Gender Equality Review: Update

Cabinet is asked:

To note progress on the Gender Equality Review

To note that work is to continue on the basis of the vision and principles for gender equality in Wales and definition for a feminist Welsh Government set out in this paper;

To note that bilaterals between the Deputy Minister and Chief Whip will agree next steps.

The Issues

1. On International Women’s Day, 8th March 2018, a Rapid Review of Gender Equality was announced by the former First Minister. The stated aims of the review included considering how we move gender to the forefront of all decision making and making Wales the safest place to be a woman in Europe. Phase 1 reports from Chwarae Teg and Wales Centre for Public Policy (WCPP) were received in July 2018, and Cabinet agreed the scope of Phase 2 (CAB(17-18)66).

2. The main focus of Phase 1 was on gathering evidence from Wales, the UK and other countries, and identifying opportunities for the in-depth work in Phase 2.

3. Officials across Welsh Government have been responding to the Phase 1 recommendations. The majority of recommendations were accepted either wholly or in part and work is in hand to progress these. A series of bilateral meetings were undertaken between the then Leader of the House and Chief Whip with Cabinet colleagues in the autumn 2018 to further discuss the Review. A Written Statement providing an update was issued in November 2018. A small number of recommendations are outside of the Welsh Government’s power, we are looking at actions we can take to influence these at a UK level.

4. Those recommendations from Phase 1 which required further exploration were considered as part of Phase 2. This paper notes progress on 2 of those recommendations, key to the delivery of other recommendations:

- Recommendation 1: Phase Two must develop a vision and shared language for gender equality in Wales; and
• Recommendation 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.

5. The vision and principles set out below have been developed by Chwarae Teg, supported by a Ministerial Steering Group and an Expert Advisory Group, and are the result of extensive consultation.

6. The review has also considered intersectionality and the added impact of being a disabled woman, or of an ethnic minority, has to gender inequality. This is an area frequently dominated by technical language, and through compromise, the vision aims to be as user-friendly as possible, so it will resonate with as many people as possible.

The vision and principles

7. The vision:

A gender equal Wales means an equal sharing of power, resources and influence for all women, men and non-binary people. This is a vision where the government aims to create the conditions for equality of outcome for all.

We want a Wales where:

• All women can have economic independence and paid and unpaid work is valued
• Diverse women are fairly represented in positions of influence and empowered to play a meaningful role in society
• All women are free from discrimination and free to live their lives as they choose
• Violence against women, domestic abuse and sexual violence stops
• Existing power structures that disadvantage women are challenged
• All women, men and non-binary people enjoy equal rights and protections and equality of outcome.

8. The agreed principles for a feminist Welsh Government are:

A feminist Welsh Government:

• Is committed to equality of outcome for all women, men and non-binary people and actively works to drive cultural and structural change
• Pro-actively works to advance equality and remove the barriers against all women’s participation in the economy, public and social life
• Puts a gender perspective at the heart of decision-making, resource and budget allocation
• Takes an intersectional approach\(^1\) to all of its work and ensures diversity of representation, participation and voice
• Is people-focused and collaborative, ensuring that all communities are meaningfully engaged in its work
• Is open, transparent and accountable and welcomes scrutiny through a gender lens
• Makes use of policy development and analysis tools to embed gender equality into all of its work and actively monitors progress towards equality using a robust evidence base
• Leads by example and supports other public bodies to take action to deliver equality.

9. These descriptions do not replace the current legal framework, including protections in relation to the protected characteristic of sex, as set out in the Equality Act 2010, but should act as a practical description that can inform policy and programme development and support the aims and objectives of the review.

10. Based on the vision and principles and the proposed bilateral meetings between myself and Cabinet members, a roadmap for gender equality will be produced by the end of Phase 2 of the review (July 2019). This will set out practical steps of how Welsh Government can go about achieving its goal of being a feminist Government and will be brought to Cabinet for its final agreement before publication. The timetable of the review was originally set to enable the review to influence the last budget of this Assembly.

**Next Steps**

11. There is a need for Welsh Government to be a role model and to concentrate on what this government needs to do to improve itself and to make things better. This means designing policy with the express intention of promoting equality. I propose to hold a further round of bilateral meetings with Cabinet colleagues during this term. These bilateral meetings will discuss how to demonstrate early commitment to the vision and principles, and Ministers are asked to identify pathfinder policy areas within their portfolios where there is scope to take early action. There may also be areas Ministers would find it useful to consider in advance of the Spending Review. In addition to pathfinder policy areas, Ministers should consider whether there are any existing levers they can use, for example, through procurement, especially through

\(^1\) understanding the way in which characteristics, such as gender, race or class, can interact and produce unique and often multiple experiences and disadvantage.
the second stage of the current review, remit letters for arms-length bodies, or through strengthening the Economic Contract.

