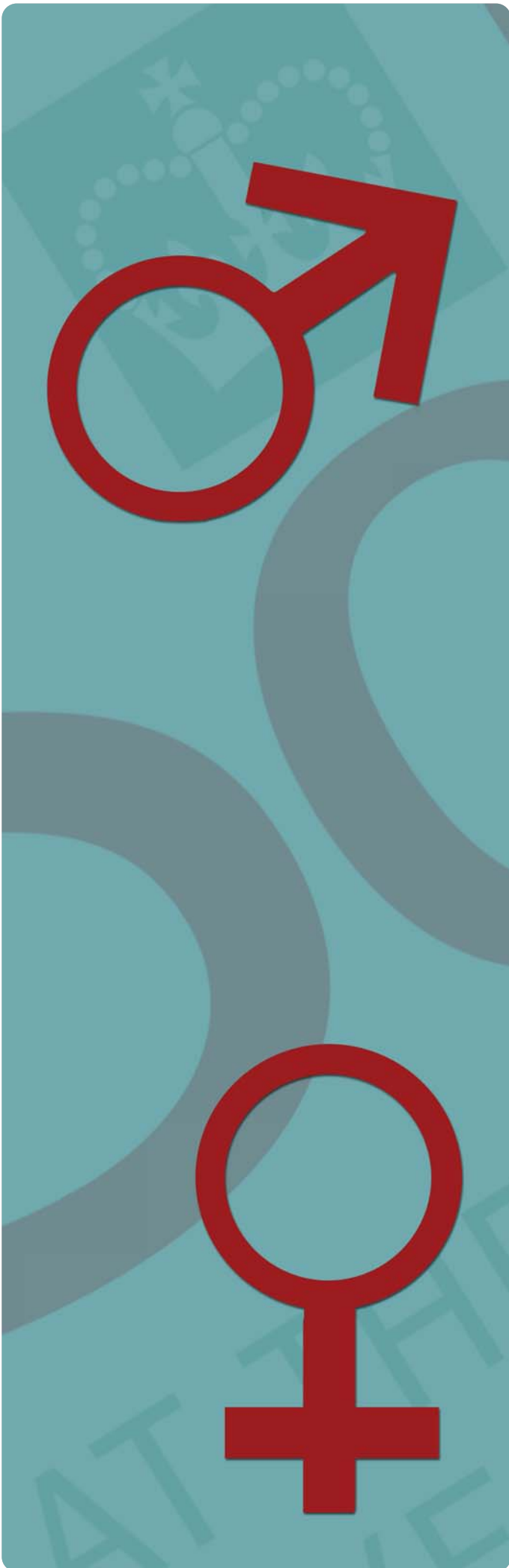


The Scheme to Promote Gender Equality in TSol

April 2007



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Foreword by the Chair of the Diversity Group

On behalf of the TSol Diversity Group I am very pleased to endorse the publication of this, our first Gender Equality Scheme. A copy is attached.



What is it?

The Gender Equality Scheme has been established under the Equality Act 2006. The Act places duties upon designated organizations, including all government departments, to embed gender equality in their policy formulation and service delivery, as well as in the way they employ people.

Our scheme has been produced by the TSol Gender Equality Working Group and supported by senior representatives from all parts of TSol, who undertook wide-ranging assessments of their divisions in accordance with the requirements of the Act. The scheme will be subject to regular monitoring and review, which will be overseen by the Diversity Group. In addition, the Equal Opportunities Commission (EOC) has legal powers of enforcement and monitors the promotion of gender equality across the public sector.

The scheme has been drawn up to promote gender equality in all our policies, functions and practices. This has been achieved by making arrangements for assessing and consulting on the likely impact of all proposed policies on the promotion of gender equality; monitoring policies for any adverse impact; publishing the results of these activities; and training staff. The scheme has been through a consultation process, involving EOC, the Law Society, the Bar Council, and the Trade Union side, amongst others.

How does it affect me?

The scheme affects the way each of us contributes to the conduct of TSol business. As it covers all aspects of TSol's dealings, internal and external, there is no aspect of our work to which it does not apply. As with our commitment to diversity generally, the scheme works best if everyone in TSol becomes familiar with it, and contributes to ways of improving it in the future and promoting equality and diversity generally.

Anyone wishing to comment or make suggestions on the scheme should contact Tony Helliard, Secretary of the Diversity Group on 020 7210 3549 (tony.helliard@tsol.gsi.gov.uk). Copies of the detailed divisional assessments referred to above are also available.

PHILIP KENT

Chair, Diversity Group
April 2007

Introduction

1. This is the first edition of the Gender Equality Scheme of the Treasury Solicitor's Department (TSol), drawn up in accordance with the Equality Act 2006 to ensure the promotion of gender equality (including for transsexual people) and the elimination of discrimination on the grounds of sex.
2. The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006 provides that public authorities (including Government Departments shall: –
 - Prepare and publish a Gender Equality Scheme, showing how it will meet its general and specific duties and setting out its gender equality objectives;
 - In formulating its overall objectives, consider the need to include objectives to address the causes of any gender pay gap;
 - Gather and use information on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services;
 - Consult stakeholders (i.e. employees, service users and others, including Trade Unions) and take account of relevant information in order to determine its gender equality objectives;
 - Assess the impact of its current and proposed policies and practices on gender equality;
 - Implement the actions set out in its Scheme within three years, unless it is unreasonable or impracticable to do so;
 - Report against the Scheme every year and review the Scheme at least every three years.
3. The Scheme has two purposes. The first is to set out TSol's assessment of those functions and policies which are relevant to its performance of the General Duty. The second is to set out arrangements on a number of issues, including ; assessment and consultation on the likely impact on the promotion of gender equality, monitoring policies for any adverse impact on the promotion of gender equality, publishing the results of such assessments and monitoring, and ensuring public access to information and services.

Part A: General Issues

What is the Treasury Solicitor's Department?

