Rapid Review of Gender Equality 2018: Phase One

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Natasha Davies, Cerys Furlong & Hannah Wharf
Acknowledgments

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1. Introduction and Background

On International Women’s Day 2018 the First Minister announced his desire for Wales to be a world leader for gender equality and his intention to “conduct a rapid review of [Welsh Government’s] gender and equality policies and bring new impetus to [Welsh Government’s] work.”

While much has been achieved in Wales, it has been accepted that without sustained, consistent commitment and effort, the goal of making Wales a world leader for gender equality will not be achieved.

Work began on Phase One of the review in April 2018 and was led by Chwarae Teg, on behalf of the Welsh Government. The Wales Centre for Public Policy also provided a review of international policy approaches to promoting gender equality – *Putting equality at the heart of decision making in Wales.*

The focus of Phase One has been to explore what is working well, what can be improved, to map the existing policy and legislative framework that addresses gender equality in Wales as well as investigating how governments who have made progress have embedded the gender perspective in policy-making.

This report outlines the findings from Phase One of the review.

This review is timely and responds to a welcome, ambitious vision for a more equal Wales, in which women can reach their full potential and go about their lives in safety. While some progress has been made, gender inequality remains a stubborn feature of life in Wales, the UK and around the world.

In Wales, women continue to earn less than men on average, with a gender pay gap of around 15%. In some parts of Wales, such as Blaenau Gwent and Bridgend this rises to as much as 25%. The pay gap between disabled and non-disabled women is 22%.

Women continue to dominate in low-paid, part-time work occupying 80% of all part-time jobs in Wales.

Women are disproportionately living in poverty. Between 2010-2015 there were £26bn of welfare cuts, £22bn worth were borne by women.

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1 Parken, A. (2018) *Putting equality at the heart of decision-making in Wales*, Wales Centre for Public Policy: Cardiff  
2 ONS ASHE 2017 Provisional Results  
3 Ibid  
4 WEN Wales *Manifesto for Women and Girls* 2018  
5 Parken et al *Working Patterns in Wales: Gender, Occupations and Pay* 2014  
6 WEN Wales *Manifesto for Women and Girls* 2018
1 in 3 women in Wales will experience physical or sexual violence at some point in their lives. Sexual harassment remains prevalent in workplaces and public spaces with 85% of women aged 18-24 reporting that they have experienced unwanted sexual attention in public spaces.

Despite progress women’s voices continue to be under-represented in politics and decision-making. Just 28% of Welsh Councillors and Welsh MPs are women. While the National Assembly performs better with women accounting for 43% of AMs, this has dropped from gender balance when the Assembly was created, and is reliant on positive action by some political parties. In the private sector the picture is worse with women making up just 6% of the chief executives of Wales’ top 100 businesses.

This review is taking place within the context of a global groundswell of interest and action to address gender inequality and empower women. The #MeToo movement has seen women, and many men, take a stand and call time on workplace cultures in which women are expected to put up with harassment and violence. Britain’s largest companies have reported their gender pay gap figures, shining a spotlight on the economic inequality that women in the UK continue to face.

It also comes as we come close to marking 20 years since the establishment of the National Assembly for Wales. Since devolution much has been made of the differences in policy between countries of the UK, and when the National Assembly for Wales was established in 1999 it proudly represented an attempt to not only bring politics closer to the people of Wales but also to establish new principles of governance. Certainly the themes of collaboration not competition, transparency, engagement and participation, and ‘equality of outcome’ were widely welcomed. In Phase One of this review we begin to examine whether those principles of equality, which many argued were embedded within our new structures of Government are actively reducing inequalities or not.

Regardless, now is the time for radical action in Wales that not only changes what we do, but how we make decisions. This report lays the foundations for further investigation into how this systemic change can be achieved so that all women in Wales are treated equally, live free from fear of violence and can participate fully in the economy.

1.1. Methodology

In-line with the Terms of Reference, the focus of Phase One has largely been on the way in which policy and decisions are made within Welsh Government. Evidence

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9 EHRC Who runs Wales? 2017
10 Under the Equality Act 2010 (specific Duties and Public Authorities) Regulations 2017 all companies in the UK with 250 employees or more must publish gender pay gap data https://www.gov.uk/guidance/gender-pay-gap-reporting-guidance
was collected in a variety of ways to determine what is working well, what could be improved, to explore areas including budget setting, Equality Impact Assessments (EIAs) and map the existing policy and legislative framework that addresses gender inequality.

Significant desk-based research was carried out, including analysis of Welsh Government legislation and strategic policy. A number of roundtables and strategic interviews were undertaken with Welsh Government officials at varying levels of seniority and from various departments across government, including a roundtable discussion with Equality Leads. Two stakeholder events were also held – 1 in North Wales and 1 in South Wales – to learn from stakeholder experiences working with women and in the field of equalities in Wales.

Input from stakeholders has been invaluable and ensures that the evidence for Phase One draws on a more diverse range of experience. As well as identifying challenges, stakeholders also outlined a variety of practical actions that would help advance gender equality. However, in Phase Two there will need to be significantly more meaningful stakeholder engagement to ensure the outcomes of the review will have a real, lasting impact on the lives of all women in Wales.

Phase One does largely focus on policy-processes in Wales. This is a necessary starting point to enable a clear understanding of what is currently working. This report is supplemented by an international policy review which outlines potential routes to fresh thinking and ways of working based on how other countries have embedded gender equality in policymaking.

To ensure Wales becomes a world leader for gender equality, we need to do more than just reallocate funding or tweak our childcare policy. There is a need to bring about systemic change that will outlive the #metoo movement, and these changes must not only be to what we do, but also how we make decisions.

This analysis of policy process is supplemented by a review of how those governments who do best to promote gender equality have embedded gender mainstreaming in their structures, systems and processes. Phase Two will explore public policy implementation and practical actions which build on what we’ve heard from stakeholders so far.

1.2. Intersectionality

Wales must be a world leader for equality for all women and girls. To do so, an intersectional lens, that takes account of the multiple forms of discrimination women can face, must be applied.

Throughout Phase One we have been conscious of this fact. Women can experience multiple barriers to playing a full role in Welsh society and the labour market and the experiences and challenges faced by some can be overlooked by policy-makers.
This includes BAME, LGBT, disabled, refugee and migrant and socio-economically disadvantaged women.

This recognition of intersectionality informs this report and will inform the shape of Phase Two to ensure that the experiences of the diversity of women in Wales is reflected and that gender equality is not looked at in isolation from other social dimensions of inequality with which it is interlocked. Therefore we have looked at how policy incorporates all equality strands not just gender equality. While complex this is ultimately necessary.

1.3. Definitions

In the following analysis, gender refers to one axis of social and economic stratification and not to biology. The social processes of gendering are carried through an oppositional binary, whereby differently valued roles, attributes, skills and behaviours are ascribed to men and women.

Gender equality refers to equality for women and men, acknowledging that the social processes of gendering have negative impacts on women and men. Equality can mean variously equality of opportunity or outcome.

Discussion of gender here and elsewhere often focuses on action to address the inequalities that women continue to face, recognising that in many spheres including access to the labour market, representation and experience of violence, evidence shows women continue to be disadvantaged. However, as Phase Two of the review explores more practical issues and actions to advance equality, we anticipate further discussion of the inequality that men experience which must be considered as policy and services are developed.

1.4. Report Overview

This report brings together our findings, incorporating the review of Welsh Government policy and practice and international policy review from the Wales Centre for Public Policy (WCPP).

The report produced by WCPP is complementary to this one, and has provided invaluable evidence of international practice that can inform Phase Two of the review and future actions to deliver sustainable change. The international review is referenced throughout this report, and should be read in conjunction with this one.

This report outlines key findings and makes recommendations for Phase Two of the gender equality review based on the review of Welsh Government and international practice.
In Chapter Two we provide a summary of the key themes and findings, based on the analysis of legislation, policy and practice, case studies and examples presented in the subsequent chapters and international review of promising practice.

Chapter Three explores vision and leadership, setting out the existing legislative and regulatory framework in place in Wales to embed gender equality into decision-making and discussing the importance of leadership from Welsh Government.

In Chapter Four we explore how this framework is working in practice, highlighting the integration and implementation challenges that are limiting its impact.

Chapter Five includes a brief discussion of the importance of scrutiny and accountability measures that need to underpin the legislative framework to ensure compliance and effective implementation.

In Chapter Six we provide a summary of conclusions and recommendations, drawing on the review of Welsh Government policy and practice and the international review of promising practice carried out by the Wales Centre for Public Policy.
2. Summary of Key themes and findings

This chapter outlines the key themes and findings from Phase One, summarising the analysis of legislation, policy and practice, case studies and examples presented in subsequent chapters. These findings are based on an analysis of the evidence collected in Phase One comprising desk-based research and analysis of Welsh Government policies, roundtables and strategic interviews with Welsh Government officials and engagement with stakeholders working in the field of gender and equality.

Many of these findings relate to the processes through which policy is made. In order to make Wales a world leader for gender equality, review of these processes is crucial, as we not only need to change what we do, but fundamentally the manner in which we make decisions.

In Chapter Six we make a number of recommendations to address the challenges outlined below.

2.1. Theme One: Vision and Leadership

2.1.1. 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.11 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

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11 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”

Sweden, would be replace a focus on “equality of opportunity” with “equality of outcome”.12

2.1.2. 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)
- 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.

2.1.3. 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. 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.

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.

2.2. Theme Two Policy in Practice

2.2.1. 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.

13 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
2.2.2. 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.

2.2.3. 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.\(^\text{14}\)

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.

2.2.4. 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,

\(^\text{14}\) See 4.2. for detailed analysis
evidence, data, engagement and voices, to determine impact and highlight any inadvertent consequences of a decision or policy design.\textsuperscript{15}

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.

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.

\textbf{2.2.5. 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 it 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.

\textsuperscript{15} Parken, A. (2018) ‘Putting equality at the heart of decision-making in Wales’, Wales Centre for Public Policy: Cardiff
2.2.6. 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.

2.2.7. 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.

2.2.8. 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.

2.2.9. 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.

2.2.10. 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.\(^{16}\)

Effective engagement is particularly important from an intersectional perspective to ensure that policy is responsive to the needs of women who may experience multiple

\(^{16}\) See 4.2.6 for detailed analysis of engagement with BAGE
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 prepared by WCPP 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.

2.3. Theme Three: External Scrutiny and Accountability

2.3.1. 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 by 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.
2.3.2. 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.
3. Vision and Leadership: Building a Legislative and Regulatory Framework

This Chapter outlines the legislative and regulatory framework in Wales, which has the potential to embed consideration of gender equality into Welsh policy and decision-making. This is made up of some international and UK law, but at its core is a set of laws and duties put in place by successive Welsh Governments – the “mainstreaming duty” in the Government of Wales Act 2006, The Equality Act 2010 (Statutory Duties) (Wales) 2011 (Welsh Specific Equality Duties), Well-being of Future Generations (Wales) Act 2015 and Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

Many of these Welsh laws and duties are regarded as world leading and Welsh Ministers have shown that there is a vision for a Wales in which equality is a central consideration of policy-making.

However, the potential impact of this framework has been reduced by challenges around implementation and integration, which we explore in detail Chapter 4. In this chapter, we outline this legislative and regulatory framework and how, in theory, it should come together in the pursuit of common goals.

