

**Rapid Review of Gender Equality 2018:
Phase One Summary Report**

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Summary Report

On International Women's Day 2018 the First Minister announced his intention to conduct a rapid review of Welsh Government's gender and equality policies to ensure that Wales is established as a world leader for gender equality.

Phase One of this review began work in April 2018 and sought to explore what is currently working well, what can be improved, map the existing policy and legislative framework that addresses gender equality in Wales as well as investigate how governments around the world who have made progress have embedded the gender perspective in policy-making.

To explore practice in Wales, Phase one consisted of desk-based research, stakeholder engagement and discussions with Welsh Government officials. It has focused primarily on policy processes, as to become a world leader for gender equality we must not only change what we do, but also how we make decisions. Understanding how policy and spending decisions are currently made, and what is or isn't working well in this regard is a crucial starting point for the review.

This report explores the existing legislative and regulatory framework in Wales, which offers great potential for embedding gender into our policy and decision-making. However, evidence collected suggests that this framework is having a limited impact due to integration and implementation challenges. This report identifies a number of these challenges and makes a number of recommendations for Phase Two of the review to bring about the necessary systemic change.

Alongside this report, colleagues at the Wales Centre for Public Policy have explored international practice which is presented in a complementary report *Putting equality at the heart of decision making in Wales*.¹ This report has provided invaluable evidence of international practice, which has informed some of our recommendations. It also provides further actions to be explored in Phase Two to deliver sustainable change and should be read in conjunction with this report.

Key Themes and Findings

Below we outline the key themes and findings based on evidence collected in Phase One of the review. This evidence comprises desk-based research, including analysis of Welsh Government legislation and strategic policy; roundtables and strategic interviews with Welsh Government officials at varying levels of seniority and from various departments across government and input from stakeholders who work in the field of gender and equality.

¹ Parken, A. (2018) 'Putting equality at the heart of decision-making in Wales', Wales Centre for Public Policy: Cardiff

1. Theme One: Vision and Leadership

1.1. Wales lacks a shared vision for gender equality

In some respects successive Welsh Governments have demonstrated a vision for a Wales in which gender is at the heart of policy-making. However, our discussions suggest that the current legislative and regulatory framework fails to articulate a shared vision for gender equality in Wales that is well understood by Welsh Ministers, Welsh Government officials, stakeholders and the general public. As a result, action can be fragmented and incoherent.

It also risks confusion. Terminology around gender equality can be complex, or seemingly academic, and a fear of “getting it wrong” can feed a tendency to aim for gender-neutral policy-making and analysis, which in reality can often be gender-blind.² There’s a need to demystify the language of equality and gender equality, so that those engaged in policy-making can be more confident to mainstream gender equality and implement specific action to address underlying structural inequalities.

To deliver the change required to be a world leader for gender equality there will be a need for a radical change in what we do and how we do it. In articulating a vision for gender equality and a more equal Wales, Welsh Government must be bold. An important step that could be taken immediately, in-line with the approach taken in Sweden, would be to replace a focus on “equality of opportunity” with “equality of outcome”.³

1.2. There is an existing legislative and regulatory framework that offers great potential to embed gender equality at the heart of policy-making

There are a number of pieces of legislation and regulation that provide a framework for gender equality in Wales. This comprises of:

- The Equality Act 2010
- Public Sector Equality Duty (PSED) and associated Welsh Specific Equality Duties
- The duty to have due regard to equality of opportunity for all people (Government of Wales Acts 1998 and 2006) known as the “mainstreaming duty”
- The Well-being of Future Generations (Wales) Act (WFG Act)

² A gender-neutral approach defaults to treating men and women the same, which does not result in equality of outcome for men and women. This approach is often described as “gender-blind” which the UN define as “inability to perceive that there are different gender roles, need, responsibilities of men, women, boys and girls, and as a result failure to realize that policies, programmes and projects can have different impact on men, women, boys and girls”

http://www.un.org/esa/sustdev/csd/csd15/lc/gender_terms.pdf Accessed 13.06.18

³ Parken, A. (2018) ‘Putting equality at the heart of decision-making in Wales’, Wales Centre for Public Policy: Cardiff

- The Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act (VAWDASVA)

Numerous elements of this framework, such as the Well-being of Future Generations Act and VAWDASV Act, are regarded as world leading.