4. The Treasury Solicitor's Department is the government agency responsible for providing legal services for many Government Departments. TSol handles the litigation of most government departments. Those Departments without any in-house team are also provided with legal advisory services. The Treasury Solicitor himself is also as a statutory office-holder with certain specific functions. He holds the office of the Queen's Proctor, is responsible for collecting Bona Vacantia (ownerless property) on behalf of the Crown, and is Head of the Government Legal Service, comprising almost 2000 Government Lawyers.
5. The Department is organised, as follows:–
 - Litigation Group
 - Bona Vacantia Division
 - Divisions providing legal advisory services to specific Departments:–
 - Cabinet Office and Central Advisory Division
 - Department for Education and Skills
 - Department of Culture, Media and Sport
 - HM Treasury
 - European Division
 - Directorate of Corporate Strategy
 - Attorney General's Office
 - Government Legal Service Secretariat

TSol's General Policies on Gender Equality and Diversity

6. TSol regards the commitment to promoting gender equality as fundamental to its commitment to diversity. TSol's statement on diversity is set out below.

Treasury Solicitor's Department Diversity Statement

7. TSol supports and promotes the Government's Agenda for "a dramatic improvement in diversity".

Internally, it is essential that TSol provides a workplace environment and culture in which everyone is valued as an individual. An inclusive work environment is one which nurtures the development of all staff. It is one in which everyone is encouraged and supported to meet their full potential.

Externally, TSol 's continued success is dependent upon our ability to anticipate, understand, adapt, and respond to the changing values, needs and expectations of our clients and of society. Having a culturally diverse workforce improves our ability to conduct our business.

In order to achieve success we all need to engage in this process.

Preparation of this Scheme

8. The Gender Equality Scheme (GES) was originally drawn up through the forum of a GES Working Group, comprising representatives from TSol's Diversity Group, to whom it reported, before submission to, and approval by the Human Resources Programme Board, prior to publication. The first part of the process was an assessment of functions and policies, which could be relevant to the General Duty. This was carried out by each of the Divisions. These assessments are set out below. TSol's Diversity Group will oversee continuing reviews of the Scheme and any issue arising.

Consultation on the Scheme

9. In drawing up and developing its Scheme, the Department has involved staff and clients, and consulted its own Diversity Group and Trade Union side, as well as client Government Departments, the Equal Opportunities Commission, the Law Society and the Bar Council. In drafting the Scheme consideration has been given to all comments received. A full list of those consulted is at Annex B.

Implementation and Timetable

10. All policies and practices which have been found by this department to be relevant to gender through this assessment will be considered on an on-going basis by TSol's Diversity Group. Membership of the Diversity Group includes the Diversity Officers, and Trade Union representatives who may be consulted by staff over equality issues.
11. In future, all divisions are being asked to review their assessments annually, in the light of any changes in their responsibilities, policies or practices.
12. The Diversity Group will return to these policies and practices at regular intervals in the light of any reassessments, and will be able to do so at other times if it wishes, for example following a complaint.
13. Gender monitoring forms part of six monthly diversity monitoring carried out to ensure there is no unlawful gender imbalance apparent in any area of employment within TSol. The results of the monitoring are considered by the Diversity Group who will make any necessary recommendations on further action needed.

14. With the exception of external recruitment, numbers involved in internal processes are likely to be too small to use statistical testing, and so an analysis of data over a period of time and against other Government Departments, including those using GLS recruitment, is likely to be more useful. The Diversity Group will consider any other gender equality implications of statistics produced.
15. The Government Legal Service Secretariat will continue to monitor the services, which it provides to the GLS. This is in addition to its commitments under the General Duty.

How we will deal with complaints

16. Any complaints that TSol has failed to meet its duties under the Act can be made by means of the complaints procedure detailed on TSol's website. General complaints relating to the Gender Equality Scheme can be addressed to the dedicated e-mail address genderequality@tsol.gsi.gov.uk and will be investigated by a nominated member of the Diversity Group. The Group will then make a recommendation as to whether to accept the findings of the investigation but leave the final decision to the Senior Leadership Team. The Treasury Solicitor will reply to the complainant on behalf of the Senior Leadership Team.
17. Complaints from TSol staff concerning gender equality issues, either from individuals in their own right or through Diversity Officers or Trade Union representatives, or the grievance procedure, will be considered by management, with support available to the individual from the Diversity Officers and Trade Union representatives, in the normal way, as detailed in the Staff Handbook.

How we will publish our Scheme and consult our staff and the public at different stages of the plan

18. This Gender Equality Scheme is published on TSol's website. Every six months statistics will be circulated, including indication of progress against targets, together with other relevant information. The Diversity Group will be publicised as the forum for receiving comments on the Scheme, reviewing it and making recommendations on further actions needed, as necessary. Office News will be issued to announce both the publication of the Scheme and further developments.

Part B: Treasury Solicitor's Department's Gender Equality priorities and objectives

19. TSol's identified gender equality objectives are to;

- improve our flexible working and family friendly arrangements, subject to business need,
- ensure good work/life balance for all staff,
- help managers to manage flexibility,
- ensure consistency and fairness in staff appraisal and development,
- undertake an Equal pay Review, and
- continue to monitor gender statistics, including for gender related instances of harassment and bullying.

20. TSol will achieve these objectives by;

- Improving our IT support for flexible working. Broadband for existing remote access workers is planned for 2007-08 with gradual expansion of this facility as the new IS Strategy is implemented.
- The personal sponsorship by the Permanent Secretary of the move away from the long hours culture. Paul Jenkins (Permanent Secretary) issued a personal message to all staff on 30 January 2007 which set out the clear aim to foster a good work life balance. He re-iterated this at an all staff event in April 2007.
- Ensuring that all our business plans and budgets pre-suppose that all planned work can, as far as possible, be done within our targets for chargeable and contractual hours.
- Supporting our managers. The TSol Work Life Balance Guidance for Managers will be re-launched. This is designed to be clear, helpful and simple to use with the aim of ensuring consistency of approach across TSol. Managing Flexible Working is a training course already available for managers. The Training and Development Committee will review training provision against the GES at its tri-annual meetings.
- Diversity Group will consider further, and make recommendations to strengthen managers' knowledge and application of flexible working in their areas of responsibility.
- Diversity Group will consider and make recommendations on better data capture of flexible working applications.