The impact of this legislative framework is further hindered by a lack of shared vision for what a more equal Wales looks like. The duties put in place by this framework are mechanisms for achieving a vision, not the vision itself. There remains a need for clear, ambitious, more specific goals that link to international standards if we are to truly become world leading on this agenda. A common theme in the review of international promising practice is a clearly articulated vision for gender equality. These international examples can be drawn upon in Phase Two to help develop a Welsh vision.

Key messages

1. There is currently no shared vision for gender equality in Wales, which can result in fragmented and incoherent actions.
2. The National Assembly for Wales was established based on clear principles and intent to ‘mainstream’ equality, integrating gender equality to policy, practice and programmes. However it is felt by those we engaged with that in the 20 years since its establishment, there has been a diminution of focus on equality and a renewed vision, language and guiding principles are required along with clear, ambitious and specific goals (linking to international standards) if Wales is truly to become a world leader for gender equality.
3. Wales and the UK are currently subject to an international framework of conventions and directives that aim to prevent discrimination and ensure that

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equality is advanced. Some of these are transposed into or supported by domestic law at both the UK and Welsh level.

4. Some of this framework, particularly the application of international standards, is under threat from Brexit and consideration may need to be given to embedding some elements into Welsh law where possible.

5. Successive Welsh Governments have passed legislation and duties that aim to embed consideration of equality into policy-making. Some of these, such as the Well-being of Future Generations Act and Violence Against Women, Domestic Abuse and Sexual Violence Act, are regarded as world-leading.

6. There is an existing framework of legislation and regulation in Wales that should be effectively embedding consideration of gender, and equality more broadly, into the policy and decision-making process. This consists of the mainstreaming duty, Welsh Specific Equality Duties, Well-being of Future Generation (Wales) Act and Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act.

7. This Welsh framework puts in place complimentary goals, principles and duties which should come together to drive culture change across government and the public sector.

8. The Welsh Government remain committed to building an inclusive workplace. Work in this area should focus on improving the diversity of women working within government, ensuring women can progress into leadership, addressing the gender pay gap, improving take-up of shared parental leave and creating a culture in which bullying and inappropriate behaviour is called out and addressed.

3.1. Vision for gender equality

In some respects, successive Welsh Governments have demonstrated a vision for a Wales in which gender, and equality more broadly, is at the heart of policy-making. Numerous laws and regulations have been put in place to change the manner in which policy is made. However, it has been clear from engagement during Phase One of the review that a missing ingredient is a truly shared vision for what a more equal Wales is, and specifically what a gender equal Wales looks like. Without this shared vision, action can be fragmented and incoherent.

It can also lead to unintended consequences. For example, not having a common definition of what is meant by gender inequality can lead to a fear of “getting it wrong” and a tendency to aim for gender-neutral policy-making and analysis. In reality, given the often very different ways in which women and men interact with the economy, public services and society, gender-neutral can become gender-blind. Take for example the recent equality impact assessment for the Childcare Funding (Wales) Bill, which stated there would be no positive or negative impact on either men or women as the childcare offer would be accessible to both. Given women
continue to more commonly take on primary unpaid caring roles in households this policy will almost certainly have a more positive impact on women.18

A key element of Phase Two must be to develop and articulate a vision for gender equality in Wales and a shared understanding of what is meant by gender equality.

Making Wales a world leader for gender equality will not be an easy task but is a welcome ambition. To deliver this vision, driving culture change both within government and in wider society will be necessary. Our stakeholders highlighted culture change as a key challenge, stating that in order for Wales to become a world leader in gender equality we need to see a seismic shift in culture and attitude. We continue to live in a society in which attitudes and opinions are shaped by deeply held stereotypical ideas and norms. Overcoming these challenges will not be possible without radical change in how we do things and what we do. Drawing on the review of international promising practice, it’s clear that those countries that perform well on gender equality have taken very different approaches to issues such as social security, care and measuring success.

Wales can show leadership here and must not shy away from bold changes. The review of international practice makes a number of recommendations, drawing on examples of innovative action elsewhere, that Welsh Government should consider exploring in Phase Two. This includes whether the value of unpaid care can be incorporated into Welsh economic indicators (such as GVA) and 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”.19

An important step that could be taken immediately, in-line with the approach taken in Scandinavian countries, which have set out a vision for an egalitarian society in which men and women share paid and unpaid work equally, and gender power relations are addressed in public and private, is to underpin such a vision by focusing on equality of outcome and not just of opportunity.20

3.2. Leading by example: Welsh Government has an employer

Welsh Government has an important role in leading by example and driving a sustained effort that leads to lasting change. This is a role recognised both within Welsh Government and by external stakeholders. While the Welsh Government’s implementation of the various duties put in place by the above framework is discussed in more detail in the following chapter, it’s also important that Welsh Government leads the way as an employer.

18 See 4.6.1 for a more detailed analysis of this EIA
Over the years, many steps have been taken to ensure a strong focus on promoting an equal and inclusive workforce within Welsh Government. This is articulated through internal Equality and Diversity objectives, a number of staff networks representing different groups, including women, and objectives for all senior staff that focus on equality and diversity.

Recent apprenticeship recruitment is cited by many we spoke to as an example of good practice where resources were put in place to conduct out-reach work with a focus on diversity. The result has been a significant improvement in diversity of the most recent cohort of apprentices. Steps have also been taken to better support women during maternity leave, with continuation of progress up the incremental pay scale and no longer being required to return ICT equipment for the duration of maternity leave. However, there remains work to be done to encourage greater uptake of paternity leave and shared parental leave among men, which remains low.

Shared parental leave (SPL) was introduced in 2015 by the UK Government, with the aim of making it easier for parents to share caring responsibilities during the first year of a child's life. The UK has not implemented reserved leave for fathers as required by the EU Parental Leave Directive 2010.\(^{21}\)

Welsh Government were an early implementer of SPL. However, across the UK take-up of SPL has remained disappointingly low. Increasingly, the financial constraints of SPL are being highlighted as a key factor in consistently low take-up.\(^ {22}\) Welsh Government have an opportunity to lead the way on this agenda as an employer and better support men to take up SPL. This could include introducing SPL at the enhanced maternity rate for fathers who take leave and encouraging the same good practice in public services and through procurement levers.

There remain workforce issues that still need to be addressed. It’s recognised that work still needs to be done to drive culture change. While many policies that are in place, such as those on bullying and harassment, meet compliance measures there is a desire to go beyond mere compliance and ensure best practice and a genuine safe and inclusive workplace. Steps have been taken, including the introduction of an anonymous reporting process to better support individuals to report inappropriate workplace behaviour and instances of bullying. Reviewing the effectiveness of this may need to be included in Phase Two.

Work is also ongoing to address the gender pay gap within Welsh Government. Schemes are in place to better support women into leadership positions and while progress is being made it’s recognised that the most significant challenge to eradicating the gender pay gap lies within the senior civil service and still too few women are in senior roles in Welsh Government. In Phase Two we will look in more

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\(^{21}\) Parken, A. (2018) ‘Putting equality at the heart of decision-making in Wales’, Wales Centre for Public Policy: Cardiff

\(^{22}\) See forthcoming Chwarae Teg research *Men’s Perceptions of Gender Equality in the Workplace 2018* or Women and Equalities Select Committee *Fathers and the Workplace 2018*
depth at the practical steps Welsh Government can take, including analysis of the civil service pay policy, which it seems may contribute to maintaining or exacerbating this inequality. While pay for senior civil servants is not devolved, there is almost certainly more Welsh Government can do to enable women to progress to and succeed in the most senior roles in Wales.

As well as pay, work could also be done to encourage greater job-sharing at senior levels, which is currently rare, and action could be taken to pro-actively encourage a greater proportion of women to apply for technical or specialist roles, which are often paid more.

While women make up a large proportion of the Welsh Government workforce, more could be done to ensure greater diversity among this female workforce. This will require pro-active steps.

**3.3. International Framework**

International and European law puts in place a framework to progress gender equality. This framework exists at a number of different levels from the UN, to the EU, the UK, Wales and Local Government.

To ensure Wales becomes a world leader in gender equality, consideration must be given to this international framework. It’s important to demonstrate the context in which action can be taken and what levers might be better utilized.

The diagram below highlights key legislation and policy that have a focus on progressing gender equality at the International, European, UK, Welsh and local level of government. While not a comprehensive list, consideration is given to the key conventions, laws and regulations that should be utilized to advance equality in Wales.²³

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²³ CEDAW – Convention for Elimination of All Forms of Discrimination Against Women
VAWDASV – Violence Against Women, Domestic Abuse and Sexual Violence
### Sustainable Development Goals

There are 17 Sustainable Development Goals with 169 targets, which form a global agenda for transformative change around the world. UN member states agreed that these goals and their targets will form their policy agenda from 2016-2030. The goals include ending poverty, ending hunger and combatting climate change and its impacts.

In-line with promising practice identified in the international review, the Sustainable Development Goals adopt a “dual strategy”, mainstreaming gender as a cross-cutting issue in all goals but also having a specific goal focused on addressing gender inequality – Sustainable Development Goal 5.

The goals state that:

> Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. The achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights
and opportunities. Women and girls must enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels. We will work for a significant increase in investments to close the gender gap and strengthen support for institutions in relation to gender equality and the empowerment of women at the global, regional and national levels. All forms of discrimination and violence against women and girls will be eliminated, including through the engagement of men and boys. The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial.  

The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial.

The UK has signed up to deliver these UN Goals and Wales has directly referenced them within the Well-being of Future Generations (Wales) Act.

<table>
<thead>
<tr>
<th>Sustainable Development Goal 5: Achieve gender equality and empower all women and girls</th>
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<tbody>
<tr>
<td>SDG 5 aims to achieve gender equality and empower all women and girls through a number of targets:</td>
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<tr>
<td>- End all forms of discrimination against all women and girls everywhere</td>
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<tr>
<td>- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation</td>
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<tr>
<td>- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation</td>
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<tr>
<td>- Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate</td>
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<tr>
<td>- Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life</td>
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<tr>
<td>- Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences</td>
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<tr>
<td>- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws</td>
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<tr>
<td>- Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women</td>
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<tr>
<td>- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels</td>
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These targets provide a clear plan for action to address all factors contributing to gender inequality across the world.

European Law

There are many EU directives that could be considered in discussion of gender equality that together create an EU framework for rights and protections. As a member of the EU the UK is subject to this framework.

A central component of this framework is the Charter of Fundamental Rights of the European Union, which sets out our full range of civil, political, economic and social rights. At this stage it’s unclear whether the Charter will be part of UK law following Brexit as the EU Withdrawal Bill is currently progressing through Parliament, with potential amendments to bring the Charter into UK law. The loss of this framework, and potential loss of the UK Human Rights Act could drastically change the context in which Wales is pursuing the goal of being a world leader on gender-equality.

Welsh Government has stated its commitment to maintaining protections and rights post-Brexit and opposition to any steps to repeal the Human Rights Act. However, equality will remain a reserved area of law and as such further thought will need to be given as to how the current and future equality rights of women can be maintained. This will be particularly important if the priorities and approach of the UK and Welsh Governments becomes more divergent.

Istanbul Convention

The Istanbul Convention is the Convention on preventing and combating violence against women and domestic violence. It is the most comprehensive legal framework that exists to tackle violence against women and girls, covering domestic violence, rape, sexual assault, female genital mutilation (FGM), so-called honour-based violence, and forced marriage.