This framework should ensure that consideration of gender, and equality more broadly, is embedded at the heart of policy and decision-making. However, this framework is having limited impact so far, due to integration and implementation challenges.

Work in Wales is also supported by an international framework of conventions and directives at the UN and EU level. Some of this framework is under threat from Brexit. While equality will remain a reserved area of law, consideration will need to be given as to how current and future equality rights of women can be protected, particularly if the priorities and approach of the UK and Welsh Governments become more divergent.

1.3. Welsh Government must lead by example

Welsh Government have an important role to play in leading by example, as an employer and policy-maker, to drive a sustained effort that results in lasting change. As a public body, Welsh Government must adhere to many of the duties put in place by the legislative and regulatory framework outlined in this report. Based on our conversations and analysis of policy it appears that implementation of these duties by Welsh Government can be inconsistent. Addressing this is important to ensure that Welsh Government act as an exemplar to other public bodies.

Welsh Government can also lead the way as an employer. Over the years many steps have been taken to deliver an equal and inclusive workforce within Welsh Government, with strong mechanisms in place to engage with under-represented groups and schemes to improve the proportion of women in senior positions.

However, more work could be done, and Welsh Government as an employer should take a more strategic approach to advancing equality within its workforce, rather than an ad hoc one. Take-up of Shared Parental Leave (SPL) remains low within WG, as it does across the UK. Pro-active steps could be taken to address this, such as introducing SPL at the enhanced maternity rate for fathers who take leave.⁴ Further work could be undertaken to ensure that the Welsh Government embed a safe workplace culture in which inappropriate behaviour and bullying is eradicated and reporting mechanisms are anonymous and robust.

⁴ This is also recommended in the international review- Parken, A. (2018) 'Putting equality at the heart of decision-making in Wales', Wales Centre for Public Policy: Cardiff

The gender pay gap is the main lens through which many view gender inequality. While reducing the gender pay gap has been a focus for Welsh Government for a number of years, a lack of women within senior positions and the existing senior civil service pay policy create challenging barriers that should be prioritised for action. More should be done to identify accessible role models, ensuring that to progress to the most senior roles in Welsh Government is an opportunity for all with the appropriate talents.

Women make up a large proportion of the Welsh Government workforce, but there remains an under-representation of diverse women. Pro-active steps are needed to ensure that the Welsh Government are able to recruit, retain and progress diverse women.

2. Theme Two: Policy in Practice

2.1 There is a lack of integration within the existing legislative and regulatory framework

The Welsh Specific Equality Duties, Well-being of Future Generations Act and Violence Against Women, Domestic Abuse and Sexual Violence Act put in place a number of complimentary duties and principles for policy and decision-making. However, our research and discussions with stakeholders suggests that these elements are not integrating well enough, contributing to a weakened response to progressing equality.

There are concerns from many of those we spoke to that existing duties may be supplanted by newer ones as has been the case in the part with the Mainstreaming Duty within the Government of Wales Act 2006.

2.2. There is a dis-connect between the Welsh Government policy and budget processes

Since the start of the 2016 Assembly term there have been renewed efforts to break down silos within Welsh Government and support genuine cross-government working. This is articulated in the more thematic structure of *Prosperity for All: A National Strategy*.

Our discussions suggest that progress is being made in this regard within policy development, however the current budget process and structure continues to act as a barrier to effective cross-government working on all issues, including gender equality. The budget process is not aligned to the policy-making process and budgets focus on financial pressures rather than impact.