- Commissioning a Staff Survey to which Diversity Group will have input..
- Human Resources, Trade Unions, and the Diversity Group, (which reports to the Human Resources Programme Board), monitoring diversity statistics on a regular basis.
- Keeping our Appraisal systems under review. The Senior Leadership Team meeting of 31 January 2007 endorsed key recommendations, made by the Appraisal Review group, to achieve more consistency and fairness across the organisation.
- Keeping Staff Career Development under review. The Personnel Group, chaired by Paul Jenkins, oversees the development of all TSol personnel, requiring senior managers to show how their people are developed e.g. support for job applications, secondments, temporary promotions etc. The Group has been focussing recently on the administrative grades.
- Diversity Group will consider current policies and processes around career development, in particular, secondments, loans, temporary promotions and deputising.

21. How TSol is mainstreaming the Gender Duty into our core business

This is already happening in a number of ways – through business planning, performance measurement, risk management, client care and communications strategy. Measures to mainstream gender equality include;

- Reporting on Diversity and Equal Opportunities issues in documents such as TSol's Annual Report and Accounts, and the Spring Departmental Report to Parliament.
- TSol's commitment to encouraging diversity in the Corporate Plan.
- TSol's commitment to equal opportunity policies by providing access on the TSol public website to the Diversity Statement, TSol Diversity Statistics (Staff by Grade and Gender – 1 April 2006), and TSol Training Diversity Statistics.
- TSol's commitment, on our public web site, to a recruitment policy of equal opportunity and diversity.
- TSol's accreditation as an Investor in People since 1999.
- Making reference to Training and Development opportunities on TSol's public website.
- Updating TSol's guidance on the conduct of Equality Impact Assessments for new or amended policies, practices or projects, to include gender, in addition to race and disability.

22. How TSol is demonstrating our department's Diversity leadership

- The Permanent Secretary is leading the campaign for a better work life balance and has made clear his personal commitment to the '10 Point Diversity Plan'.
- The Chair of the Diversity Group, Philip Kent, is a member of our Human Resources Programme Board and our Senior Leadership Team. Philip reports directly to Paul Jenkins on progress with TSol's '10 Point Diversity Plan', which includes targets for numbers of women in the SCS and in 'feeder' grades to the SCS.

23. How TSol intends to collect data that is relevant to the gender equality duty and to make it publicly available

TSol will continue to collect employment and other data on an on-going basis on gender and other diversity categories, both in support of our 10 Point Plan targets and to monitor gender and other equality trends in the department. Statistics are published on our web site, twice a year.

EQUAL PAY REVIEW 2007

24. The last Equal Pay Review in TSol took place in 2003. We have now made a commitment to carry out a further review to be completed by the end of April 2007. The review will also cover staff of the Attorney General's Office (AGO) for whom the Treasury Solicitors Department bears the responsibility for pay, and those of Her Majesty's Crown Prosecutions Service Inspectorate (HMCPPI), although the Treasury Solicitors Department does not have full HR responsibility for these employees.

Approach

The majority of work will be undertaken internally but with support provided by an external consultant. In addition, there will be on-going discussions with, and assistance from, trade union representatives.

The review will look at equality issues in the pay system by comparing the pay and benefits data to identify and significant pay gaps. The review will also consider any other identifiable groups. In addition, we will be looking at how HR policies impact on pay to highlight areas of concern or difference.

Part C: Assessment of Functions and Policies

ISSUES COMMON TO ALL DIVISIONS

25. Underlying the whole assessment is the fact that the main activity of the Treasury Solicitor's Department is to provide legal services to Government Departments and certain other public bodies. The Department does not consider that its role of providing legal advice and conducting litigation, under the discipline of professional rules of conduct, can of itself give rise to unlawful discrimination or affect equal opportunities or relations between groups. Providing those services is a means of assisting the other Departments and bodies who are our clients in carrying out their functions, for which they will have their own Gender Equality Scheme. In general, therefore, this Department does not have responsibility for major governmental or administrative functions directly affecting individual members of the public or groups of the public. The few exceptional cases in which it may have specific functions of that kind are considered in the entries for specific Divisions below.
26. TSol also considered what functions it might have in the wider sense of activities it carries out which could have some impact on gender, members of the public or public groups.
27. It concluded that the activities which, might be relevant to performance of the General Duty, fell into the following categories;
 - (a) activities as an employer of staff, including temporary staff
 - (b) activities in instructing Counsel and in instructing solicitors to act as agents;
 - (c) activities as a purchaser of business services
 - (d) communications with members of the public, including outside lawyers and officials in other Government departments and other public bodies;

Communications with members of the public and others

28. Communications with the public were thought to be either general requests for information, including inquiries about the Department, or relating to specific legal matters.
29. In handling general inquiries the Department is committed, like all Government Departments to the principle of public service. It was expected that all staff would recognise that the principles in the Department's Diversity Policy should apply equally to communications with those outside the Department, but consideration would be given to whether this should be more clearly expressed.

30. In handling communications on legal matters, all members of TSol were under an obligation to act in a professional and ethical manner, consistent with the codes of conduct of the Law Society or, as appropriate, the General Council of the Bar, both of which, include express policies on equal opportunities and avoidance of discrimination.
31. We concluded that the existing policies would support the performance of the General Duty and we found no other policies that might have an impact in relation to our performance of the General Duty.

Activities as an employer of staff

32. For convenience, these are considered below under the section on the Directorate of Corporate Strategy.

Facilities Management Issues

33. For convenience these are considered below under the section on the Directorate of Corporate Strategy.

Activities as a purchaser of services

34. For convenience, these are considered below under the section on the Directorate of Corporate Strategy.

Activities in instructing Counsel and in instructing solicitors to act as agents

35. For convenience, these are considered below under the section on the Litigation Division.
36. Provision of external training course places.

Each Division of TSol has a Training Liaison Officer (TLO) whose role is to represent the Head of Division or Group Leader in liaising with TSol's People Development Team in the provision of external training course places for members of their Divisions or Groups. Individuals are approved for external training places on the basis of training needs identified in their Training and Development Plans and the training requirements of their Division or Team, only. In the case of budgetary restrictions on the numbers who can be allocated places account will be taken of the relative need of applicants for the training in question, and fairness of allocation of budget resource among the team.

