluntary organisations carrying out public functions and any external contractors carrying out work on behalf of a public body. For example, voluntary sector drug and alcohol agencies contracted to provide a service on behalf of a local authority. Legal liability, however, remains with the public body, which is expected to take action to ensure contractors meet all necessary requirements.

Within the requirements of the Duty, local authorities must, in addition to considering the impact of work practices and services, consider the impact of funding decisions on men and women. For example, the decision to reduce or stop funding for a gender-specific service may have a different or greater impact on men or women and will require justification from the local authority. The Duty can, therefore, be utilised as an important tool for voluntary sector organisations within which to challenge or question funding decisions taken by public bodies in relation to gender-specific services.

The Gender Equality Duty is comprised of the general duty and specific duties, as follows:

General Duty

The general duty is the overall duty to eliminate unlawful discrimination and harassment on the grounds of sex and to promote equality of opportunity between men and women.

Specific Duties

Under the Duty, organisations and local authorities are required to adhere to a number of specific requirements, including:

- Publication of gender equality schemes, including equal pay policies, in consultation with employees and stakeholders
- To implement the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so
- To report against the scheme every year and review the scheme at least every three years
- To conduct and publish gender impact assessments on major new legislation and policy

What are the implications of the Gender Equality Duty for substance use services?

The main implication of the Duty is that gender equality should be integral to and underpin all policies and practices. There is no longer any justification for not seeking to identify and rectify gender-based barriers (or potential barriers) to accessing services.

Within the substance use sector, services have traditionally been developed in response to the needs of male clients, as men have outnumbered women in accessing services by three to one. The Gender Equality Duty now obliges agencies to ensure that their services are developed with the specific needs of both men and women in mind, with appropriate action taken to remedy any existing bias.

This does not mean that men and women should, or are expected, to be treated the same. Equality of access as described within the Duty acknowledges that men and women may, and often do, require different services, including those that are single-sex. There is provision within the Duty for both public bodies and the voluntary sector organisations commissioned by them to continue to provide single-sex services where this is appropriate or necessary. In fact, organisations are able to use the Gender

Equality Duty to justify the existence or development of a men or women-only service to meet the specific needs of their clients.

For example, a drug treatment service can justify offering a women-only service to respond to the needs of female service users, many of whom may have experienced violence and abuse or sexual exploitation from their male partners or suppliers.

The lack of any or sufficient childcare has been identified as a potential barrier to women being able to access drug and alcohol services (Galvani & Humphries, NTA 2007; Becker & Duffy, Home Office DPAS Paper, 2002). This could be viewed as a gender-based barrier requiring attention under the Gender Equality Duty.

Another issue affecting a large number of women accessing substance use services is that of domestic violence. For example, a 2006 research paper found that in the majority of cases where families disengaged from the London based Family Alcohol Service, the mother/female partner was currently experiencing domestic violence (Taylor, Toner, Templeton & Velleman, 2006). Where domestic violence was identified as an issue affecting women within a particular service, the service provider should, under the Gender Equality Duty, address this as a gender-specific issue and respond accordingly.

Therefore, examples of how agencies can consider meeting the needs of women include:

- The provision of crèche services for women with children
- Opening times that take account of the need for women with children to arrange childcare/fulfill their childcare obligations
- Opening times and flexibility to support women involved in prostitution to access and engage with services
- Safety procedures and risk assessments developed and reviewed for working with women or men whose partners may also attend the same service, with specific attention to the (potential) issue of domestic violence
- The provision of single-sex services, for example a weekly women-only space (such as a building or service location) or a men-only group

Organisations are able to provide single-sex services where to provide mixed services would likely cause 'embarrassment' to clients. For example, group counselling or services in which issues such as sexual health or other personal issues may be discussed.