2.3. Implementation of various duties under the current legislative and regulatory framework can be inconsistent

Based on our interviews and discussions it's clear that there are pockets of good practice within Welsh Government where the principles and duties of various regulations are being applied effectively and where consideration of gender equality has been mainstreamed throughout policy and is supported by tangible actions. The *STEM Delivery Plan* is one such example.⁵

Our stakeholders also suggested there are pockets of good practice outside of Welsh Government, where equalities objectives across different public bodies are being aligned to maximise impact on structural inequalities

However, there was consensus from those we engaged with that implementation of these duties across the board is inconsistent. In some cases we have ended up with a compliance-based, tick-box response to the duties rather than one focused on culture change and genuine mainstreaming of gender and equalities in policy and decision-making. This is further evidenced from our analysis of current policies, some of which are discussed in Chapter 4.

2.4. Equality Impact Assessments (EIAs) are not being approached in a meaningful way at the outset of policy development

EIAs are a requirement of the Welsh Specific equality Duties and a key tool for advancing equality. They should be applied at all stages of the policy life-cycle, prompting and guiding policy-makers to gather evidence and informing policy advice. When used properly EIAs allow an audit of inequalities, considering research, evidence, data, engagement and voices, to determine impact and highlight any inadvertent consequences of a decision or policy design.⁶

However, those we spoke to were broadly in agreement that EIAs have become tick-box and tokenistic and can be viewed as a burdensome exercise. As a result there is limited meaningful engagement with the process and often an EIA is completed at the end of the process to demonstrate compliance.

Based on our analysis of a selection of EIAs, they often lack a critical analysis of gender, opting for a gender-neutral view that if a service is “accessible to all” it will have no particular positive or negative impact on anyone as a result of gender. This approach manifestly fails to consider the continued inequality that shapes the way women and men engage with different parts of the economy and public services and does not meet the requirements of the general duty to advance equality.

⁵ See 4.2. on main report for detailed analysis

⁶ Parken, A. (2018) 'Putting equality at the heart of decision-making in Wales', Wales Centre for Public Policy: Cardiff

Work is underway to develop and roll-out an integrated impact assessment tool within Welsh Government. This brings together 21 different impact assessments and it's hoped that it will encourage officials to engage with the impact assessment process at an earlier stage in policy development. Work will need to be undertaken in Phase Two to review this tool through a gender lens and ensure that better integration does not result in a lack of detail, as has been the case with the strategic integrated impact assessments produced alongside draft Welsh Government budgets since 2015.

2.5. Implementation of the VAWDASV Act has been slow

There have been delays in delivery of the VAWDASV Act, with slow implementation but there is clear commitment from the Leader of the House to speed up delivery and ensure a timeline is in place.

Our stakeholders emphasised the importance of effective implementation of legislation. Discussing the issue of violence against women, stakeholders spoke of a “culture of disbelief” in which often the default position of authorities is to disbelieve a report of harassment or sexual assault; a position that is not seen when other crimes, such as theft, are reported. The VAWDASV Act seeks to bring about the necessary culture change needed to ensure this is not the case, but can only do so if implementation is effective and efficient.

The VAWDASV Act is important legislation in Wales to specifically address the challenge of achieving gender equality, the implementation of this act is key to progressing the aims of the review and making Wales an equal and safe place for women and girls. In Phase Two Welsh Government should focus efforts on speeding up delivery of the Act and publish national indicators to monitor progress.

2.6. The WFG Act is beginning to drive change but there are concerns that it may overshadow existing equalities duties

The principles of the WFG Act, particularly the Five Ways of Working, are starting to drive change in the policy-development process. The Act offers a clear, tangible framework in which policy should be developed and increasingly policy and policy-advice is being assessed against the principles and goals of the Act.

The Act is also supporting efforts to work in a more holistic, cross-government way, building on the thematic structure of the programme for government.

However there are concerns from a variety of stakeholders that equalities is not currently getting enough focus within the well-being agenda and may be overshadowed by a focus on environmental elements. Resources are increasingly being steered towards compliance with the WFG Act and associated duties, while resources for delivery of the existing equalities duties are being reduced in some public bodies, often in response to reductions in budgets. It's important that existing

duties are not supplanted when new duties come into effect, but instead steps are taken to integrate and align them. This is symptomatic of the culture of policy making where (behaviourally) too often new legislation supplants old, rather than integrating within an existing framework- where possible and advantageous to the purpose of the new laws.