DIVISIONAL ASSESSMENTS

DIRECTORATE OF CORPORATE STRATEGY (DOCS)

37. DOCS exists to enable TSol to deliver the best legal services in the field by delivering the best possible:
- corporate strategy advice and implementation; and
 - internal business services.

The Directorate is divided into the Finance, Information Services, Human Resources Division, Facilities Management and the Business Strategy Unit.

HR Division

38. **Activities:** The role of HR is to provide an efficient personnel service to all members of TSol, assist the Senior Leadership Team in meeting TSol's learning and development plan, and ensure that TSol's policies and procedures reflect a modern and diverse Civil Service. Chief among its activities are recruitment, appraisal, promotion and selection, pay and grievance procedures, and the organisation of in-house learning and development events.
39. **Assessment:** Much of the early stages of recruitment are carried out by Personnel and the Government Legal Service, who ensure that advertising for jobs in TSol is placed with the media which will best attract applicants from diverse sections of the community. TMP and CAPITA, who act as recruitment agents for the Department and administer some of the early stages of the recruitment process, operate within the rules of Civil Service Commissioners for Civil Service recruitment, which ensure attention to gender equality in all processes. Advertised posts in TSol are available for flexible working patterns unless there are specifically stated business reasons. All those in TSol who are involved in sifting and interviewing candidates receive relevant training, which includes equal opportunities/diversity, and additionally are required to observe TSol 'Guidance for Interview Board Members', which includes guidance on diversity and the GLS guide on recruitment.

Roles and responsibilities for career development are clearly set out in the Learning & Development plan, published on the TSol Intranet. Everybody has a role to play in ensuring that it is fair.

The policies on career development, including secondments, loans, temporary promotions, etc. currently do not include any data gathering which makes any assessment against the Gender Equality Duty impossible. This will be considered by Diversity Group.

Heads of Division are specifically required to make sure everyone in their division has appropriate and fair access to learning and development opportunities. TSol's People Development Team provide statistics to the Diversity Group on attendance at events we organise. In order to gather information to better assess the impact of career development, data on the gender of delegates should be included in future.

All TSol staff are expected to undertake equal opportunities and diversity awareness training, and this also features in TSol's Induction course, and in training on the staff appraisal system and in management courses. The HR team has received diversity awareness training and participates in developing and facilitating diversity training, in liaison with the Diversity Group.

Managing flexible working staff is covered in a specific IHT event titled 'Managing Flexible Working' and is also dealt with in a specific session in 'Managing People to be Successful' which is a 2 day course for managers which has recently been added to our portfolio of IHT events. Both of these events are recommended, but not compulsory training for managers. Managing staff who are working flexibly is also addressed in context during our 'Discipline and Inefficiency' and 'Managing Sick Absence' events.

TSol's In House Training Programme is the product of a lengthy and detailed consultation with representatives of the business. It is delivered in three terms per year, published in advance so that colleagues can plan their attendance. Repeated events are held at different times and days to account for flexible working patterns. Similarly, the needs of co-located staff are taken into account in the timing of events held in OKS.

Staff Appraisal markings are analysed annually, both in HR and by the Diversity Group, to identify any trends and any inappropriate bias against any group. This analysis is published on TSol's intranet. Additionally, a random sample of reports is checked in detail.

HR formulate the terms and conditions of TSol's staff in consultation with the Trade Union side, and the Diversity Group, following the receipt of legal advice on proposed policy. Such policy is also subject to diversity impact assessments, including for gender.

The allocation of places for in-house training events is done by an on-line booking system on the TSol Intranet .

Facilities Management

40. **Activities:** We aim to provide a healthy, safe and secure working environment for staff at One Kemble Street (OKS), to deliver efficient and cost effective facilities management within OKS and to handle on a best value for money basis the procurement. The role of the Team includes:–

- **Risk Assessment** – Importance of health, safety and environment Issues
- **Health & Safety** – Communicate and participate in Health & Safety Committees, liaise with CAA
- **First Aid** – Staff nominated for each floor, names of list provided on notice boards an Intranet
- **Fire Alarm** – tested regularly and nominated Fire Wardens for each floor
- **Workstation Assessments** – carried out at staff requests by DSE certified staff
- **Work Station Assessment** – liaise with HR and making reasonable adjustments.
- **Parking** – Providing parking space ensuring a pre-arranged booking systems.
- **Lifts** – Monitor performance by liaising with CAA for specific requirements.
- **Incident Control** – Emergency Procedures and Incident Control Officer's responsible for dealing with incidents (fire alarm, activations, bomb threats, intruders)
- **Business Continuity Plan** – Distributed to the Control Strategic Team via the Agency's Incident Control Officer
- **Agency's Accident Book** – Accidents and dangerous occurrences to be registered in the Agency's Accident book kept at the Reception.
- **FM Newsletter** – Published on monthly basis, providing update news and information on services.
- **FM Helpdesk** – Provide day-to-day services, i.e. Toners, Repairs, Stationery, Porter Maintenance.
- **FM and Baxter Storey** – liaise with CAFÉ 15.
- **Account Managers** – FM staff nominated to deal with allocated floors on H&S, Paper Waste Management including Classified Paper waste, Recycling awareness.

CAA and Facilities meet regularly to discuss and update all Building Related Services according to BS.

All members of staff in the Division have equality of opportunity and there is no evidence of discrimination or harassment, or any particular gender issues. This includes:–

- Flexi Time and Flexible working hours
- Consideration for Special Leave for Paternity and Maternity
- Equal Career Opportunities
- FM's Training Liaison Officer ensures equal opportunity in training all staff that will benefit everyone in Facilities Management and achieves TSol's objectives.
- Sharing knowledge, experience and Ideas
- FM staff are trained to carry out Workstation Assessments
- Monthly Meetings gives staff the opportunity to ensure all Facilities Management's objectives are met and dealt with fairly
- Monthly Security Meetings to ensure Staff Safety

Finance Division

41. **Activities:** Finance Division is responsible for managing TSol's financial operations; management and financial accounting; Business Support and for financial policy and advice. Activities include budgeting; producing management information to enable monitoring of progress against key performance targets; payment and billing processes, including payment of T&S claims; debt recovery; preparation of and publication of Resource, Agency and Crown's Nominee Accounts. The Division is also responsible for the administration and maintenance of the integrated accounting package and banking systems used by the Department, including a help desk and support service for users. The Bona Vacantia Finance Section provides financial services to the Bona Vacantia Division in accordance with the BVF \ BV service level agreement.

