



Exchange of good practices on gender equality

**Gender Impact
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Gender Equality/ Gender Impact Assessment in the United Kingdom

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1. Introduction

Arguably gender equality can be described currently as a contested political priority in the UK. Three principal strands of evidence and argument support this perspective. Firstly, there is a limited focus in political discourse on gender equality. Currently the UK government frames the advancement of equality as a question of fairness located in concepts of eligibility, entitlement and merit.

Secondly, gender relations and sex equality have been subsumed within the Equality Act 2010, having previously been contained within a framework of sex discrimination legislation.

Thirdly, the importance of robust and effective gender equality 'architecture' is well established in the international academic literature. Women's policy agencies (WPAs) support the implementation of legislation, enforce the protection of rights, promote responsibilities of employers and public authorities, and contribute to policy development in gender equality. Since 2010 the institutional landscape for gender equality in the UK has been systematically transformed and reduced. The Women's National Commission (WNC) – the long-standing, government-run mechanism for consulting with the 'women's sector' was discontinued at the end of 2010. Since its creation in 2007, the Equality and Human Rights Commission – the successor body to three statutory commissions on race, sex, and disability equality – has been subject to reduction in its powers and resources. In 2012, the Home Office of the UK Government opened the "Red-Tape Challenge" a public consultation premised on the assertion that equalities legislation and accompanying practices such as equality impact assessment represented a burden on business and employers.

NGOs and civil society organisations from across the UK have challenged this rolling back of political commitment and institutional framework in support of gender equality. These concerns have been echoed by the Committee on the Status of Women. In its latest Concluding Observations, following the periodic scrutiny of the UK, the Committee expressed a range of concerns including about the impact of austerity on women, particularly older and disabled women; the dismantling of the WNC and the lack of engagement and reach of the Government Equalities Office; and the undermining of the Public Sector Equality Duties (PSEDs) and the need for commitment and guidance from the government to ensure consistent application of the duties (United Nations, 2013).

1.1. Policy context for Gender Equality in the United Kingdom (UK)

1.1.1. Public Sector Equality Duties

One of the most significant developments for the adoption and implementation of gender impact assessment since the introduction of the Gender Equality Duty in 2006 has been the new Public Sector Equality Duties (PSEDs) contained within the Equality Act 2010. These are positive duties to promote equality and good relations and have been characterised as a form of *transformative* equality, concerned with institutional change whereby systemic and structural inequalities are deconstructed, resulting in *substantive equality* rather than formal equality before the law (Hepple,2011).

1.1.2. Policy Divergence

Understanding the policy context for gender equality in the UK requires an awareness of the significant divergence both the institutional approaches to gender equality and impact assessment. Among the most notable variances are the introduction of an Equality Budget Statement in Scotland from 2009; expansion of practice under the due regard provision in Wales; and the potential for gender responsive budgeting within the exercise of s.75 of the 1998 Northern Ireland Act.

Currently equality legislation, including gender equality, is reserved to the UK government, with varying institutional arrangements and limited exceptions in place within the devolved or sub-national governments in Scotland, Wales and Northern Ireland. The Equality Act 2010 introduced the PSED with a general duty to promote equality that applies in Scotland, England and Wales. Section 75 of the 1998 Northern Ireland Act places similar requirements on public bodies. Under the provisions of the 2010 Act, additional 'specific duties' and accompanying processes have been devised and enacted through public consultation by the devolved governments and approved respectively by the Scottish Parliament and Welsh Assembly. Distinctive approaches to progressing gender equality are increasingly evident both in approach to implementation of the general duty and the development of the specific duties.