It sets out steps for governments to meet when tackling violence against women with minimum standards to prevent violence, protect women experiencing violence, prosecute perpetrators and ensure monitoring of violence against women.\textsuperscript{25}

The UK has not currently ratified the convention despite having signed the convention and agreed to move towards ratification. Until the UK ratifies the convention they are not legally bound to follow it. When the UK Government ratifies the Istanbul Convention, they will have to take all necessary steps it sets out.

Wales can consider the incorporation of the Istanbul convention within Welsh legislation, in the same way that has been done with the Convention of the Rights of the Child.

\textsuperscript{25} Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011 Council of Europe
https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046031c
Below are some examples of the actions that are spelt out under prevent and protect:

Countries that ratify the Istanbul Convention have to prevent violence against women and girls by:

- Regularly running awareness-raising campaigns;
- Training professionals who work closely with survivors;
- Providing education on equality between men and women, gender stereotypes, violence against women and girls, and non-violent conflict resolution in interpersonal relationships;
- Encouraging the media and the private sector to have stronger policies, guidelines, and standards to prevent violence against women and increase respect for their dignity;
- Setting up treatment programmes for perpetrators of domestic violence and for sex offenders.

Countries that ratify the Istanbul Convention have to provide women and girls who experience violence with protection and support by:

- Setting up a sufficient number of shelters to provide women and girls experiencing violence with safe accommodation;
- Setting up a sufficient number of rape crisis or sexual violence referral centres that provide medical and forensic examination, trauma support and counselling for survivors;
- Ensuring that country-wide 24/7 telephone helplines are available free of charge, in addition to specialised helplines;
- Ensuring that survivors of violence have access to the services their need, such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

3.4. UK Law

Equality Act 2010

In 2010 the Equality Act brought together existing equality law into one Act. It attempts to ‘level up the playing field’ in protecting 9 protected characteristics from discrimination, harassment and victimisation. The protected characteristics covered are:

- Age
- Disability
- Gender Reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex

26 https://icchange.co.uk/istanbul-convention
• Sexual Orientation

In addition to anti-discrimination protection, the Equality Act introduced The Public Sector Equality Duty (or “general duty”) on public authorities to have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.27

Equality Impact Assessments are a tool that can be used to demonstrate that “due regard” has been given to equalities. They are not a legal requirement in England, although “case law indicates that some form of documentary evidence of compliance with the PSED is valuable to public authorities when defending decisions in court.”28

In 2012, the UK Government opted to no longer require government departments to carry out EIAs.29 Wales has taken a different approach, with Welsh specific equality duties, which are explored in more detail below.

3.5. Welsh Law

Although equality law is reserved, Welsh legislation has been developed to have a specific impact on the issues that relate to progressing gender equality and women’s empowerment. The Welsh Government, Local Authorities and other listed public bodies, implement Welsh legislation.

There exists a potential shared strategic framework to achieve gender equality in Wales through the integration and implementation of the Well-being of Future Generations (Wales) Act, the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. These offer legislative levers that can be used to strengthen work to achieve gender equality.

Since the formation of the National Assembly for Wales, equality has been placed at the centre of policy-making through the Government of Wales Act 2006, which includes the legal duty to have “due regard to the principle that there should be equality of opportunity for all people”.

Since then, further duties have been put in place with the aim of ensuring that Welsh public bodies include consideration of equality when making policy and spending

29 Ibid
decisions. The Public Sector Equality Duty (PSED) was enacted across the UK in 2010 and the Welsh specific duties came into force in 2011 – Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. In 2015 the Well-being of Future Generations Act gained royal assent which includes as one of seven well-being goals “a more equal Wales” and in 2015 specific legislation came into force to end violence against women, domestic abuse and sexual violence. In principle, these offer a strong strategic framework to deliver gender responsive policy and decision-making across the Welsh public sector. Here we outline the requirements of this framework before discussing its effectiveness in Chapter Four.

3.5.1. Welsh Mainstreaming Duty

A vision for equality underpinned the devolution settlement in Wales. The cross-cutting themes of equality and sustainability were embedded in the first and subsequent Government of Wales Acts.

Section 77 says:

*Equality of opportunity*

(1) The Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.

(2) After each financial year the Welsh Ministers must publish a report containing— (a) a statement of the arrangements made in pursuance of subsection (1) which had effect during that financial year, and (b) an assessment of how effective those arrangements were in promoting equality of opportunity, and must lay a copy of the report before the Assembly.

3.5.2. Public Sector Equality Duty and Welsh Specific Equality Duties

The Welsh Government (WG), as with other specified public bodies covered by the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, is required to comply with the general and specific duties of the Public Sector Equality Duty (PSED).

There are a number of specific duties of which the requirement to conduct Equality Impact Assessments (EIAs) is only one, they all interact and should be considered as a whole, as the Equality and Human Rights Commission (EHRC) guidance and the explanatory notes to the regulations make clear.31

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30 The Welsh Specific Duties apply to “listed authorities”, who are also subject to the general duty
These specific duties are interlinked and complement each other continuously to inform listed authorities as to how to achieve better equality outcomes. The equality duties include:

The specific duties cover:

- Equality objectives
- Engagement with appropriate persons
- Relevant information
- Assessing and monitoring the impact of policies and practices
- Collecting employment information and addressing the cause of pay differences
- Training
- Pay differences and action plans
- Strategic Equality Plans
- Annual reports
- Additional specific duties which apply only to the Welsh Ministers
- Procurement
- Compliance by Welsh Ministers
- Disclosure of information
- Accessibility of information

These regulations of the Public Sector Equality Duty (PSED) put requirements on listed public authorities in Wales and are summarised by EHRC guidance as:

a) to prepare and publish at least every four years objectives which will assist them to achieve the aims of the duty;

b) to have due regard to the need to have objectives covering all of the protected characteristics and to address the causes of any pay differences related to protected characteristics;

c) to involve people it considers representative of the protected groups and others with an interest in how it carries out its functions;

d) to assess the likely impact on its ability to comply with the general duty of proposed policies or revisions to policies and practices and to publish reports of their assessments (where they show a substantial impact);

e) to ensure it identifies and publishes on an annual basis information which demonstrates compliance with the duty (including on pay), and identifies and collects information it does not have.

f) to collect and publish employment information on an annual basis;

g) to promote amongst its employees knowledge and understanding of the general duty and specific duties

h) to draw up and publish a Strategic Equality Plan;

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32 EHRC A guide to regulation of the Public Sector Equality Duty in England, Scotland and Wales
https://www.equalityhumanrights.com/sites/default/files/policy_on_regulating_the_public_sector_equality_duty_scot.pdf Accessed 14.06.18
i) to have due regard to whether it is appropriate for award criteria for contracts to include considerations to meet the general duty or to stipulate conditions relating to contract performance to meet the general duty.

j) to produce an annual report by 31 March each year.

k) for Welsh Ministers, to publish a report on how devolved public authorities in Wales are meeting the general duty. They need to publish a report every four years and an interim report every two years;

l) to take steps to ensure published documents or information appear in a form that is accessible to people from protected groups.

These duties seek to ensure that listed public bodies in Wales consider the impact on advancing equality when creating policy and legislation and making spending decisions.

3.5.3. Violence Against Women, Domestic Abuse and Sexual Violence Act

The VAWDASV Act aims to improve the public sector response to ending violence against women through delivering three main aims:

a) promote awareness of, and to prevent, protect and support victims of domestic abuse, gender-based violence and sexual violence;

b) strengthen the strategic leadership and accountability for domestic abuse, gender-based violence and sexual violence; and

c) improve the consistency, quality and join-up of service provision in Wales.

The act aims to end violence against women and gender inequality, recognising that violence against women is both a cause and consequence of gender inequality. The act defines “violence against women and girls” ("trais yn erbyn menywod a merched") as gender-based violence, domestic abuse and sexual violence where the victim is female." (ACT 2.2). Although, the act also names ‘domestic abuse and sexual violence’ separately instead of including them as a form of violence against women. (VAWDASV Act)

The Act places a duty on the Welsh Government to prepare, publish and review, as well as implement a national strategy. The Welsh Government must also publish national indicators and report on annual progress. It places a duty on local authorities and local health boards to prepare and implement local strategies. A local strategy must:

(a) specify objectives which the local authority and the Local Health Board consider will, if achieved, contribute to the pursuit of the purpose of this Act;

33 Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
(b) specify the periods of time within which the local authority and the Local Health Board propose to achieve the specified objectives;

(c) identify the actions the local authority and the Local Health Board propose to take to achieve the specified objectives.

The Act also allows Welsh Government to publish guidance and requires local authorities to share information on how the role of education is fulfilling the aims of the act. The Act contains provision for the appointment of a National Adviser on Violence Against Women.

The VAWDASV Act connects with UK Government legislation and policy within the Home Office, the crime and prosecution service (CPS) and the Ministry of Justice. The legal framework for prosecution and protection for perpetrators and survivors of forms of violence against women is set by the UK Government.

3.5.4. Well-being of Future Generations Act

The Well-being of Future Generations Act (WFG Act) aims to achieve “sustainable development” in Wales through improving the economic, social, environmental and cultural well-being of Wales. To achieve this, the Act sets out a vision for the future, through a number of well-being goals, and puts in place principles and ways of working for all public bodies as well as a requirement to actively work to improve the well-being of Wales through the setting and publishing of well-being objectives.

The Act sets out seven well-being goals, which all public bodies are expected to work towards achieving:

1. A more prosperous Wales
2. A resilient Wales
3. A healthier Wales
4. A more equal Wales
5. A Wales of cohesive communities
6. A Wales of vibrant culture and thriving Welsh language
7. A globally responsible Wales

Progress towards these goals is measured using the National Well-being Indicators, which include the gender pay gap. While not legally binding the accompanying technical guidance outlines which indicators can be disaggregated by equality group.34

The Act introduces a sustainable development principle that a public body must adhere to, meaning that a public body “must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.” To achieve this public bodies are expected to follow five ways of working:

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1. **Long term:** The importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs

2. **Integration:** Considering how the public body’s well-being objectives may impact upon each of the well-being goals, on their objectives, or on the objectives of other public bodies

3. **Involvement:** The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves

4. **Collaboration:** Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.

5. **Prevention:** How acting to prevent problems occurring or getting worse may help public bodies meet their objectives

**3.5. Conclusion**

In principle, this legislative and regulatory framework should ensure that consideration of gender equality and women’s empowerment is at the heart of policy and decision-making across the Welsh public sector.

Each element puts in place complimentary principles and duties, including various objectives that should include action to address gender equality. For example, given the inclusion of “a more equal Wales” as a national well-being goal, delivering on existing equalities duties should feed into the objectives and actions of public bodies to deliver this goal.

However, it has become clear from the literature review, stakeholder engagement and learning review carried out during Phase One that this framework is not working effectively. There are clear issues with integration between these pieces of legislation and regulation and inconsistencies in implementation and compliance.

These issues are outlined in detail in the next chapter.
4. Policy in Practice

While the legislation and regulations outlined above put in place the building blocks for gender-responsive policy-making, effective integration and implementation is crucial to success. During the course of Phase One pockets of promising practice have been highlighted, particularly in relation to the WFG Act. However, it’s clear that there remains a lack of integration across the various duties and inconsistencies in implementation which risk “gender-blind” policies and decisions. Phase One has identified many of these problem areas, which will need to be explored in more detail in Phase Two.