All members of staff in the Division have equality of opportunity and there is no evidence of discrimination or harassment, or any particular gender issues.

We encourage and support different working patterns that help people achieve the work life balance they want. Home working arrangements are in place for some members staff and others work flexi-time and compressed hours. Each request is judged on the business needs of the Agency.

INFORMATION SERVICES DIVISION ASSESSMENT

42. Records Management

Description of Services: Ensures that TSol's Records Management systems meet TSol's needs and work for you. Meet the requirements of legislation surrounding information (including the Freedom of Information Act 2000, Data Protection Act 1998 and Public Record Act 1958).

Information Systems Operations (IS)

Description of Services

IS maintains a continual development programme of upgrading hardware and software.

All Information Systems at OKS are delivered via the Agency's local area network (LAN).

Developing IT security policies, ensuring our systems are secure, providing advice and help on IT security

Library Information Centre

43. Activities: The Library has a wide range of textbooks, including books on management, administrative and computer skills. We also house most of the major law reports and journals, current bills, statutes and secondary legislation.

There is a selection of CD-ROM databases, which are not available on the network plus access to the Internet and LION subscription services.

The Library Basement contains a complete set of House of Commons and House of Lords Hansard, and a collection of Public Inquiries.

Each section in IS deals with all levels of the organisation and receives visits from external bodies both inside and outside of government

All members of staff in the Division have equality of opportunity and there is no evidence of discrimination or harassment, or any particular gender issues.

Flexible working arrangements

There is support for a number of different part time working arrangements including compressed hours. Each request is judged on the business needs of the Agency.

Other Work/Life balance issues

Consideration is given to care responsibilities by the use of special leave where appropriate. Each request is judged on the business needs of the Agency.

Staff Appraisal

Career Development (inc. support for promotion/job applications, secondments, temporary promotions etc.)

There is a constant review of career opportunities for all staff full support for promotion and job applications and other career development initiatives

Training (inc. support for training applications etc.).

All training is considered for staff on the basis of skills development and the business need

Business Strategy Unit (BSU)

44. **Activities:** The Business Strategy Unit (BSU) is a key resource for managing and monitoring a change of activity in TSol. BSU has responsibility for developing and co-coordinating TSol's activities in business planning, performance measurement, risk management, client care and communication strategy. It provides a secretariat function for the Executive Board, Senior Leadership Team, other senior management Boards and the Audit Committee. It also controls the content for the TSol Intranet (a key internal communications channel) and the external TSol public website.
45. **Assessment:** The Gender Equality Duty comes into force in April 2007 and it requires public authorities to promote gender equality and eliminate sex discrimination. Instead of relying on individuals to make complaints about sex discrimination, the duty places the legal responsibility on public authorities to demonstrate that they treat men and women fairly. The duty will affect policy-making, public services, such as transport, and employment practices such as recruitment and flexible working.

Some of BSU's activities fall within the scope of the General Duty. This is by co-coordinating and publishing TSol's key business documents, enabling effective business planning and reporting to Parliament. BSU also provides information on recruitment to the public via TSol's public website.

BSU currently contributes to TSol's gender equality initiatives by:

- Reporting on aspects of Diversity and Equal Opportunities issues in documents such as TSol's Annual Report and Accounts, and the Spring Departmental Report to Parliament;
- Confirming TSol's commitment to encouraging diversity in the Corporate Plan;
- Confirming TSol's commitment to equal opportunity policies by providing access on the TSol public website to the , Diversity Statement, TSol Diversity Statistics (Staff by Grade and Gender – 1 April 2006), and TSol Training Diversity Statistics (1 Oct 2005 – 31 March 2006);
- Setting out on its public website TSol's commitment to a recruitment policy of equal opportunity and diversity;
- Indicating on TSol's public website TSol's accreditation as an Investor in People since 1999;
- Making reference to Training and Development opportunities on TSol's public website – "High priority is given to individuals' training and development needs, including continuing professional development. We have a comprehensive in-house training programme covering a wide variety of topics. Subjects recently covered include Humans Rights Act updates, Alternative Dispute Resolution, Judicial Review, Project Management and leadership."

46. Considerations: In making recommendations for BSU we have taken into account the following issues:

- We have considered the opportunity for BSU to perform a monitoring role to ensure that all new policies devised which go before the above Boards (for which BSU perform a secretariat function) have had Gender Impact Assessments carried out. However the stage at which BSU receives Board papers is too late to perform an effective monitoring role. Best practice states that BSU should receive relevant Board papers 1 week before the date of the Board meeting, however in reality BSU often get the papers the day before or on the actual day of the meeting. By this time many decisions have already been made at project level. Therefore the most effective and appropriate time for a Gender Impact Assessment to be carried out is when scoping the policy or at the design stage of a project;
- The Gender Equality Duty was discussed at a BSU team meeting on 8th January 2007 and information on the Duty from the Equal Opportunities Commission website was distributed. All BSU team members were consulted on BSU's assessment and have had an opportunity to contribute.

47. Recommendations: BSU considers that continuing to address the following best practices will ensure BSU continues to be compliant with the Gender Equality Duty:

- BSU provides access to information on TSol's equality initiatives using TSol's public website, the Intranet, and publishing TSol's key business documents.
- Flexible working arrangements are available to all team members, subject to business requirements. A variety of flexible working arrangements are currently present in the team. No other Work/Life balance issues have currently been identified in the team.
- BSU meets Civil Service and TSol appraisal requirements. All new staff attend TSol's Appraisal training as standard. No gender issues have been identified.
- All new staff attend Diversity Awareness Training to increase their understanding of diversity and equality issues.
- Career Development is supported in the team, with advice given for job applications, and this is evidenced by regular movement both within, and in and out of the team. BSU provides a useful springboard for career development due to its key central corporate function. Learning and Development is encouraged with team members making regular use of in-house and external opportunities. Details are provided in BSU's Learning and Development Plan and Report and in individual Learning and Development Plans.