12. The Wales Centre for Public Policy are currently arranging a delegation of experts from Nordic nations to visit Wales later this month to discuss the types of changes which could be considered and also include concepts such as gender mainstreaming and gender budgeting. This visit will further inform practical steps Welsh Government can take to deliver against the vision and principles above.

Legal Advice

13. Legal Services have considered the proposed vision and principles. They note that a strengthened focus on gender equality creates the potential for a diversion of policy consideration and resources from, and in respect of, groups sharing other protected characteristics as set out in the Equality Act 2010. They advise that that Act does provide for positive action favouring specific groups under section 158, including where "persons who share a protected characteristic suffer a disadvantage connected to the characteristic" and note the need to ensure that any such action is proportionate. Any such action will also need to be justified, given the potential for challenge to such action being taken.

14. Legal Services also note that a number of the principles are derived from existing statutory duties arising under the Equality Act 2010, section 77 of the Government of Wales Act 2006 (equality of opportunity) and the Well-being of Future Generations (Wales) Act 2015 ("WFG Act"). There are some specific issues worth considering. Whilst the principles reflect specific duties within a particular context, they do not necessarily reflect all relevant duties. For example, the fifth bullet point draws upon the sustainable development principle (5 ways of working) of 'involvement' under section 5(2)(d) of the WFG Act, although the gender equality principles do not draw on all other elements of the sustainable development principle. Nevertheless, the Welsh Government will remain subject to those other statutory duties.

15. Legal Services also note that the third principle ("puts a gender perspective at the heart of decision-making, resource and budget allocation") is widely drawn, and could be open to differing interpretations as to the level at which decision-making is subject to that principle (e.g. from decisions of a more strategic nature, to quite routine decisions over which there may be limited discretion). Legal Services note that the public statement of that principle will potentially give rise to a route for challenges of decisions by way of judicial review, on the ground that the stated principle gives rise to a legitimate expectation that a gender perspective will be implicit generally in decision-making processes of the Welsh Government.
16. The Future Generations Commissioner is a member of the Steering Group to ensure that there is alignment with the Well-being of Future Generations (Wales) Act 2015. The proposed actions set out within this paper contribute to all the well-being goals, most strongly to the goal of “a more equal Wales” although the outcome of the Review is likely to have impacts in relation to other goals, for example, “a prosperous Wales” by ensuring gender equality and linked to Fair Work. Chwarae Teg are using the 5 ways of working to inform their approach to Phase 2.

**UNCRC**

17. The actions directly contribute to the realisation of the UNCRC, including but not limited to Article 27 (right to an adequate standard of living), Articles 28 and 29 (right to education and development). It also links to the work of Emma Renold with young people in relation to informing sex and relationships education in Wales and her work to develop AGENDA: A Young People’s Guide to Making Positive Relationships Matter.

**Welsh Language**

18. The Welsh Government’s obligations under the Welsh Language Standards have been taken into account in the drafting of this advice

**Equality and Human Rights**

19. Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world, and is ultimately a question of democracy, representation and social justice.

**Finance Requirements and Governance Implications**

20. Funding for the delivery of Phase 2 is already in place so there are no additional costs to be considered at this stage. However, there may be costs attached to achieving the vision through the roadmap. Further advice will be submitted when the roadmap is received and there is more clarity about how Welsh Government can go about achieving then vision.

21. Any associated staff costs will be met from within EPS staffing allocations and other administration costs can be met from within existing administrative budgets.

22. The EPS Operations Team is content this MA complies with Interim Finance Notice 01/2015 (EPS/JH/08/19). CSA MEG clearance CSOT(18/19)-MA216. ESNR clearance: ET/CF/18/613. Part 2 of the Environment Wales Act (Climate Change) We have considered the advice set out within this Submission and confirm...
that due regard has been given to the impact on emissions.

23. Strategic Budgeting clearance code: SB0704/5.

Research and / or Statistics

24. There is no research or statistics for KAS clearance in this paper. However, KAS are involved in Phase 2 of the review and were engaged during Phase 1.

Communications and publication

25. It is recommended that the vision is included as part of the Oral Statement for International Women’s Day scheduled for the 5 March. Officials will engage with Communications colleagues to set out a plan for internal and external activity.

26. This Cabinet paper may be published following the Oral Statement.

Recommendation:

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joined up Working

27. The paper has been through a Permanent Secretary Challenge Session.

Jane Hutt AM
Deputy Minister & Chief Whip
February 2019