Key messages

1. There is a lack of integration between the Welsh Specific Equality Duties, WFG Act and VAWDASV Act that could undermine responses to advance gender equality.
2. There are concerns that a lack of integration has exacerbated a compliance-based response with limited focus on the need for culture change.
3. The Welsh Government budget structure and process remains dis-connected from policy and is a challenge to effective cross-government working.
4. Implementation of the various duties can be inconsistent. There are pockets of good practice but as yet the necessary culture change to truly mainstream gender and equalities into the policy and decision-making process has not been achieved.
5. Strategic equality plans have moved away from specific objectives for each protected characteristic. While this may support better consideration of intersectionality, there is a risk that elements can be overlooked such as gender pay gap reporting in the public sector.
6. Equality Impact Assessments (EIAs) are inconsistent, lack critical gender analysis, happen at the wrong point of the policy process and can often be approached in a tick-box manner. The new integrated impact assessment tool being developed in Welsh Government will need to be reviewed as part of Phase Two.
7. Implementation of the VAWDASV Act has been slow but there is recognition for the need to quicken this from the current Minister.
8. The WFG Act is having a positive impact and is felt to be driving change, particularly through the Five Ways of Working. However, there are concerns that it may overshadow or supplant existing equalities duties.
9. There is a lack of tangible action across equality and well-being objectives, and increasingly within Welsh Government policies. This limits progress tracking and effective scrutiny.
10. A lack of robust, gender disaggregated data and indicators remains a challenge. While steps have been taken under the WFG Act to put indicators in place reporting to date has been inconsistent, with some data missing and a limited amount of disaggregation by equality group.
11. There is fragmented capacity for equalities within Welsh Government, with confusion over the role of Equality Leads and an inconsistent approach to placing and utilising equalities expertise between departments.

12. There is an inconsistent approach to policy assurance between Welsh Government departments. New challenge sessions which include a focus on cross-government themes, have been introduced and are helping to address this. These have been welcomed and appear to be having a positive impact on policy development.

4.1. Integration

4.1.1. Integration of existing legislation and duties

Despite having complementary aims, objectives and duties, there is evidence that the existing legislative and regulatory framework outlined above are not integrating well enough, causing additional challenges to implementation and meaningful action. There are concerns that this lack of integration may be contributing to a weakened response to progressing gender equality.

Recent reports by the Wales Audit Office and the Future Generations Commissioner have highlighted integration issues. The Wales Audit Office took evidence on the implementation of the VAWDASV Act and found that “local strategies are developing but need to be integrated with recent legislation to be truly effective”\(^35\). The Future Generations Commissioner found that ‘Public Service Boards (PSBs) should give consideration to how to link well-being plans to other strategies and plans, including those related to other legislation and the Local Development Plan. This will enable key areas of delivery to be actively factored into the bigger picture of improving economic, social, environmental and cultural well-being.’\(^36\)

These concerns were echoed in our engagement with stakeholders, who reported a ‘silied’ approach to meeting the duties in both Welsh Government and public bodies more broadly. Particular concern was expressed at an apparent lack of integration between equalities duties and the well-being duty, which in some cases is resulting in the unintended consequence of much greater resource being directed towards fulfilling well-being duties, which may not be taking great enough consideration of gender equality.\(^37\)

There are concerns from many we heard from that public bodies will have a compliance based response rather than the culture change response that is needed to achieve the Well-being Goals, particularly to delivery of “a more equal Wales”.

\(^{35}\) Wales Audit Office *Findings of Call for Evidence on Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015* August 2017


\(^{37}\) Annex 1 Stakeholder Consultation Report: Challenges
recent Auditor General report on public bodies’ well-being objectives found that there was a lack of integration between local strategies and action plans as well as an operationalization of delivery rather than progress on creating the change that underlines the act. The Auditor General reported that:

“Some bodies also described the challenge of legislative complexity and the difficulty of joining-up statutory requirements in practice. Specifically, they referred to the need to find a practical means of meeting the requirements of the Act whilst also meeting the requirements of the Social Services and Well-being (Wales) Act 2015, the Environment (Wales) Act 2016 or planning legislation. A few suggested that legislative complexity and the ‘burden’ of meeting multiple requirements could result in a compliance-based response.”

Stakeholders reported similar concerns, specifically about the lack of integration of equality objectives into wider policy and delivery in public bodies. Examples given were a lack of consideration of gender and existing equality duties and objectives in planning decisions, procurement and economic development.

The previous National Advisor on Violence Against Women gave evidence at the Equality, Local Government and Communities Committee, stating that “The timing of the introduction of the Act alongside the Social Services and Well-Being (Wales) Act and Well-Being of Future Generations (Wales) Act presented an opportunity to integrate many of the key messages, principles and requirements of the legislation. I feel, however, that this opportunity was missed and that there is a resultant risk that the Act will be considered in isolation rather than as part of an integrated Welsh approach to improving social, economic and cultural well-being.”

There are clear connections between the aims of the Well-being of Future Generations Act, the Welsh Specific Equality Duties and the Violence Against Women, Domestic Abuse and Sexual Violence Act and it is crucial that there is full integration between and across national and local strategies and action plans to ensure maximum impact and policy coherence.

This lack of integration is not a new problem. There has been a tendency, when new duties are introduced, that existing duties are supplanted rather than integrated. For example, there has been little focus on the mainstreaming duty outlined in the Government of Wales Act 2006, since the introduction of the Equality Act and Welsh Specific Equalities Duties. There is a risk that the same is happening with the WFG Act supplanting the equalities duties. Increasingly discussions of equality are framed within the WFG Act, with much broader and vague issues considered rather than

38 Wales Audit Office Reflecting on Year One: How Have Public Bodies Responded to the Well-being of Future Generations (Wales) Act 2015? 2018
39 Annex 1 Stakeholder Consultation Report: Challenges
detailed, explicit analysis of gender inequality. Take for example recent National Assembly for Wales Finance Committee reports on the draft budget, in which scrutiny of impact assessment now focuses predominantly on WFG Act alignment and not equalities impact.\(^{41}\)

It is not clear how equalities duties are to be integrated within the implementation of the Well-being of Future Generations Act and Violence Against Women, Domestic Abuse and Sexual Violence Act. We need to explore further where equality, and specifically gender equality, is sitting within these different objectives, strategies and action plans at a National and Local level.

As outlined in the international review of promising practice from WCPP, the Welsh Government has already identified what could work by embedding the cross-cutting themes of equality and sustainability in the first and subsequent Government of Wales Acts. However, the mainstreaming equality duty has been supplanted by the processes that support the general and public sector equalities duties. Given the potential of the existing legislative and regulatory framework, focus in Phase Two should rightly be how we integrate and mainstream the principles and duties put in place. This could include consideration of how the mainstreaming duty could be strengthened to embed the use of mainstreaming principles and tools.\(^{42}\)

4.1.2. Integration of budget and policy processes

It became clear during the course of Phase One that the Welsh Government budget structure and process is not well enough connected with the policy process and can be a challenge to effective cross-government working. Since the start of the 2016 Assembly term there has been a renewed focus on breaking down silos within Welsh Government, articulated in the more thematic structure of the programme for government (Prosperity for All: A National Strategy). The Five Ways of Working also seek to support a more cross-departmental approach.

While there is positive feedback on how policy is being approached in this regard, the current budget process and structures continue to act as a barrier to effective cross-government working on all issues, including gender equality.

<table>
<thead>
<tr>
<th>Case study: Policy and Budget Dis-connect(^{43})</th>
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<tbody>
<tr>
<td>The VAWDASV Act was designed to improve the strategic approach to ending violence against women, domestic abuse and sexual violence. Unless a budget is aligned to this legislation it is challenging to see how a strategic approach will be achieved.</td>
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</tbody>
</table>

\(^{41}\) National Assembly for Wales Finance Committee *Draft Welsh Government Budget Scrutiny 2017-2018 and 2018-2019*; compare with reports from 2011-2016 term, particularly earlier reports

\(^{42}\) Parken, A. (2018) ‘Putting equality at the heart of decision-making in Wales’, Wales Centre for Public Policy: Cardiff

\(^{43}\) Thanks to Welsh Women’s Aid for their contribution to this section of the report drawing on evidence from *State of the Sector Report 2017*
To achieve the aims of the Act a cross-government approach is essential, which includes budget lines for resources including education, communications campaigns, safeguarding, commissioning of support services and prevention programmes.

Sustainable, long-term funding for all forms of violence against women support services is essential for the delivery of the Act, it is a commitment within the National VAWDASV strategy. As the impact of prevention work is felt, there is a rise in disclosure of people’s experience of violence and therefore an increase in the demand for support services. The Welsh Government sustainable funding task and finish group has been developing a sustainable funding model and will report soon. The short-term funding arrangements and the lack of pooling or prioritizing funds for specialist support have been identified by the Auditor General as a challenge to the implementation of the Act:

"The plethora of funding streams and their short-term nature make it challenging for public bodies to develop a longer-term strategic approach to tackle violence against women, domestic abuse and sexual violence - the inability of organisations to be able to clearly attribute all spending reinforces the importance of strategies and delivery plans being clearly aligned to funding for these policy areas, particularly given the disconnect between short-term annual grant funding and longer-term priorities of strategies."

Recently there has been a shift away from providing hypothecated funding to local authority. This trend could have a potentially detrimental impact on public authority grants to violence against women services. Welsh Women’s Aid have collected evidence from violence against women specialist services in Wales which show that local authority cuts to their grant funding are made in order to prop-up statutory provision. They have also said that the value of partnerships with specialist independent providers like domestic abuse services is not recognised in many local authorities, where they are either quick to cut services and deliver similar provision in-house, or reduce specialist provision in order to contract with one large generic provider.

While spending decisions on specific services are made at the local authority level, a change in the way budgets are allocated to local authorities risks unintended consequences, and could point to a dis-connect between policy and budget processes.

Without embedding the provision of sustainable, pooled, cross-department budget setting, delivery of the priorities within the VAWDASV Act and National Strategy will be difficult. The current lack of integration of the principles for cross-government working enshrined in the VAWDASV Act and the budget process are a real risk to effective implementation.

4.2. Implementation

Each element of the legislative and regulatory framework discussed in this report put in place various duties and requirements for public bodies, including Welsh Government. Implementation of these duties can be inconsistent.

There are pockets of promising practice, where the principles and duties of various regulations are being applied effectively, where objectives are being integrated or aligned across public bodies in a geographical area as in North Wales and there are examples of policy in which consideration of gender has been mainstreamed and is supported with tangible actions.

**Promising practice - Stem: A Delivery Plan for Wales**

STEM (Science, Technology, Engineering and Maths): A Delivery Plan for Wales was published in 2016. It sets out how the Welsh Government will promote, monitor and evaluate STEM enrichment activity and how STEM skills will be developed.

While an EIA does not seem to be available online for this policy, there is consistent consideration of gender equality throughout the policy. As well as a section focused on the under-representation of women in STEM, the issue is discussed throughout the policy in all areas where it is deemed appropriate.

This discussion is backed up with clear, focused actions that seek to address the barriers women encounter. These actions often include clear timescales, further improving accountability.