Litigation Group

48. Activities (the work of the Group)

The Litigation Group ('the Group') acts for over 180 different clients across 100 Government Departments and public bodies. The Group is divided into four divisions, which are then sub-divided into teams undertaking specific types of work:

Division 1 carries out both private and public law, including personal injury, judicial review, inquests, planning, charities and vexatious litigants. The biggest client is the Prison Service.

Division 2 carries out both private and public law, including immigration and asylum, personal injury, misfeasance and civil penalties. The biggest client is the Immigration and Nationality Directorate.

Division 3 carries out both private and public law, including judicial review, personal injury, commercial litigation, arbitrations and property related work. The biggest client is the Ministry of Defence.

Division 4 carries out employment, non-contentious commercial, company and regulatory work, public inquiries and costs work.

49. Assessment

In terms of the provision of legal services the view taken during the production of the Agency's Race Equality Scheme, and Disability Equality Scheme, was that as legal services already operate under professional codes to expected standards, and in the case of the Agency, are delivered to Crown clients who will be working to their own Race, Disability and Gender Equality Schemes, it was considered that this does not fall under the requirements of the General Duty. Other elements of the Group's operation could, however, fall within the General Duty, and these have accordingly been considered in detail below.

Communication

The Group does not generally have contact with members of the public in its daily work, but where this happens, for example during a court hearing, it is not thought to raise any GES issues.

Employment of staff

The Group employs a considerable number of staff, in administrative and legal grades, through legal grades, to senior civil servants. Where those staff are recruited through the normal on-going recruitment process this is dealt with by the **Secretariat** under its own GES compliant procedures. Where ad-hoc recruitment is undertaken, it is generally through specific **recruitment agencies**, which are expected to have their own independent GES compliant procedures, and again organized through the Secretariat. Where individual team leaders are involved in the initial sifting of staff members they comply with the **Agency's** GES compliant guidance produced for that purpose. All members of staff undertake mandatory discrimination awareness training.

Management of Staff

The day-to-day management of staff (e.g. appraisal, annual leave, promotion, training and grievance) is dealt with according to the Staff Handbook, other processes/procedures and internal training, all compiled and updated by **Human Resources** in collaboration with staff members and unions. The Group relies on the various processes noted above as being GES compliant.

Instruction of Counsel and Agents

The Group employs, on behalf of its clients, specialist counsel and agents to act on individual cases. Agents can be solicitors and experts (of various specialisms).

Counsel is generally instructed through the Panel Counsel system administered on behalf of the Attorney General. The Attorney General has 4 Panels of Counsel approved to undertake government work. There are 3 London Panels (A, B and C) depending on experience and year of call, as well as a Regional Panel. Recruitment to the London Panels is held yearly and to the Regional Panel every 5 years. Kim Petchey, at TSol, is the Panel Counsel Secretary, and the Group relies on the **Panel Counsel recruitment process** to be Gender Equality compliant. Where non-panel counsel is required, such as Silks, a specific nomination process has to be followed direct with the Attorney-General's Office. That process does not specifically consider GES requirements, and so this should be reviewed.

The Bar Council has highlighted concerns about lack of visibility of women in the higher courts and the fact that women continue to be under-represented on the panel. This has been referred to the Attorney General's Office for consideration.

On 1st April 2005 the Agency ceased to provide in house Debt Recovery Services. In order to ensure that the Group's clients had a viable alternative, a panel of debt recovery service providers was created. The firms selected for the panel, which became known as Lit Cat (phase 1), were carefully evaluated to ensure that only those firms who offered the optimum combination of price and quality were selected. Following on from phase 1, the Agency has now expanded Lit Cat to include a panel of legal and paralegal agents, including solicitors' firms, to provide litigation support services to the Agency; and a panel of solicitors' firms to provide regulatory and criminal services to the Agency and its clients. The firms selected for phase 2 were also subjected to detailed and careful evaluation again to ensure those selected offered TSol and its clients high quality legal services. The Group relies on the **Lit Cat recruitment processes** to be GES compliant.

TSol is considering compiling a panel of specialist experts to provide litigation services. Any process of recruitment to that panel will need to be GES compliant. At this stage there is no set process for selecting and instructing experts, and this may need to be reviewed in light of the GES requirements.

Management of work

The Group operates within numerous internal policies, procedures, protocols and Service Level Agreements to ensure compliance with professional standards and to provide a first class litigation service. The Litigation Manual and Quality Policies and Procedures detail the main processes and guidelines to be followed within the Group. It is not thought the implementation or following of those policies gives rise to DES concerns.

Bona Vacantia Division

50. **Activities:** Bona Vacantia (BV) is the legal term for property that passes to the Crown from dissolved companies or persons dying intestate with no blood relatives entitled to inherit the estate. BV Division administers the estates of persons who die domiciled in England and Wales (outside the Royal Duchies of Lancaster and Cornwall), without leaving a will or any entitled kin. It also deals with the assets of dissolved companies registered under the Companies Acts where the last registered office was in England or Wales (outside the Royal Duchies of Lancaster and Cornwall).

The main work of the Division is: (i) collecting BV; (ii) disposing of BV, including selling valuable assets; (iii) giving advice on BV matters (particularly through the website and telephone helpline) (iv) making discretionary payments (in effect gifts). In order to carry out the above, the Division needs to employ the services of others on an ad hoc basis.

The Division deals with, amongst others, the public, estate agents and auctioneers, private firms of solicitors, accountants and genealogists, banks and building societies, local authorities, the Valuation Office, the Probate Registry, the Family Records Centre HM Land Registry, Companies House and HMSO, as well as other government departments and agencies, The Crown Estate, NHS Trusts and hospitals, nursing homes, the police, utility companies, locksmiths, builders and gardeners.