2.7. There is a need for bold, ambitious and tangible actions to advance gender equality in Wales

Actions and objectives within equality plans, well-being plans and national policy more widely are felt by many of those we spoke to, to lack ambition and, based on an analysis of current Welsh Government policies, there is an increasing tendency to make broad, aspirational statements with limited actions, timescales and success measures to outline how these aspirations will be realised.

Actions must be underpinned by robust data and data analysis. Internationally, those countries that perform well on gender equality almost universally produce regular, accessible and engaging data and evidence that maps gender equality.

Without SMART actions and indicators to progress gender equality across policy in Wales it will be impossible to effectively track progress and scrutiny will be limited.

2.8. There are a range tools and resources in place that can support effective consideration of gender equality in policy-making

Countries that perform well against international indices for gender equality often have a variety of supporting structures, resources and toolkits in place. Some of this already exists within Wales.

A suite of training is available to officials within Welsh Government to understand how impact assessments and consultations should be used as part of policy development and there is mandatory unconscious bias training for all staff. However, not all courses seem to be mandatory and given the challenges with current approaches to EIA's there is a suggestion that this training is not as effective as it should be.

2.9. Capacity for equalities within Welsh Government is fragmented

Outside of the Equality and Prosperity Division it is difficult to estimate the expertise and capacity across Welsh Government working on gender equality. This in itself is problematic. Based on our discussions it seems that gender, or equality, is often either considered to not be a core part of someone's role or at best is a small element of a much broader role. Some steps have been taken to utilise performance management tools to embed equality, with senior civil servants all having an objective on equality and diversity.

There is inconsistency across different departments in how equalities is approached and what expertise and capacity sits within departments to support policy development. Equality Leads and Champions are an important part of the internal infrastructure for equality within WG, however there appears to be confusion as to the exact purpose of these roles, particularly whether their focus is on internal workforce issues, policy advice or both.

Stakeholders also highlighted issues with capacity within public bodies, where equalities roles have been reduced, often in response to decreasing budgets.

2.10. Engagement is inconsistent and often not done at the right point in the policy process

Engagement is an important element of the policy process and is a legal requirement under the Welsh Specific Equality Duties and WFG Act. Good engagement should inform policy-formulation and take place at the beginning of the process. There are some examples of good practice in this regard, most recently the engagement work undertaken by the Ministerial Taskforce for the South Wales Valleys, which has significantly shaped the *Our Valleys Our Future Delivery Plan*.

However, discussion suggests that engagement is approached differently between departments and there is evidence that suggests formal mechanisms to engage with experts and stakeholders, such as the Budget Advisory Group for Equalities, are not being used effectively.⁷

Effective engagement is particularly important from an intersectional perspective to ensure that policy is responsive to the needs of women who may experience multiple barriers to playing a full role in Welsh society and the labour market and whose experience and challenges have traditionally been overlooked by policy-makers. This includes Black, Asian and minority ethnic (BAME), LGBT, disabled, refugee and migrant and socio-economically disadvantaged women. There's a sense that equality strands as protected characteristics fail to address intersectionality, and that more effective engagement with diverse women could help overcome this. There is often a lack of data for protected groups so hearing directly from citizens is imperative

The review of international promising practice 4 also highlights the importance of engagement with experts and "experts by experience" at the right point in the policy process and at a high enough level to ensure that their input has impact. The international review makes a number of recommendations for learning review sessions, which could demonstrate how such expertise can be engaged with in a more effective way.

⁷ See 4.2.6 in the main report for detailed analysis of engagement with BAGE

3. Theme Three: External Scrutiny and Accountability

3.1. External scrutiny is welcomed and effective scrutiny does drive behaviour change

Phase One suggests that external scrutiny is welcomed and effective scrutiny does drive behaviour change. However, there are concerns that existing scrutiny and accountability measures may not be working effectively, particularly in relation to the Welsh Specific Equality Duties.