For example, the plan commits to updating STEM guidance for teachers in 2017 including content on unconscious gender bias in STEM. It also commits to carrying out further analysis in 2016 of the gender disparity in mathematics between GCSE and PISA and grant funding Techniquest and Techniquest Glyndwr with specific strategic objectives to enhance girls’ progression and target disadvantaged communities in 2016-2017.

It’s particularly important to ensure gender is considered in this area. Women are under-represented in almost all areas of STEM, with the main exception being medicine. Just 12% of engineering and technology university students in Wales are female. As girls progress through education the proportion studying STEM steadily declines, with just 7% of girls who take STEM GCSEs going onto to qualify at Level 4 in a core STEM area. As a result of this under-representation, without

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45 Public bodies in North Wales have agreed a number of top-level objectives that all partners will adopt in Strategic Equality Plans – address health inequalities; address unequal outcomes in education to maximise individual potential; address inequalities in employment and pay; address inequalities in personal safety; address inequalities in representation and voice; address inequalities in access to information, services, buildings and the environment. A number of South Wales stakeholders suggested greater alignment between public body’s equality objectives as an action for change.


47 Welsh Government *Talented Women for a Successful Wales*
mitigating action this policy would have likely been disproportionately beneficial to men, by investing in a sector that women are not studying or working in. Any budget attributed to implementing this delivery plan would have risked widening gender gaps and the gender pay gap if this approach to gender mainstreaming had not been taken.

One area that could perhaps be strengthened in this example would be more consideration of intersectionality. While there is good discussion of gender issues within STEM, there is little consideration of wider equalities including how being disabled or BAME might be a barrier to accessing work and training in this sector.

However, this approach is not seen consistently across Welsh Government and there is evidence from our own analysis of policies and the discussions held with stakeholders and officials that we have ended up with a compliance-based response to the various duties which limits critical analysis of gender, and equality more broadly, within policy development.

A Missed Opportunity: Our Valleys Our Future

Our Valleys Our Future was published in 2017, consisting of an initial report and a detailed delivery plan. It is the output of the Ministerial Taskforce for the South Wales Valleys and seeks to deliver lasting change in the Valleys by creating good-quality jobs closer to home, improving people’s skills and bringing prosperity to all. The plan focuses actions around three key priorities:

1. Good-quality jobs and skills to do them
2. Better public services
3. My local community

In many ways Our Valleys Our Future offers a promising approach to policy development. The delivery plan has been developed following significant engagement and consultation with those living in the South Wales Valleys to identify the key issues that need addressing.

It has a much more detailed set of actions than other recent action plans, linked to desired outcomes and targets. It has clear timescales and offers greater accountability than other recent policies and action plans. It also has an EqIA, which has been revised once and has a set date for further revision.

However, despite these general strengths, there is little consideration of gender in the plan. Many of the activities are likely to benefit women, such as:

- improving employment rates, as women are less likely to work than men and are economically inactive for different reasons;

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48 https://gov.wales/topics/people-and-communities/communities/taskforce-for-the-valleys/our-valleys-our-future/?lang=en Accessed 22.05.18
the economic activity rate for women aged 16-64 is 74.8% compared to 78.5% for men.49
8.9% of women in Wales are economically inactive compared with 21.5% of men.50
Of those that are economically inactive, 19.1% of women are inactive due to looking after family or home compared with 6.8% of men.51
- maximising jobs in the foundational economy, as women are more likely to work in a number of sectors in the foundational economy
  - 80% of domiciliary care workers in Wales are women, 80% of the those employed in human health and social work in Wales are women and 69% of the education workforce in Wales is female.52
- improving public transport for people who work irregular hours, as women are more likely to work part-time and on zero-hours contracts
  - Women hold 80% of all part-time jobs in Wales, 75% of which are in administration, retail and elementary occupations.53

The benefit of these interventions for women are only likely to be maximised if activities are designed and delivered with gendered roles and inequalities in mind. It's not possible to determine whether this will be the case given the lack of focus on gender inequality in the delivery plan. If the policy and delivery plan contained explicit actions and outcomes focused on advancing gender equality this would likely impact on the delivery methods of those engaged in implementing the action plan.

For example, a gender breakdown could have been provided as part of the commitment to close the employment gap between the South Wales Valleys and the rest of Wales. Consideration could be given to any gap between female employment rates in the Valleys and the rest of Wales, and whether the gap between male and female employment rates in the Valleys is different to the gap between male and female employment rates in the rest of Wales. This could inform the commitment to helping an extra 7,000 people into fair work, perhaps including a target for supporting more women into work.

Another example is the commitment to focus on utilising infrastructure projects such as the Metro and A465 and stimulating the market in STEM. Given women's under-representation in these sectors - women account for just 11% of the engineering and construction workforce - any increased investment, jobs or training opportunities are likely to benefit men more readily.55 Furthermore, given the importance of increasing the number of women working in these sectors as a

49 ONS Annual Population Survey 2017 Economic Activity by Gender and LA Accessed via Nomis 30.09.17
50 Ibid
51 Ibid
52 Social Care Wales, Development of a strategic plan for care and support at home: a literature review, March 2016.
53 ONS Workforce jobs by industry 2018 via Nomis 25.05.18
54 Parken et.al Working Patterns in Wales: Gender, Occupations and Pay 2014
means of reducing the gender pay gap and women’s economic inequality, actions here could be harnessed to advance equality. There are no gender specific actions or targets linked to these actions, signaling a missed opportunity.

While it is good to see an EIA has been carried out it focuses significantly on the engagement work carried out to inform the plan and doesn’t apply any significant amount of critical gender analysis as to how the actions in the plan will impact men and women or advance equality. While engagement is an important element of the EIA and policy development process, a more critical analysis of gender impact in the EIA may have highlighted some of the missed opportunities highlighted above.

Below we outline specific challenges with each of the three elements of the legislative and regulatory framework as well as more general issues around actions, indicators, resourcing and capacity and engagement.

4.2.1. Welsh Specific Equality Duties

The Welsh Government (WG), as with other specified public bodies covered by the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, is required to comply with the general and specific duties of the Public Sector Equality Duty (PSED).

There are a number of specific duties of which the requirement to conduct Equality Impact Assessments (EIAs) is only one, they all interact and should be considered as a whole.

It is unclear whether the Welsh Government and other public bodies in Wales are fulfilling the specific duties within the PSED.

Strategic Equality Plans

Requirement to have specific objectives on protected characteristics within the Strategic Equality Plan (SEP)

The regulations in respect of SEP Objectives include a requirement for the WG to:  

Publish objectives to meet the general duty. If an authority does not have an objective for each protected characteristic – in addition to any objective to address pay differences – it must publish reasons why not

The Welsh Government have elected not to have an objective in respect of each of the protected characteristics. The current SEP states:

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56 WELSH STATUTORY INSTRUMENTS 2011 No. 1064 (W.155) EQUALITY, WALES The Equality Act 2010 Statutory Duties) (Wales) Regulations 2011
The Equality Objectives set out in this Plan apply across government departments, ensuring that equality and inclusion are not compartmentalised but are the responsibility of all policy makers. The Objectives embody the commitment of all Ministers to tackle barriers to equality and inclusion.\(^{57}\)

Welsh Government’s role and functions are complex, diverse and often delivery is at arm’s length. Their objectives seek to capture as many functions across the Government as possible and to include consideration of all protected characteristics whilst doing so.

However, they do not include a specific objective in respect of each characteristic nor a clear explanation of why they are not doing so as required in the regulations above. This approach may support better consideration of how different characteristics intersect, however there is a risk that this could result in vague recommendations that offer a more limited opportunity to measure progress on tackling structural inequality.

Requirements to have Strategic Equality Plan (SEP) Objectives on pay difference and address the gender pay gap

The Welsh Government has produced a generic objective in respect of pay and gender pay in Objective 3. However, this is not a specific objective in respect of the gender pay gap as required by the regulations, nor is there any explanation as to why they have not done so as the regulations require.

A listed body in Wales must:

- have due regard to the need to have objectives to address the causes of any pay differences that seem reasonably likely to be related to any of the protected characteristics
- publish an equality objective to address any gender pay gap identified or else publish reasons why it has not done so

Even where an authority publishes an equality objective to address pay differences in relation to any protected characteristic, it must still have due regard to the need to have other equality objectives in relation to that protected characteristic. If it publishes no other such objective, it will need to explain why not.

Whilst the generic intention of the objective includes addressing gender pay, the objective is not specific in respect of what is going to be done regarding it. WG has opportunities to implement strategies to assist in closing the pay gap in Wales, even if much of the control and delivery of actions is outside of their control. They do have opportunities to drive action by others across critical sectors and to monitor the impact of actions and overall movement on the pay gap between women and men.

\(^{57}\) Welsh Government Strategic Equality Plan and Equality Objectives 2016–2020
As outlined in the international review of promising practice, the Welsh Specific Equality Duty on gender pay gaps was intended to be the strongest and most effective of the specific duties on gender pay gaps in the UK. However, it is the view of the WCPP that the duty was poorly drafted, there is poor visibility of published results and monitoring has been weak.

There are opportunities to learn from the UK Gender Pay Gap Regulations, which include very specific reporting and publishing requirements. The initial reporting deadline of April 2018 has seen a high degree of compliance. There are also options to extend these to include elements of the current Welsh duty which requires an employment analysis to identify the drivers of pay gaps and an action plan.

**Equality Impact Assessments**

Equality impact assessments (EIAs) are a legal requirement for public bodies to demonstrate that they have shown due regard to advancing equality of opportunity. They are the key method which case law has decided is evidence that public bodies have taken due regard. There is concern from many we spoke to that these are not being conducted appropriately.

EIAs are a key mechanism of compliance, and a crucial tool for embedding a gender lens into policy-making. In theory EIAs should be applied at all stages of the policy life-cycle. They should prompt and guide policy-makers to seek and gather evidence and should form an important element of policy advice alongside fit, cost and management of work.

Unfortunately these equality impact assessments have had a tendency, within Welsh Government and other public bodies, to become tick box exercises; a compliance-based exercise that lack a detailed analysis, do not comply with the requirements of the specific duties on equality information or engagement and are not done at the appropriate time to meaningfully influence and inform policy and legislation.

A report by the WLGA and NHS Wales found that equality impact assessments can be viewed as both positive and negative.

“On the one hand, interviewees believed that without the duty there was a risk that equality would not be considered by public bodies and it provided equality leads with the leverage to ensure that EIAs were done. On the other hand, it was felt that the statutory requirement can potentially work against EIAs, as organisations end up doing EIAs because they have to, rather than because...”

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59 Ibid
they perceive them to offer value to the organisation. This can lead to a ‘tick-box’ approach.’”

As part of Phase One a rapid review of legislation and strategic policy was carried out to analyse the extent to which gender is considered and the strengths and weaknesses from a gender perspective. For the most part, EIAs have not been published, possibly as a result of determining that the policy will have limited impact. However, many of these policies set out the strategic priorities in areas such as economic development, education and social services, and have the potential to play a crucial role in advancing gender equality.

For those EIAs that are available there are concerns that the advancement of equality between men and women has not been considered, that there is a lack of intersectional thinking and a confused response to understanding violence against women as both a cause and consequence of gender inequality.

**Case Study: EIA Our Valleys Our Future**

This is one of the few recent policies or action plans published with an accompanying EIA. The EIA outlines significant engagement with different groups as part of the policy development process. It’s also promising to see that the EIA has already been reviewed and has a clear date for further review as the delivery plan is implemented.