Further evidence of divergence is evident in how gender equality is framed in statements of political commitment to the advancement of gender equality. The UK Coalition government has framed equality as 'fairness' within its wider discourse of "fairness, freedom, and responsibility" (UK government 2013). Contrastingly in Scotland, for example, the government frames promoting equality and addressing inequality as combined social justice and economic goals. These variances at national and sub-national government level framing are evident in contrasting statements from the UK and Scottish Government. For example, in the foreword to the 2014-15 Equality Budget Statement John Swinney MSP, Cabinet Secretary for Finance and Sustainable Growth, states

"More than an important legal duty, the Scottish Government regards equality assessment and analysis of the budget as a key aspect of our improvement agenda. In this climate, action to assess the equality implications of spending proposals is essential" (Equality Budget Statement 2014-2015, Scottish Government 2013)

In contrast, David Cameron, UK Prime Minister announced an end to the “bureaucratic nonsense” of equality impact assessments, stating to the Confederation of British Industry in 2012

“We have smart people in Whitehall who consider equalities issues while they’re making the policy. We don’t need all this extra tick-box stuff. So I can tell you today we are calling time on Equality Impact Assessments. You no longer have to do them if these issues have been properly considered. That way policy-makers are free to use their judgement and do the right thing to meet the equalities duty rather than wasting their own time and taxpayers’ money” (Speech to CBI Conference 2012).

1.2. Current debates on gender equality

1.2.1. Political opportunity and state reconfiguration

Currently dominating political debate in the UK are the state of the economy, the referendum on Scotland’s independence to be held in September 2014, and the UK’s continuing membership of the European Union. These three strands of political interest have significant implications for gender equality.

Options for Scotland’s constitutional future present a significant political opportunity to advance arguments for greater gender equality and specific proposals on constitutional and institutional arrangements that could provide additional leverage to deliver gender equality. Such changes include written provision for gender equality in a future Scottish Constitution; distributive taxation regimes, subject to full gender impact assessment; alternative social security and social protection systems including, for example, a Citizen’s Basic Income (Engender, 2014). The provision of universal, affordable, quality childcare has been a talking point of the referendum debate following the current Scottish Government’s commitment to “transformational childcare” in its “Guide to an Independent Scotland”, the White Paper on independence published in November 2013 (Scottish Government, 2013; McKay et al., 2014).

The UK Conservative and Unionist Party, currently in coalition government with the Liberal Democrat Party, has committed to an ‘in-out’ referendum on the UK’s continuing membership of the European Union (EU). On current evidence, the possible scenario of a UK outside the EU could mean significant regression of gender equality analysis and consideration in public policy.

1.2.2. Impact of ‘austerity’

Political and media commentary on the state of the economy, emergence from recession, and the state of the UK’s finances contain little discussion of the considerably gendered nature of the consequences of recession and recovery. The implications for women – and men – of the combined effects of public spending cuts, public service reform, and labour market transformations are extensive. Academic literature continues to highlight that successive and sustained ‘austerity’ measures have resulted in reductions in public spending with severe impact on women’s

income, employment within the public sector and access to services, and women's attachment to and position in the labour market (Elson, 2013; McKay et al., 2013; Rubery and Rafferty, 2013).

Civil society organisations also have consistently provided analysis and challenge to UK government policy and its implications for women's income and economic status. Local projects, campaigns, and analysis have generated evidence of the impact on women of budget decisions at local and national level, as well as significant legal challenges to government and public authorities.

The radical reform of the UK welfare system has been the focus of extensive analysis by outside government sources, which has sought to highlight the implications for women. Prominent among these is the long-established UK Women's Budget Group whose commentary and responses to the UK Government Budgets and Spending Reviews provides a source of alternative analysis and evidence of the enduring gender-blind nature of policy making by UK government departments and the negative impacts of this on women. The UK government has not conducted a gender equality impact assessment of its successive budgets, opting instead for a distributional analysis on the impact on households which does not refer to women or gender.

1.2.3. Women on Boards

The over-representation of men in positions of corporate and decision-making power has recently been prominent on the UK government agenda. Ministers have committed to address women's under-representation through voluntary measures by business to increase female representation, with a target of 25% by 2015. As of March 2014, there has been an increase to 20.7% of board positions in the FTSE 100, an increase from 12.5% in 2011 and 17.3% in April 2013 (Davies Report 2014).

2. Gender Impact Assessment Framework

2.1. Equality Impact Assessment

Over the last almost twenty years since the UN Fourth Conference on Women in Beijing in 1995 and the inception of gender mainstreaming as an approach to policy making, equality impact assessment practices have been introduced across UK government departments and within devolved governments as they have been established. However, it is still not universally embedded in government policy making and legislative drafting. In this regard, there are a number of similarities between the UK and Finnish experiences, but arguably with less attention and success in relation to recent training initiatives. There are also strong similarities with Finland in terms of the lack of quality and breadth of the application and implementation of GIA/Equality Impact Assessment tools, and the absence of a legal requirement to underpin the practice. This paper focuses on the more recent

introduction of positive duties that apply to all levels of government and public authorities.