There is some evidence, from our discussions and stakeholder engagement events, to suggest that scrutiny on equalities from the Assembly has increased. This is attributed to range of factors. The inclusion of equalities within the portfolio of the Leader of the House allows a clear cross-government perspective and the current Leader of the House is an effective and passionate advocate for equality. Equalities is felt by those we spoke to, to be a higher priority within the portfolio than in recent years. It's also continued to be represented in a Cabinet post.

However, scrutiny by the Assembly is hindered by current capacity challenges. Scrutiny on equalities would be strengthened through a dedicated Women and Equalities Committee in the Assembly, so that there is capacity for pro-active inquiries alongside greater engagement with legislation, policy and scrutiny of Ministers. We recognise that this would be difficult with current limitations on capacity and therefore recommend that the proposals made by the Expert Panel on Assembly Reform be implemented to increase capacity through additional AMs and utilise this to strengthen equalities scrutiny through a dedicated committee.

The third sector also play an important scrutiny role. A strong women and equalities sector is crucial to ensuring that this includes a focus on equalities.

3.2. There is scope to strengthen and better integrate existing accountability mechanisms across the legislative and regulatory framework

The legislative and regulatory framework puts in place various duties and alongside this puts in place a range of accountability and advisory mechanisms. This takes the form of the EHRC, Future Generations Commissioner and National Advisor for VAWDASV, alongside existing bodies such as the Wales Audit Office.

Stakeholders outlined concerns that there are particular weaknesses in monitoring compliance with the Welsh Specific Equality Duties, with little risk of sanction if duties are not met, if equality objectives are weak or if EIAs are carried out ineffectively. A number of stakeholders pointed to the successful implementation of the Welsh Language Standards as a point of comparison, which could be learnt from.

While it's not been possible to explore the compliance and monitoring regime fully in Phase One, it's emerged as a key area for action and should therefore be explored in more detail in Phase Two.

In the following chapters these themes are discussed in more detail, with a summary of recommendations included at Chapter Six.

Recommendations

We need a bold, shared vision for gender equality in Wales supported by strong leadership from Welsh Government to deliver lasting change

1. Phase Two must develop a vision and shared language for gender equality in Wales.
2. Phase Two must define what a feminist Welsh Government looks like including vision and principles for policy and decision making, and the role of government in changing culture through public engagement, education and all its activities.
3. Ministerial leadership is crucial to ensure gender equality remains a priority. Consideration should be given to whether including a Cabinet Secretary for Equalities and Women's Empowerment in future cabinets, alongside statements of support and an inter-ministerial group would secure this
4. In-line with the approach taken in Scandinavian countries, Welsh Government should underpin a vision for with a focus on equality of outcome, not just equality of opportunity.
5. Welsh Ministers should agree a shared statement by all Cabinet Secretaries and Ministers on advancing gender equality and take account of the United Nations Sustainable Development Goal 5. Each Ministerial portfolio should publish a short statement/ plan which outlines how they are advancing gender equality.
6. Welsh Government should ensure that it delivers training on sexual harassment and the renewed complaints procedure for all staff within the Welsh Government civil service.
7. Welsh Government should introduce shared parental leave for WG employees at the enhanced maternity pay rate for fathers who take leave and encourage the same good practice in public services, influencing good practice and using procurement levers
8. Phase Two should look in depth at the practical steps Welsh Government can take to close its gender pay gap, including analysis of senior civil service pay policy.

9. The Cabinet Secretary for Finance, and officials should investigate and incorporate the value of unpaid care into the Welsh economic measures, alongside traditional measures such as GVA
10. Welsh Government should explore the suitability of the administrative social security levers adopted by the Scottish Government to make payments more frequently and move them “from wallet to purse”

A lack of integration and ineffective implementation of key legislation is weakening our consideration of gender equality and resulting in a lack of bold, tangible actions and outcomes to advance gender equality