However, beyond the discussion of engagement there is limited critical analysis of gender impact within this EIA. There is a lack of disaggregated data within the EIA and discussion of gender focuses predominantly on the engagement work rather than the likely impact of various actions.

As outlined in the discussion of Our Valleys Our Future under 4.2 above, there are various bits of data that we would suggest should be considered to ensure adequate consideration of gender within this EIA.

**Case Study: EIA Childcare Funding Bill**

While it has become less common for EIA’s to be published alongside policy documents, strategies and action plans, most legislation is accompanied by an EIA. Most recently this has been the Childcare Funding (Wales) Bill, which will give Welsh Ministers the required powers to implement an eligibility checking system for the new childcare offer.

While a largely technical piece of legislation, this will be vital to the effective implementation of the new offer which includes as a key policy aim increasing the proportion of parents, particularly mothers, in work. Despite this overarching policy aim, and data which demonstrates that women currently take on the primary caring

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role in most households and therefore reduce their working hours or leave work altogether, the EIA states there would be no positive or negative impact on either men or women. The reason given is that the scheme will be accessible to all. A possible attempt to be gender neutral has in fact resulted in being gender-blind.

Taking a more intersectional approach to analysis would also have enabled an assessment of whether women of particular ages, or in particular ethnic groups may benefit as a result of greater uptake of childcare.

Another element that could have been considered would be the potential positive impact on older women, who currently take on additional burden through the provision of informal childcare, by increasing use of formal childcare instead.

Equality Impact Assessment of the Welsh Government budget has also proven inconsistent. Prior to 2015, when a change was made to a Strategic Integrated Impact Assessment (SIIA), an EIA was produced alongside each Draft Budget. While the EIA’s themselves were not available during this phase of the review, the scrutiny of the budget by the National Assembly’s Finance Committee between 2012 and 2016 demonstrates this inconsistency in approach. In 2012 and 2014, feedback was largely positive. However, in 2013, the decision to not undertake a full EIA was criticised by both the Finance and Communities, Equality and Local Government (CELG) Committees. Notably in 2015 and 2016, following the introduction of the SIIA, a much more limited discussion of equality was included in the reports from the Finance Committee. Since 2016, the focus of impact assessment scrutiny has been on alignment with the WFG Act and not on equalities consideration.

Strategic Integrated Impact Assessment of the Welsh Government Budget

Since 2015, a Strategic Integrated Impact Assessment has been applied to the Draft Welsh Government Budget. This has the aim of bringing together various impact assessments that must be undertaken, including equality impact assessment, and outlining how spending has been informed by the WFG Act.

While the aim of better integration is to be welcomed, in practice the SIIA has resulted in a more limited discussion of equality impact, with little critical analysis through a gender lens. This lack of detail has been repeatedly criticized by the Finance and Equalities Committees in the National Assembly for Wales. Most recently, the ELGC Committee recommended that Welsh Government return to a detailed impact assessment in future in line with recommendations from their predecessor committee, EHRC and international good practice.61

SIIA on the 2017-2018 Draft Budget

This SIIA demonstrates limited critical analysis of spending decisions.62

For example, discussion of spend on apprenticeships fails to mention the need – and policy aim – of improving the gender balance in some areas of

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61 Equalities Local Government and Communities Committee Welsh Government Draft Budget 2018-2019 2017
It doesn’t note that the decision to predominantly fund Level 3 and above may have a negative impact on those who tend to study at lower levels, which includes women in health and social care and hair and beauty frameworks. Furthermore it notes a potential positive impact on BME as some of these groups are more likely to be in poverty but fails to note the well documented under-representation of BME people on apprenticeship pathways.

It also fails to mention the opportunity to advance equality through the new childcare offer, by addressing childcare as a barrier, which is predominantly experienced by women. This is despite the gender impact of the programme being an aim of the policy itself.

**SIIA on the 2018-2019 Draft Budget**

This SIIA, while showing improvement in some areas such as noting the positive impact of the childcare spend on women, still demonstrates limited analysis of impact.  

For example, it states that some protected groups are more likely to fall into the category of below average income and therefore benefit from using taxes to fund public services, but doesn’t note which groups. It still makes no mention of the inequality within apprenticeships and doesn’t note the potential for the Code of Practice for Ethical Employment to advance equality, given women’s dominance in outsourced services in which poor employment practices are common such as cleaning, catering and care.

The on-going issues with the SIIA suggest that this is a significant issue to address. By comparison, the Scottish Government produce a much more comprehensive Budget Statement on Equality alongside each draft budget. This document outlines the equality impact for each department budget. While a detailed analysis of the Equality Budget Statement was not undertaken during this review a quick glance at the 2018-2019 statement suggests a more much more detailed, critical analysis of equality impacts of spending decisions, consideration of how spend can advance equality and details of action to mitigate decisions that might otherwise have limited impact e.g. placing expectations and requirements on funding to Scottish Enterprise and councils to consider equality and to work with key stakeholders.

**Integrated impact assessment tool**

Work is underway within Welsh Government to develop an integrated impact assessment (IIA) tool. Drawing on the findings of the Public Policy Institute for Wales (PPIW) report *Reducing Complexity and Adding Value: A Strategic Approach to Impact Assessment in the Welsh Government* (Feb. 2016), the new tool seeks to bring together 21 existing impact assessments into a single tool. It is hoped that this tool will be more accessible, and will encourage impact assessments to be carried out at the beginning of the policy process, rather than at the end, which is what tends

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63 Welsh Government *Draft Budget 2018-2019 Outline Proposals 2017*
64 Scottish Government *Equality Statement Scottish Draft Budget 2018-2019*
to happen currently. There is acknowledgement that EIAs should be encouraging evidence gathering and critical analysis throughout the process, but in reality this is not always the case. It’s hoped the IIA tool will help drive the necessary culture change to ensure impact assessment is meaningful. Given the timing of Phase One of the review it’s not been possible to consider the new IIA tool but Phase Two will need to consider whether the new tool gives adequate consideration to gender and assessment of the impact of the new tool on mind-sets will need to be evaluated.

In Phase Two we need to further explore the compliance of the Welsh Government to the requirements within the PSED and the piloting of the integrated assessment tool.

EIAs and Strategic Equality Plans are two elements of the Welsh Specific Equality Duties.

4.2.2. VAWDASV Act

There have been delays in delivery of the 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. The National Assembly for Wales’s Equalities, Local Government and Communities committee in 2016 conducted a post-legislative scrutiny inquiry into the implementation of the Violence Against Women, Domestic Abuse and Sexual Violence Act. The inquiry found concerns about “the pace and consistency of the implementation of the Act particularly around the publication of statutory guidance, resources and demand for services, and alignment of the Act’s requirements with other legislation”. The Chair of the committee, John Griffiths recently wrote to the Minister for Equalities regarding their continuing concerns on the slow implementation of the act.

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 it to disbelieve a report of harassment or sexual assault; a position that is not seen when other crimes, such as theft, are reported. The VADASV Act seeks to bring about the necessary culture change needed to ensure this is not the case, but can only do so if implementation if 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. Welsh Government should focus efforts on speeding up delivery of the Act and publish national indicators to monitor progress.

4.2.3. Well-being of Future Generations Act

The WFG Act is having a positive impact. The Act offers a clear, tangible, framework and the five ways of working, which are felt to be changing the way in which policy is approached. While still a work in progress, embedding the principles of the Act is well underway within Welsh Government and across the public sector.

However, there are concerns from stakeholders that the Act may not be progressing gender equality as much as it should, with greater focus being paid to economic and environmental elements of the Act. This echoes the findings of the Future Generations Commissioner:

*As well as well-paced progress, there are some frustratingly slow and sometimes backward actions being taken, such as persistent use of a definition of well-being that only focuses on economic value, officers adopting impact assessments for the Act that do not encourage improvement - only ticking boxes and an assumption that we are ‘doing this already’ – when, looking at our national indicators and our well-being as a country, we are clearly not.*

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Although the Well-being of Future Generations Act has the core goal of "A more equal Wales" this is not reflected within the guidance for the Act or within the Welsh Government’s well-being objectives. There appears to be a move away from the more clearly communicated intentions to end inequality of the Welsh Specific Equality Duties or the VAWDASV Act to broader intentions that can be vague, and do not offer an approach to addressing deep-rooted, structural inequalities within Wales.

The Shared Purpose: Shared Future Statutory guidance on the Well-being of Future Generations (Wales) Act 2015 has been produced to support public bodies in their adherence to the Act, this makes little reference to the goal of a more equal Wales. The statutory guidance uses a lot of examples to explain the links to the sustainable development of the environment but there is a lack of clear examples and guidance on links to equality, women’s empowerment or violence against women.

For example, the guidance identifies overarching challenges that Wales will face to achieve the well-being goals, these challenges are poverty, health inequalities and climate change. The cross-cutting and serious challenge of gender inequality is not identified within the guidance for the Well-being of Future Generations Act. Therefore, there is a lack of prioritisation of setting well-being objectives that respond to any inequalities, including gender inequality.

**Prosperity for All: The National Strategy**

*Prosperity for All: The National Strategy* sets out the key priorities of the Welsh Government for the 2016-2021 term. As the overarching strategy, guiding all work of the government, it’s imperative that the requirements of the PSED, WFG Act and VAWDASV are applied and the aims integrated.

*Prosperity for All* has been closely aligned to the well-being goals and objectives, however there are weaknesses in the approach taken that could hinder aspirations to deliver a feminist government.

Firstly, there are no national well-being objectives that specifically aim to achieve gender equality and women’s empowerment. The objectives have been developed with an assumption that the impact will be far reaching and therefore lack the prioritisation of working towards gender equality. The Well-being statement includes an analysis of how Welsh Government’s well-being objectives make a primary contribution to the national well-being goals. 68 This shows that there is a clear intention to make Wales a more equal country but the actions are broad and developed with an assumption that there will be a trickle down impact. This does not address deep-rooted and ingrained inequalities that need a tailored approach to reach out to people and break down structural barriers that create an unequal Wales.

To assess the impact of *Prosperity for All: the national strategy* there is a narrative document that goes through each of the four key themes and the cross-cutting themes to make an assessment of the impact on equalities, human rights, children’s rights, welsh language, climate change, rural proofing, health, biodiversity and economic development. It is unclear if this impact assessment has considered the specific duties within an equality impact assessment. In the impact assessment there is also a lack of analysis of the range of experience of women or the intersecting structural inequalities. This impact appraisal makes a focus on poverty, with some understanding of the impact of poverty on people in Wales but could go further to identify the impact on gender equality. For example, the impact on women and girls is only identified when discussing the gender employment and pay gap, the role of mothers in promoting health in their families and the importance of early years and support for pregnant woman and young mothers. This is a narrow view of the structural inequality that women and girls face.

It also fails to articulate and take forward the aims and ambitions of the VAWDASV Act, to integrate with the requirements within the Equality Act or have specific actions that address the Well-being Goal of a “more equal Wales”

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### 4.2.4. Actions and Indicators

Listed public authorities have a legal requirement to consider progressing gender equality. However there is an emerging pattern of a lack of ambition in this regard. Action plans and indicators across all three statutory duties (PSED, WFG Act, VAWDASV Act) are

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68 *Prosperity for All: the national strategy – Well-being statement*
VAWDASV Act) are often vague and cause difficulties in tracking progress. This makes it difficult to understand the impact of the legislation, particularly in terms of outcomes for people in Wales. This is evident across both national and local objectives.