51. **Assessment:** The Division acts fairly and impartially in disposing of assets and making discretionary payments and does not favour any particular group, individual or gender over another. Consistency of approach is achieved by Case Officers following Divisional policies and procedures. The Head of Division or a Line Manager must approve all Notices of Disclaimer and most offers to sell assets. This provides protection against bad practice.

When advertising the estates of people who have died intestate with no kin the Division's practice is to state all names by which the deceased was known, including that given on his or her birth certificate. Kin claiming to be entitled to an estate are required to provide their birth certificate as proof of their relationship to the deceased.

Where the deceased was a transsexual person and died after 4th April 2005, or where the kin claimant is a transsexual person, Case Officers are required to enquire whether they have/had a full or interim Gender Recognition Certificate and refer the case to the Head of Estates or the Estates lawyer. Consideration is then given on a case by case basis as to whether or not to advertise the estate in the name given on the deceased's original birth certificate, or require the kin claimant to provide their original birth certificate. Training has been given in the Estates Group on the above procedure and a Guidance Note is available electronically on the shared G Drive.

The Division does not discriminate against staff on the basis of gender and follows all TSol policies on Staff Appraisal, Career Development, Training and Flexible Working. The Division has recently reminded all staff of their entitlement to work to T Sol's flexi-time scheme and will continue to issue reminders about the entitlement to all staff to apply to work flexibly. The Division is aware of the need to arrange meetings to take into account the various different working patterns of staff, so as not to inconvenience/prejudice those working flexibly, and will issue a reminder to all staff to take this into account when arranging meetings.

Advisory Divisions

52. Activities: TSol has four Advisory Divisions which provide legal advice to other Government Departments and certain public bodies. They are:

Cabinet Office and Central Advisory Division

Culture, Media and Sport Division

Education and Skills Division

Treasury Advisory Division.

In each case the activities consist of providing legal advisory services relating to the activities of the client Department or body. Advice to other Government Departments includes the drafting of statutory instruments and involvement in the passage of Bills through Parliament. The functions of the relevant Department, or body, are carried out by its Ministers or officials, acting on the legal advice given, and they too have responsibility for the related policies and any contacts with the public. Direct contacts between advisory Divisions and members of the public are few.

53. **Assessment:** It is not felt that the giving of professional advice on legal issues to a client Department or body is a matter to which the General Duty under section 76A of the Sex Discrimination Act 1975 can apply.

However, Advisory Divisions have a role in assisting the client Department or body in carrying out its obligations under the Sex Discrimination Act, including the General Duty, and in complying with the Equal Pay Act 1970.

Communications with people in client Departments and bodies would fall within the duty, but raise no special considerations.

Advisory Divisions instruct Counsel to give advice and, in some cases, instruct solicitors to act as agents in conducting prosecutions or other proceedings on matters for which the client Department or body has responsibility. This is considered generally under the section on Litigation Division above*.

European Division

The work of the Division

54. European Division provides and co-ordinates legal services in support of the Government's policies in relation to the European Union. It is divided into two teams. One, Cabinet Office Legal Advisers, advises the European Secretariat of the Cabinet Office, and through co-ordination seeks to ensure a consistent approach to questions of Community law among UK departments and the Northern Ireland, Scottish and Welsh administrations. The other, the European Litigation team, conducts all litigation on behalf of the UK in the European Court of Justice.

The policies the Division operates

55. The managers of the Division implement TSol policies on recruitment, in particular those dealing with recruitment to the GLS and those dealing with recruitment to TSol specifically. The managers of the Division also implement TSol policies and procedures in dealing with employees in the Division as outlined in the HR section on the Intranet. Staff in the litigation team implement TSol policies on the instruction of Counsel and the use of business services, e.g. couriers and translation services. Staff in the Division are responsible for maintaining the European section on the LION site.

Assessment

56. The Division does not generally have any contact with members of the public in its daily work. Most contact is with other Government Departmental lawyers and occasionally administrators. This is not thought to raise any particular issues.

In selecting Counsel staff are constrained by the rule requiring Counsel acting for Government Departments to be nominated by the Attorney General. In most circumstances this means that Counsel are selected from a "Panel" which has been pre-selected by the Attorney General following an open competition. In a specialist case where no member of the Panel has the required expertise, or is available, an individual nomination must be sought. The main constraint for carrying out work in European matters, is that Counsel must be able to travel to Luxembourg if instructed for a hearing.

In purchasing business services such as translations, European Division is bound by TSol's rules on procuring services. The Division has an account with the FCO for translations.

In the employment of staff, the Division relies on the processes and policies created by Human Resources and the GLS to be compliant with the Gender Equality Duty. Staff are regularly confidentially surveyed for their views on their working environment. The Division has a generally high take up of flexible working patterns to suit individual needs, but is considering further ways to promote flexible working amongst staff.

ATTORNEY GENERAL'S OFFICE: GENDER EQUALITY SCHEME

57. Activities: The Attorney General's Office provides high quality legal advice and policy advice and support to the Attorney General and the Solicitor General (the Law Officers). The functions of the Law Officers can be grouped under three main headings:

- Ministerial responsibilities including ministers for the criminal justice system, jointly with the Home Secretary and the Lord Chancellor;
- Guardians of the public interest including taking action to appeal unduly lenient sentences; taking action to protect charities; bringing proceedings for contempt of court and consenting to the prosecution of certain serious offences; and
- Chief legal adviser to the Crown and government.

The Attorney General has overall responsibility for the Treasury Solicitor's Department, superintends the Director of Public Prosecutions as Head of the Crown Prosecution Service (CPS), the Director of the Serious Fraud Office (SFO), the Director of the Revenue and Customs Prosecution Office, the Chief Inspector of the Crown Prosecution Service Inspectorate and the Director of Public Prosecutions in Northern Ireland. The Law Officers also superintend the Service Prosecuting Authorities, soon to be combined into a single Service Prosecuting Authority by the Armed Services Act. The Law Officers answer for these Departments in Parliament. The Attorney General supervises the system of Panel Counsel.

In their Ministerial role the Law Officers play a full part with the Home Secretary and the Secretary of State for Constitutional Affairs in delivering the Government's policy and targets for criminal justice.

The Attorney General and the Solicitor General also deal with questions of law arising on Government Bills and with issues of legal policy. They are concerned with all major international and domestic litigation involving the Government and questions of European Community and International Law as they may affect the Government.