11. Welsh Government should review and, where necessary strengthen, existing legislation and duties, including the PSED, and incorporate CEDAW and the Istanbul convention into Welsh legislation as an amendment to the VAWDASV Act. This might include exploring the need for additional statutory guidance or other mechanisms to clarify the Well-being Goal of ‘A more equal Wales’.
12. Phase Two should work with key stakeholders to identify the most effective way to strengthen the integration between the Well-being of Future Generations, the Welsh Specific Equality duties and the Violence Against Women, Domestic Abuse and Sexual Violence Act.
13. Welsh Government officials should utilise existing Permanent Secretary Challenge Sessions through embedding questions on gender equality and women’s empowerment and have an annual gender equality challenge session to examine work across the Welsh Government.
14. Phase Two should review the new Integrated Impact Assessment tool and ensure it is the most effective way to drive changes to the way policy is made, ensuring it takes full consideration of advancing gender equality.
15. Phase Two should review National Well-being objectives and Strategic Equality Plan objectives to insert clear and tangible actions and outcomes to advance gender equality, and speed up delivery of VAWDASV publishing national indicators to monitor progress.
16. In Phase Two (the Permanent Secretary should lead) a review into the equalities expertise and capacity to support policy development within the Welsh Government (reporting to Ministers) and create a cross-government framework that utilises exiting knowledge, skill and experience, this can include a scrutiny panel or implement the learning practice model outlined in the International promising practice review.
17. Phase Two to explore existing data availability in Wales and determine steps to improve availability of disaggregated data

We need stronger external engagement and scrutiny of the Welsh Government's performance on advancing gender equality

18. Phase Two should review existing compliance, monitoring and accountability mechanisms across the framework considering effectiveness and opportunities to better integrate
19. Phase Two should review the strength, scope and powers of the Future Generations Commissioner and EHRC
20. EHRC should scrutinize Welsh Government on their compliance to the Public Sector Equality Duty and publish their report, which should be considered by the Equalities Committee of the National Assembly for Wales
21. In Phase Two the review team should work with Wales Audit Office, the Future Generations Commissioner and the EHRC to jointly agree a reporting mechanism to monitor the Welsh Government's work to advance gender equality in Wales
22. Welsh Government should legislate for implementation of the Expert Panel for Assembly Reform
23. The National Assembly for Wales should establish a Women and Equalities Committee to enable adequate robust scrutiny
24. Phase Two must begin a meaningful conversation with stakeholders and the wider public to set tangible actions to advance gender equality. There will need to be resources allocated to ensure that we reach a diverse group of women
25. Phase Two should review the grant funding arrangements (and identify gaps) for supporting women's organisations and advancing gender equality in Wales taking into consideration the impact of Brexit on funding of their activities.
26. As part of Phase Two Welsh Government should undertake or commission an analysis of services that respond to the needs of women and girls and identify where the gaps are, working closely with key stakeholders. This should include but not be limited to specialist health services, VAWDASV services, specialist skills provision and support for BAME and disabled women.

Phase One has highlighted a number of key challenges and made recommendations for further work in Phase Two. Commitment is needed to ensure Phase Two is successful and contributes to a roadmap for gender equality in Wales

27. Welsh Government Ministers should support Phase Two of the review actively, enabling access to information, officials and processes within their

portfolios to enable scrutiny of what Welsh Government delivers and the efficacy of this

28. Establish an Expert Steering Group to support Phase Two of the review, working closely with Chwarae Teg and Welsh Government officials. The Steering Group must draw on expertise within Wales, for example ensuring that BME, disabled, survivors of violence and LGBTQI+ representatives are able to participate, which may include resourcing participation.
29. Phase Two must include significant engagement with women and equalities organisations that represent the diversity of women in Wales. It may be necessary to allocate funding to enable grassroots organisations to support this engagement work

While Phase One has focused on policy process, there are a number of quick actions that could be taken to bring about change, addressing known gender inequalities and maximising opportunities in the current the legislative programme

30. Women continue to be under-represented in public life in Wales. Immediate action could be taken to review the public appointments process to ensure it does not disadvantage women and can deliver diverse appointments
31. Welsh Government should ensure that local government reform includes measures to increase the representation of diverse women as elected members.