For example, the Welsh Government’s Strategic Equality Plan lists a number of key actions to be delivered and monitored by the Welsh Government but these lack a clear timescale and indicators. It is therefore difficult to assess the impact of the equality plan and the achievement of objectives. The Welsh Government is currently developing national indicators:

“We are in the process of developing a comprehensive set of indicators drawing on existing national indicators where appropriate. We acknowledge there are limitations to data due to small sample sizes in Wales and therefore disaggregating data by ethnicity and disability, for example, is not always possible. We are committed to reviewing our equality indicators as our Strategic Equality Plan evolves and changes.”

The Welsh Government’s National VAWDASV Strategy outlines six objectives with a list of key actions to be delivered but there is currently no detailed action plan or timeline and actions are vague. For example, under objective four, an action states to “work across Government and with key stakeholders to scale up and mainstream evidenced based approaches to ensure that early intervention and prevention is happening consistently and is core business across Wales”

A recent Future Generations Commissioner report also found that local well-being objectives were not ambitious enough. The report found that the objectives were not linked to actual actions to be delivered. For example, objectives regarding adverse childhood experiences (ACEs) were broad and vague about preventing ACE’s with a lack of detail on the actions that need to be taken, including the integration of commissioning domestic abuse services.

A lack of tangible targets and actions is also an emerging theme in more recent Welsh Government policies. While many of these are overarching, strategic action plans, that will be underpinned by further delivery plans and programmes, it remains concerning that more tangible success measures are not included. This limits progress tracking and effective scrutiny.

Translating rhetoric into action: Economic Action Plan and Employability Delivery Plan

Prosperity for All: economic action plan was published in 2017. It sets out the Welsh Government’s strategic priorities to build an economy on strong foundations and marks a change in direction from previous economic strategies focusing on

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71 ibid
72 https://gov.wales/topics/businessandeconomy/economic-action-plan/?lang=en Accessed 22.05.18
fewer priority sectors, investing in the foundational economy and seeking to ensure investment with social purpose.

The *Prosperity for All: Employability Plan* was published in 2018. It sets out the Welsh Government’s priorities to educate, train and prepare people for work and remove the barriers preventing people from accessing work.

These are two of the most recent policies published by Welsh Government and represent core elements of the delivery of *Prosperity for All: the national strategy*. Both include discussion of gender equality.

The Economic Action Plan discusses the need to address the causes of gender inequality, re-commits to improving childcare as a means of improving employment opportunities for working parents, especially women, discusses the need to tackle gender stereotypes and close the gender pay gap. These issues are framed as a necessary element of economic development to deliver inclusive growth.

The Employability Plan states that work will be done to reduce the gender pay gap, ensure that part-time work is equally rewarded and women are adequately represented in levels of seniority. It states that differences between sectors and occupations will be analysed, that educational institutions will be encouraged to do more to get women into priority sector courses and that if progress is too slow consideration will be given to targets. It also recognises that labour market outcomes are different for women, and identifies the persistent gender pay gap as a key challenge. However, there is little discussion of other protected characteristics or how these might intersect with gender, causing further disadvantage.

This discussion of gender is positive given the impact these plans will have on the lives of women. Gender is not discussed separately but throughout each plan. Both policies have the potential to advance equality and this seems to have been recognised. For example, investment in the foundational economy offers an opportunity to advance equality; women are more likely to work in sectors such as care and retail, and get stuck in low-paid work as a result of poor progression pathways in these sectors. Similarly, the Employability Plan commits to an individualised approach to delivery, alongside a broad definition of employability, which includes consideration of personal attributes such as confidence and aspiration and issues such as childcare and availability of flexible work, alongside skills and experience.

As with other policies and impact assessments there is limited consideration of how gender may intersect with other characteristics, however the Employability Plan does include discussion of the challenges faced by BME and disabled people, with a commitment to take action such as building more flexible workplaces.

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74 [https://gov.wales/about/programme-for-government/?lang=en](https://gov.wales/about/programme-for-government/?lang=en) Accessed 22.05.18
While the rhetoric in these plans is positive, they lack specific actions to outline how these aspirations will be achieved and how success will be measured. There are targets that accompany the Employability Plan, however these do not include gender disaggregated data to demonstrate progress or gender specific targets. While the Employability Plan does state that disaggregated data will be used to measure success it does not outline what these specific indicators will be. The Economic Action Plan will be evaluated using the national indicators, which do include the gender pay gap and a requirement to present disaggregated data wherever reasonable. However it is likely to be difficult to correlate improvements in the National Indicators with specific actions in one plan and there are issues with the data published to date.

There also does not appear to be an EIA for either plan online.

Part of the rationale for this review of gender equality is to ensure that the intentions of Welsh Government translate into action. It’s difficult to determine how this will happen with action plans that are light on detail and as a result hinder accountability.

To measure progress against the seven national well-being goals, a suite of 46 National Well-being Indicators were produced in consultation with stakeholders. Steps were taken to ensure that these indicators adequately measured progress across all goals, including a more equal Wales, and include the gender pay gap. The technical guidance also sets out which can be disaggregated by equality group. While not legally binding this creates an expectation that those that can be disaggregated, will be. Welsh Government are required to report on progress annually in a Well-being report, the first of which was published in 2018. However this report does not seem to have data for all 46 indicators and disaggregated data has only been provided for some of those that the technical guidance states can be.

For example, the technical guidance states that data for Indicator 16: Percentage of people in employment who are on permanent contracts (or on temporary contracts and not seeking permanent employment) and who earn more than 2/3 of the UK median wage, can be disaggregated by equality group.

In the Annual Well-being report, *Well-being of Wales*, this is not presented with gender disaggregated data. This has implications for recent policy, which will be measured using the National indicators - the economic action plan has a focus on inclusive growth and fair work. This indicator will be an important measure of the impact of activity to improve the provision of fair work. If not disaggregated by gender, it will be difficult to determine the impact.

Improving the provision of data, such as that produced against well-being indicators, is essential in order to progress gender equality. Publication of accessible and

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77 Welsh Government *Well-being of Wales 2016-2017*
engaging data is highlighted as a success factor in the analysis of international promising practice prepared by the WCPP. Improvements must be made to data such as that published in the well-being report to ensure effective scrutiny but also as part of activity to engage wider audiences in the equalities agenda. Stakeholders consistently highlighted data as a key challenge, pointing to issues with limited Welsh specific and disaggregated data. One option to explore to address this would be to work towards open data by default. There could also be scope to explore whether the balance is currently right between publication of numbers and releases and data analysis that offers a more nuanced understanding of the data.

Without SMART actions and indicators to progress gender equality across all three duties it will be impossible to track progress and accountability will be limited. It’s essential that plans and objectives produced at national and local level include clear actions to progress gender equality and enable transparent and effective scrutiny and monitoring. Welsh Government must show leadership in this area.

Phase Two should include activity to review plans and objectives produced under the PSED, WFG Act and VAWDASVA by all public bodies.

4.2.5. Resources and Capacity

Resources and capacity are essential to support effective, gender responsive policy and decision-making. The exploration of international promising practice demonstrates that those nations that perform best against international indices for equality, often have a number of supporting government structures, resources and toolkits in place.

Welsh Government already have many tools and resources in place, supported by those produced by external bodies such as the EHRC. There is also a relatively comprehensive range of training opportunities for WG officials to understand how impact assessments and consultations should be used as part of policy development and 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.

Phase One of the review has concluded that 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. 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 also inconsistency across different departments in how equalities is approached and what expertise and capacity sits within departments to support policy development. For example, the Economy and Skills Department appears to be the only one to have an existing equalities unit who work with staff across the
department to support the development of equalities impact assessments and the integration of equality within policy development. This unit is too small to monitor the equality impact assessment process and in some cases may be disadvantaged by being asked to deliver things that they do not have the capacity and resource to do.

There appears to be a lack of consistency in how policy assurance is approached between different departments, posing an additional challenge to embedding gender consideration into the policy process. Challenge sessions have been introduced and are seen to be helping to address this, as well as change behaviour and encourage earlier consideration of issues including equality.

An important element of the equalities infrastructure within Welsh Government are the Equality Leads and Champions. The Equality Leads meet on a regular basis and the terms of reference for this group suggest that there is both an internal and external focus for this group; building and maintaining links with staff networks and Equality Champions and supporting the mainstreaming of equality and inclusion across Welsh Government.

In theory, these individuals should be an invaluable resource to department leads to support the embedding of equality into the policy and decision-making process. However, based on our discussions, there appears to be some confusion across Welsh Government departments as to the exact role of this group, with some only being aware of the internal element of the role. It’s not been possible to explore this in more detail in Phase One but gaining a better understanding of how the network of Equality Leads and Champions is being utilised should be a element of Phase Two.

We are still unclear if a separate team is needed, or if gender equality needs to be more effectively mainstreamed across all roles. For example, we can learn from the approach to mainstreaming tackling poverty when we have moved from a Minister focused on tackling poverty to an expectation that all policy areas must think about ending poverty.

There is a strong sense that currently, pockets of good practice are often down to particularly passionate individuals pushing the agenda, perhaps strengthening the case for having dedicated teams and/or individuals throughout Welsh Government rather than relying on it being mainstreamed, at least until further work is undertaken to increase understanding and buy-in.

Our stakeholder engagement suggests similar challenges within other public bodies. With decreasing budgets, equalities roles have been reduced, often with an individual now responsible for equalities as part of a much larger role. There were also concerns that this expertise is sometimes at too low a level in internal hierarchies to be able to effectively challenge senior officers and council cabinet members. In some cases, it’s felt that the WFG Act is being much better resourced, at the detriment of equalities, as there is no attempt to integrate the two agendas.
Phase Two may wish to consider a review of equalities capacity across Welsh public bodies more broadly, although this should be considered in the context of better integration of existing duties.

4.2.6. Engagement

Engagement is an important element of the policy process, particularly when looking to embed consideration of gender equality. It is also a requirement under a number of the duties in this legislative and regulatory framework, including the Welsh Specific Equalities Duties and WFG Act.

Engagement is done in a number of ways; through formal consultation, public engagement events, research and expert groups and forums. However, there is a lack of consistency in how engagement is done and input is utilised across different Welsh Government departments.

One example of promising practice is the engagement done to inform the Our Valleys Our Future Delivery Plan. The production of this plan by the Ministerial Taskforce for the South Wales Valleys was informed by extensive engagement with people living in the South Wales valleys. This engagement is discussed in detail in the accompanying EIA, which outlines that thematic sessions were held with young people, teachers, parents, housing association tenants, employers and disability groups. There were public engagement sessions supported by targeted focus groups with demographic groups who were under-represented in other engagement work. The EIA states that engagement has worked across genders and has considered bespoke issues for women such as social care, childcare and employment opportunities. While there is limited information on how many women were engaged with, this extensive engagement with those the delivery plan will affect is an example of stronger, pro-active engagement.

There are a number of formal groups and forums through which the Welsh Government engage with “experts”. Examples include the Disability Equality Forum, the Faith Communities Forum and Budget Advisory Group on Equality. However, there appears to be no dedicated women’s or gender equality forum. Membership of these groups is unclear and there is limited information online outlining how these groups are engaged with. There is a concern that these formal engagement mechanisms may not be effectively informing policy with a gender analysis.