As stated in the Gender Equality Duty Code of Practice for England and Wales:

Discrimination in the exercise of public functions is lawful for:

- The provision of a service for only one sex where only persons of that sex require the service
- The provision of separate services for each sex where a joint service would or might be less effective
- The provision of a service for one sex only where: if the service were provided for both sexes jointly it would or might be less effective and the extent to which the service is required by the other sex makes it not reasonably practicable to provide separate services for that sex
- The provision of separate services for each sex in different ways or to different extents where: if it were provided for both sexes jointly it would or might be less effective, and the extent to which the service is required by one sex makes it not reasonably practicable to provide the service for that sex in the same way or to the same extent as for the other sex
- Action taken for the purpose of assisting one sex to overcome: a disadvantage (as compared with the other sex) or the effects of discrimination

The Gender Equality Duty also covers the ability or need to restrict recruitment to certain posts or organisations to men or women. This is also covered within the Sex Discrimination Act, which allows for positions to be restricted to men or women where it is necessary or appropriate to do so. For example, restricting recruitment to a post working with vulnerable women to women or a post working with male sex offenders to men.

Gender equality audit for substance use services

In order to gauge whether your organisation is providing a service that responds to and takes account of the specific needs of men and women, it may be useful to carry out a gender equality audit. Issues to consider within such an audit may include:

- Do you collect statistics which can be broken down by gender?
- What analysis do you provide of these statistics to enhance service delivery for both men and women and how often is this evaluation/analysis carried out?

- Have you considered carrying out a gender impact assessment in the development/evaluation of policies or practice?
- How do you know that the services you deliver meet the different needs of both men and women accessing your service?
- What aspects of your service delivery encourage access and retention of women service users?

The information gained from these questions can then be used in the development of new practice or the expansion or strengthening of existing practice and policies.

Two examples of good practice in relation to ensuring accessibility of services for women and increasing retention of female service users are Ethnic Alcohol Counselling Hounslow (EACH) and Clouds House:

In 2007/08, 41% of EACH's clients were female, with 32% of female clients disclosing experiences of domestic violence.

As an organisation that places strong emphasis of outreach work, EACH is able to make their services more accessible to women from BAMER communities. In response to the complex needs of this client group, EACH has developed a holistic service that is able to respond to a wide range of presenting issues. For example, domestic violence, substance use, parents and carers affected by substance misuse and mental health.

In developing these specific services (through accessing a diverse funding base), EACH has identified and responded to the gender-specific needs of the women who currently and may access the organisation's services.

Starting in 2006, Clouds House undertook an evaluation of how effective the organisation was in responding to the specific needs of its female service users. From service user feedback (via questionnaires), women stated that the one hour per week single-sex group session was not sufficient. In response, the time allocated to this service was extended and staff provided with training to enable them to respond more confidently to issues of abuse and self-harm. A childcare facility was also established to enable women to have their children visit them.

As stated by Clouds House workers, *"we have watched the ratio of men to women in treatment shift from 2:1 to almost equal numbers in the past year ... part of which we believe may be the result of our increased sensitivity and responsiveness to women's needs"* (Semmens and Clarke, Drink and Drugs News, February 2008)

Enforcement of the Gender Equality Duty

Enforcement of the Gender Equality Duty sits with the Equality and Human Rights Commission, which carries out a monitoring function and has the ability to instigate a legal challenge for non-compliance. In addition, public bodies and voluntary sector organisations not complying with the Duty can be challenged by judicial review instigated by any person or group of people affected by the non-compliance.

Further information on the Gender Equality Duty can be found on the Equality and Human Rights Commission website through the following link:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/introduction-to-the-public-sector-duties/gender-equality-duty/>

The Stella Project www.gldvp.org.uk

The Stella Project was launched in 2002 as a partnership initiative between the Greater London Domestic Violence Project and the Greater London Alcohol and Drug Alliance. The aim of the Stella Project is to raise awareness and create positive, sustained improvement in the way services are delivered to survivors, their children and perpetrators of domestic violence who are affected by problematic substance use. It does this through:

- The provision of advice, training and consultancy to service providers
- The development and dissemination of toolkits, research and good practice guidelines
- Networking opportunities and events
- A rolling program of specialist training and the provision of bespoke training for individual agencies
- Capacity-building to improve cross-sector communication and effective integrated responses through working partnerships
- Consultancy to support local authorities in developing an integrated strategy and policy relevant to the local area

For further information and support in developing your service to respond to the needs of female service users and to develop an integrated response to domestic violence and substance use, contact the Stella Project Co-ordinator at info@gldvp.org.uk.

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