58. Assessment: In the giving of legal advice account must be given to the framework of duties the Act creates. The advice given to Government Departments needs to be definitive and in giving advice the Law Officers take account of the Act in so far as it is appropriate to do so. Where issues of discrimination, equality of opportunity and the promotion of positive attitudes are not directly relevant to the advice given, it is for the Department receiving the advice to ensure it is applied in such a way as to ensure compliance.

When acting in the public interest, the Law Officers act quasi-judicially and impartially. This impartiality is brought to bear in all aspects of public interest work, including charities, family cases, instructing the Queen's Proctor and in bringing applications under section 42 of the Supreme Court Act 1981 (vexatious litigants). The doctrine of impartiality requires actions to be non-discriminatory and to promote equality of opportunity, thereby promoting positive attitudes. When acting in the public interest, therefore, the Law Officers are, by definition "promoting gender equality legislation".

In consenting to prosecutions, the Attorney General has to act quasi-judicially and consider the papers before him solely with a view to determining whether there is sufficient evidence to afford a realistic prospect of conviction and whether prosecution is in the public interest. The General Duty does not apply to this prosecution function.

In appointing an advocate to the court, other than in exceptional circumstances which would justify the appointment of a QC, the Attorney General would first try to choose counsel from within the Panel system with the requisite experience and expertise. If no appropriate counsel from within the Panel can be found, he must choose from outside the Panel. Choosing from both within the Panel and outside are actions where the elimination of discrimination and the promotion of equality are relevant.

In exercising a ministerial role in relation to the Departments which the Law Officers superintend, the only direct application of the legislation is in the appointment of the Directors. All appointments are made in accordance with Civil Service Commissioners/Public Appointments Rules.

In the selection and appointment of Panel Counsel, including Special Advocates, positive steps have been taken to encourage applications from a full range of applicants. The Solicitor General has regular meetings with the Bar Council Committee on equality and diversity. All Panel Counsel Applicants are required to complete diversity monitoring forms and the Solicitor General writes asking them to do so. The results are tracked and highlighted in the recommendations by the Selection Board to the Law Officers. Successful initiatives which have already been taken forward, include a mentoring scheme to encourage women and those from diverse ethnic background to apply to the Panels by allocating them an existing Panel member to support them through the application process.

The Attorney General has the function of issuing guidance on human rights to certain bodies in Northern Ireland. In so doing he has the general duties particularly in mind.

All members of staff in the office have equality of opportunity and there is no evidence of discrimination or harassment or any particular gender issues.

Government Legal Service (The Secretariat)

59. Activities: The Secretariat provides effective advice and support to the Government Legal Service and to the Head of the GLS in support of his role in providing leadership and strategic direction to the Service, which properly balances the needs of clients and lawyers and which is consistent with the overall direction of the Civil Service. Its aim is to meet this purpose by putting in place corporate arrangements designed to:

- i. ensure that the GLS consists of able, well trained and motivated lawyers who can deliver effective legal services to Government and is diverse;
- ii. maintain and develop the GLS in a way which is consistent with developments in the rest of the Civil Service and the wider legal profession and to do so in a way which is cost effective and adds value to what is done on a departmental basis;
- iii. enhance and widen the reputation of the GLS.

60. Assessment: The Secretariat's activities are geared towards providing services for legal teams across a range of Government Departments, including TSol, in carrying out its functions, the Secretariat interacts with the public in the provision of its recruitment processes.

In providing recruitment services, the Secretariat is operating in a field which is governed by the Civil Service Commissioners' rules on fairness and openness, whose aims are to find the best available person regardless of race, gender or disability. All decisions on recruitment reside with the Departments for whom the Secretariat provides the services. For those departments that use the Secretariat organised central recruitment services, the Secretariat monitors the processes and outcomes of the decisions made in order to draw attention to any areas of possible discrimination. The monitoring is carried out through mechanisms agreed with TMP Worldwide as the Secretariat's agent who provide the diversity data gathered as part of the application process for GLS analysis. Individual departmental information is passed on showing performance at sift and interview stage. The recruitment procedures carried out by the Secretariat on behalf of Departments are also audited by the Commissioners.

The Secretariat has limited influence on where advertisements for posts are placed. It is important to ensure, in respect of the General Duty, that the text and the placements encourage applications from all areas of the population. There is no evidence to suggest that GLS advertising erects barriers to access but this is kept under review and action taken if it appears necessary.

The consistent monitoring undertaken by the Secretariat demonstrates the team's constant awareness of the need to alert clients to the duties introduced by the Act.

Annex A

TSOL ANALYSIS: 1 APRIL 2007

Staff by Grade and Gender

Grade	F		M		Total No.	Total %
	No.	%	No.	%		
AO	35	60.3%	23	39.7%	58	100.0%
EO	47	63.5%	27	36.5%	74	100.0%
G6 L/A	110	60.8%	71	39.2%	181	100.0%
G7 L/A	122	68.2%	57	31.8%	179	100.0%
HEO	19	52.8%	17	47.2%	36	100.0%
LO	26	72.2%	10	27.8%	36	100.0%
LT	11	64.7%	6	35.3%	17	100.0%
PS	12	100.0%		0.0%	12	100.0%
SCS	27	41.5%	38	58.5%	65	100.0%
SEO	11	44.0%	14	56.0%	25	100.0%
SG	4	30.8%	9	69.2%	13	100.0%
Grand Total	424	60.9%	272	39.1%	696	100.0%

Annex B

LIST OF THOSE CONSULTED IN THE DEVELOPMENT OF THIS SCHEME

Internal Stakeholders

1. All TSol members of staff – both collectively and via their Divisional Gender Equality Representatives.
2. TSol's Diversity Group
3. TSol's Investors in People Focus Group
4. Tsol's Training Liaison Officer's Group
5. TSol's Client Care Group
6. Tsol's Diversity Officers
7. TSol's Trade Unions

External Consultees

1. The Equal Opportunities Commission
2. The GLS Part Time Working Forum
3. The Bar Council
4. The Law Society
5. The Association of Women Solicitors



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