



Women. Men. Different. Equal.
Equal Opportunities Commission Scotland

**EOC response to Scottish Executive's
Consultation on Homelessness
(Scotland) Act 2003 Implementation of
Section 11**

March 2007

Introduction

- 1.0 The Equal Opportunities Commission (EOC) was set up by the Sex Discrimination Act 1975 (the SDA). Its duties are to work towards the elimination of discrimination between women and men, to promote equality of opportunity between women and men generally, and to keep under review the workings of the Sex Discrimination and Equal Pay Acts. The Equal Opportunities Commission (EOC) is a non-departmental public body, funded through grant-in-aid. Our sponsor body is the Women and Equality Unit. The Equal Opportunities Commission is the leading agency working to eliminate sex discrimination in 21st Century Britain.
- 2.0 EOC Scotland welcomes the opportunity to contribute to the Scottish Executive's consultation on implementing Section 11 of the Homelessness etc (Scotland) Act 2003, and the associated regulations and guidance.

Men's and Women's Experiences of Homelessness

- 3.0 Much research about homelessness is not explicitly gendered, but is inadvertently dominated by the experiences and views of homeless men. Research focused specifically on homeless women is scarce and national statistics, surveys and datasets provide little by way of information about the female homeless population¹.

The consultation paper states that the proposals are aimed to be of benefit for all, yet does not make mention of the Gender Equality Duty, which places a legal responsibility on all public bodies to eliminate gender discrimination as well as promoting equality of opportunity between men and women. A consideration for how public policies, practices and services may impact on men and women must be built into any new legislation.

The Gender Equality Duty

- 4.0 The Gender Equality Duty (GED) will complement the implementation of Section 11 of the Homelessness etc (Scotland) Act 2003. This provides a good opportunity for ensuring that equalities are built into amended legislation around homelessness in Scotland.

The Gender Equality Duty will have a direct impact on public services and policy making. It is clear that mainstreaming equality means that policy outcomes improve. By incorporating gender equality into organisation policy and practice people start to regard

¹ 'Homeless Women: Still being failed yet striving to survive' 2006 Crisis Reeve, K., Casey, R. and Goudie, R.

public services more positively. Good gender equality practice in the public sector creates virtuous circles – good employment practice improves services and good service practice improves resource use.

5.0 The GED is intended to address the fact that, despite 30 years of individual rights on sex equality, there is still widespread sex discrimination, sometimes deliberate, sometimes unintentional and persistent gender inequality. Policies and practices which seem neutral can often have a significantly different effect on women and on men, often contributing to greater gender inequality and poor policy results. Individual legal cases have not been enough to change this.

6.0 The GED is contained within the Equality Act 2006, it requires public authorities to promote equality of opportunity between women and men and prohibits sex discrimination in the exercise of public functions. Therefore all public bodies must, in carrying out their functions, have due regard to the need:

- to eliminate discrimination that is unlawful under the Sex Discrimination Act and the Equal Pay Act
- to promote equality of opportunity between men and women.

The Scottish Executive are one of the listed public bodies and will be required to undertake the following:

1. Gather information on how their work affects women and men
2. Consult employees, service users, trade unions and other stakeholders
3. Assess the different impact of policies and practices on both sexes and use this information to inform their work
4. Identify priorities and set gender equality objectives
5. Plan and take action to achieve gender equality objectives
6. Publish a gender equality scheme, report annually and review progress every three years
7. Publish an equal pay policy statement and report on progress every three years

7.0 The gender duty will place clear responsibility on all public bodies to ensure that their

policies, services and employment practices address the different needs of men and women. As such, the gender duty should be factored into the Scottish Executive's thinking on any amendments to Section 11 of the Homelessness etc (Scotland) Act 2003.

Conclusion

7.0 The EOC welcomes the opportunity to comment on the proposed amendments to legislation on homelessness. The EOC expect a gender impact assessment of the revised legislation and look forward to key issues identified being included in the Scottish Executive's gender equality scheme.

For further information about this paper or the Gender Equality Duty please visit:
www.eoc.org.uk/genderduty