2.2. Public Sector Equalities Duties

In 2011 the Public Sector Equality Duties were introduced. The duties (general and specific) cover nine protected characteristics (age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnerships) and not only gender. The general equality duty requires public authorities to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

According to the regulator, the Equality and Human Rights Commission (EHRC), the purpose of the duty is the advancement of equality. Organisations are required to reflect equality considerations in the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review. Compliance with the duty requires public authorities to be aware, be informed, “consciously and actively consider the relevant matters” to influence decision-making in a timely manner, and exercise the duties themselves and not delegate. Public authorities are required to ensure they have appropriate employment monitoring and other relevant data. The specific duties place additional requirements on public authorities in Scotland to produce equality outcomes, mainstreaming statements, and equal pay statements and in Wales to produce Strategic Equality Plans.

3. Evidence of Good Practice in GIA

The duties came into force in 2011, and the specific duties in 2012 (Wales) and 2013 (Scotland). In 2012, the UK Government conducted a review into the operation of the duties in their first year. The evidence submitted by a range of public authorities and civil society organisations stressed support for the duties and their transformative potential, contrary to the review conclusions and press reporting which stressed the bureaucratic nature of compliance measures (Stephenson, 2014; Clayton-Hathway, 2013).

In Scotland, the specific duties are

- To report progress on mainstreaming the equality duty;
- To publish equality outcomes and report progress;
- To gather and use employee information;
- To publish gender pay gap information.

Public authorities are required to take reasonable steps to involve people, through consultation and engagement, and to consider equalities data and information. EHRC Scotland evaluated the first round of compliance of the specific duties throughout 2013 and found a mixed level of compliance, with some public authorities only meeting minimum requirements, some under-performing, and a few indicating good practice. In light of this recent evidence of poor compliance and under-performing public authorities in relation to the PSEDs, the Scottish Government is developing an initiative led by the Improvement Service.

The series of “Measuring Up?” reports by EHRC Scotland are available from their website at www.equalityandhumanrightscommission/scotland and contain examples from individual public authorities of approaches to implementing the duties, as well as the Commission’s findings of disappointing practice. The findings from these evaluations of practice in Scotland raise similar questions to experience in Finland regarding the appropriate focus on volume of completed assessments or on prioritising particular programmes or policy domains.

In common with experience in Austria, there has been positive progress in the adoption and steps towards implementation of gender responsive budgeting in Scotland and intermittently in Wales and Northern Ireland. In contrast with the Austrian experience, however, feminist organisations outside government have been pivotal in the pursuit of gender impact analysis of spending and revenue decisions in the UK.

4. Transferable practice

4.1. Gender responsive budgeting

The experience from Austria is encouraging. Issues around implementation within govt. departments and functions while specific to the Austrian context are not restricted to Austria as the general concerns around, for example, engagement with finance officials, securing engagement from policy analysts, etc. are manifest in other countries and institutions. There are opportunities for transfer and exchange of practice and experience, while recognising that within the principles of GBA the conditions and application of practice will be specific to individual country contexts.

The Scottish Government is the only of the UK governments to have committed to the development and publication of an Equality Statement attached to the annual Draft Budget, now described by officials and external stakeholders as central to and embedded in the Budget process.

Specific opportunities include:

- Policy learning from Austria on the potential for constitutional provision for GBA in a future independent Scotland;

- Further exploration of the transferable potential of the gender impact assessment tool introduced in Austria, and consideration of adoption of a more expansive set of variables that encompass a wider understanding of gender relations and the gendered inequalities that women experience.
- Arrange and resource practice exchange on implementation of GRB/GBA within performance budgeting system and processes between civil servants in Austria and UK and sub-national governments;
- Engage and resource opportunities for exchange and learning with civil society organisations in Scotland, Wales, and England with civil servants in participating country governments;
- Explore policy learning and transfer mechanisms to extend modelling and application of the Scottish Government Equality Budget Statement.

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