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79 Ibid
80 Ibid
Engagement with Experts: Budget Advisory Group for Equalities

BAGE is a mechanism that WG has established to provide them with advice and expertise on equality and budgets. The Group was established to provide advice, support and challenge to improve equality considerations of the budget process.

Meetings to date as evidenced on the BAGE page of WG website\(^{81}\) have focused on providing information to the members on how the Budget process works and on approaches being taken to deliver objectives, policies and programmes. These include the Well-being of Future Generations Act, the tackling poverty action plan, the Wales Infrastructure Investment Plan, housing policy, and the Foundation Phase Evaluation.

From a women’s perspective membership includes Women’s Equality Network Wales, who have provided a briefing to the group on Gender Budgeting. At the meeting in February 2016 an action point was noted:

\[\text{BAGE and officials to consider potential for a potential pilot project}^{82}\]

No further action on this has been recorded.

Limitations of BAGE

BAGE does not appear to have met regularly and it is subject to consideration of its future by Ministers and officials. The latest minutes on the website are for the February 2016 meeting, although it is understood it has met since. It has no formalised work programme or objectives and has not provided a systematic review of budgets or economic policy for WG. It appears to have functioned under capacity and without dedicated resourcing. Membership and attendance has varied which has contributed to a lack of expertise within the group. Whilst clear gender issues have been raised, no specific actions on gender and women’s issues can be seen as a result of the BAGE work.

It would appear that BAGE only engages at the strategic budget setting level. It does not appear to engage with department spending decisions or in how they set their priorities.

Engagement with BAGE has been discussed in a number of NAfW Finance Committee and Equalities Committee reports on budget scrutiny. While the creation/ existence of BAGE was welcomed, there have been repeated calls for more information on the role of BAGE and improvements to how BAGE is engaged in the budget process.\(^{83}\)

Feedback from stakeholders raised a number of concerns about current engagement and consultation. Common themes were that engagement needs to be done in a

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more meaningful way and earlier in the policy development process. Often, fully formed policy ideas are put out for consultation, at which stage it’s difficult to make any significant changes to the policy that may ensure fairer impact or maximise opportunities to advance equality.

There were also concerns expressed by stakeholders about “invisible women”. Women who may experience multiple barriers to playing a full role in Welsh society and the labour market and whose experience and challenges may be overlooked by policy-makers. This includes 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.

The review of international promising practice 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 review makes a number of recommendations for learning review session which could demonstrate how such expertise can be engaged with in a more effective way.

4.3. Conclusion

While the legislative and regulatory framework puts building blocks in place, effective integration and implementation of this framework is necessary to drive the culture change necessary to truly embed consideration of gender equality into policy and decision-making in Wales.

Phase One has been able to identify where many of these integration and implementation challenges are and the impact these are having on policy-making. Phase Two must include deeper exploration of a number of these areas in order to make recommendations for lasting change to how Welsh Government and other public bodies make decisions and sustain change through effective implementation.
5. External Scrutiny and Accountability

Good scrutiny drives good policy-making. There are a variety of mechanisms and bodies responsible for scrutinising public bodies on their implementation of statutory duties, such as those put in place by the legislative and regulatory framework discussed in this report.

There are also a number of bodies responsible for monitoring compliance and holding public bodies to account for failures in this regard.

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. While exploration of this issue has been limited in Phase One, Phase Two should seek to understand what is currently working well within this accountability framework, what could be improved and how better integration and collaboration can be ensured. This should include discussions with key bodies and individuals such as the Wales Audit Office, EHRC, Future Generations Commissioner, National Assembly Committee members and AMs.

Key messages

1. External scrutiny makes a difference and is broadly welcomed.
2. The National Assembly for Wales clearly has a central role to play here. There would be a benefit to more dedicated time to consider equalities. Recognising on-going capacity challenges within the National Assembly we support the recommendations made by the Expert Panel for Assembly Reform and recommend that additional capacity be used to improve scrutiny on gender and equalities more broadly.
3. Accountability for poor compliance and implementation of equalities duties is felt to be weak, particularly compared to other duties such as the Welsh Language Standards.
4. There are inconsistencies in the inspection framework, with equalities considered to different extents. For example, equalities is felt to be a larger element of inspection of the police whereas limited attention is paid to equalities in current school inspections.
5. There is clear scope to strengthen and better integrate the scrutiny and accountability mechanisms for equality in Wales. Phase Two should include a review of current mechanisms and make recommendations for improvement.
5.1. The role of the National Assembly for Wales

The National Assembly is the primary scrutiny body for the Welsh Government. Scrutiny through committees, questions and plenary debates is generally welcomed and can have a tangible impact on policy direction and detail.

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 by implemented to increase capacity through additional AMs and utilise this to strengthen equalities scrutiny through a dedicated committee.

The extent to which equalities is scrutinised via the Assembly is also tied to Ministerial leadership and capacity. Since the inclusion of equalities into the portfolio of the current Leader of the House, there is a sense from officials and stakeholders that the focus on equalities within the Assembly has increased. This is largely contributed to three factors:

1. Equalities combined with Leader of the House role ensuring the wider Welsh Government business remit and equalities perspective being considered together giving unique perspective across Government.
2. The current Leader of the House being an effective and passionate advocate for equality
3. Equalities being given greater priority within a portfolio than in recent years and continuing to be represented in a Cabinet post

Ministerial leadership and capacity will be imperative to making Wales a world-leader for gender equality. Some, suggest that the most effective means of ensuring this is by the inclusion of a Cabinet Secretary for Women and Equalities. Many of those we engaged with during the course of Phase One provided evidence that would support this move. We recognise that this could have unintended consequences, whereby such a Minister might lack the cross-governmental oversight, budget and levers to ensure that all departments are effectively embedding gender into their policy and decision-making processes, momentum in other departments could slow as gender equality is thought to be the Cabinet Secretary’s responsibility, or the Cabinet Secretary may be expected to only have oversight of other policy areas perceived to be “women’s issues” such as childcare and not areas such as economic development, digital or infrastructure. While these are risks, it’s clear that having strong leadership, with a cross-governmental role does drive change and ensure equality remains higher on the agenda. Serious consideration must be given to how this can be maintained in a way that is less reliant on an individual. Structures alone will not result in the fundamental shift required, but they are an important element of wider action that must include commitment from the First Minister right across
government to advance equality and mainstream gender throughout the policy and legislative programme.

5.2. Accountability and Inspection

As well as putting in place various duties, the legislative and regulatory framework outlined here also puts in place a range of accountability mechanisms. This takes the form of the EHRC and the Future Generations Commissioner alongside existing bodies such as the Wales Audit Office. The VAWDASV Act also puts in place National Advisor(s). While they do not play a formal accountability role, the advisor(s) does act as an important source of expert advice and scrutiny.

A common theme from our stakeholder engagement was that there is limited accountability for non-compliance, particularly in relation to the Welsh Specific Equalities Duties. It was felt that there was little risk of any sanction if duties were not met, if equality objectives were weak or EIAs were carried out ineffectively.

Many stakeholders compared the apparent lack of accountability on equalities with more effective examples, including the Welsh Language Standards. While there were issues with these other examples there was broad consensus that lessons could be learned to ensure that meeting equalities duties was made more of a priority by public bodies.

We also heard about inconsistencies with the inspection regime. While some public body inspectorates include equalities as a significant consideration, such as the police, it was felt that others did not, including the current school inspection framework.\(^{84}\)

There has been limited opportunity in Phase One to explore the accountability framework in detail. Phase Two may consider including a review of the strength, scope and powers of the Future Generations Commissioner and EHRC and how various accountability mechanisms can be integrated and better aligned.

5.3. Conclusion

External scrutiny makes a difference and is broadly welcomed. While there are strengths to current scrutiny mechanisms, there is clear opportunity for improvement. There would be a benefit to more dedicated time in the National Assembly to consider equalities, and a review of how the current accountability framework across the Welsh Specific Equality Duties, Well-being of Future Generations Act and VAWDASV Act can be strengthened and better integrated, with meaningful sanctions for non-compliance.

\(^{84}\) See Annex 1 Stakeholder Report: Challenges
6. Conclusions & Recommendations

To make Wales a world leader for gender equality we need radical change in what we do and how we make decisions. We have to address structural inequalities and strive for equality of outcome.

This will not be a small change. Steps must be taken to ensure that all women and men can reach their full potential. Our response to these challenges must be intersectional and ensure that policy and services deliver for the diversity of women in Wales.

Wales has an opportunity to build on the foundations of a world-leading legislative and regulatory framework, comprising the Welsh Specific Equality Duties, Well-being of Future Generations Act and VAWDASV Act. This framework has great potential. Ensuring effective integration and implementation can drive the necessary culture change within government and society.

The scope and time limits of Phase One have allowed us to focus on policy process; to understand what we are doing well and what needs improvement and to map out the existing legislative and policy framework. Below we outline our conclusions and recommendations, covering areas for further exploration in Phase Two and more immediate actions that can progress this agenda. Phase Two can build on this and identify solutions to improve the integration and implementation of the existing framework as well as practical actions to deliver a more equal Wales.

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

To some extent, successive Welsh Governments have demonstrated a vision for a Wales in which gender is at the heart of policy-making, putting in place a legislative and regulatory framework made up of the Welsh Specific Equality Duties, Well-being of Future Generations Act and VAWDASV Act. This framework offers great potential but is having limited impact.

This framework fails to articulate a shared vision for gender equality in Wales. As a result, action can be fragmented and incoherent and confusion about what is meant by gender equality can feed a tendency to aim for gender-neutral, which in reality is often gender-blind.

Welsh Government have an important leadership role in developing and articulating a shared vision for gender equality, and leading by example as a policy-maker, an employer and in commissioning and delivering services. In all areas Welsh Government must be bold and explore opportunities to bring about fundamental change that will advance equality and recognise the value of equality.
Recommendations:

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 gender equality 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.

Elements of the existing legislative and regulatory framework are not integrating well enough, which could be contributing to a weakened response to progressing equality. There’s a risk that as new duties are introduced, such as those in the WFG Act, existing duties are supplanted when efforts should be made to ensure that complimentary duties are integrated for maximum impact.

While there are pockets of good practice, where the duties and principles of this framework are being applied effectively, implementation across the board is inconsistent. There is a risk that we’ve adopted a compliance-based, tick-box response, rather than one focused on culture change and genuine mainstreaming of gender and equalities in policy and decision making.

Equality impact assessments are a particular issue, often being completed at the end of the policy process rather than the start and lacking critical gender analysis. Development of an integrated impact assessment tool within Welsh Government will need to be closely monitored.

The budget remains a particular challenge, disconnected from the policy process and creating barriers to cross-government working.

Finally, equalities capacity within Welsh Government remains fragmented. Existing structures and expertise may not be being used effectively and inconsistency in approach between departments can cause challenges for policy assurance and mainstreaming of equality.

Recommendations:

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

Engagement and external scrutiny inform policy and drive change. Currently, engagement is approached inconsistently and existing formal means of engagement are not being used to maximum effect.

Scrutiny from the National Assembly is welcomed and there is a sense that this has increased since the most recent reshuffle. Scrutiny from the Assembly could be increased, although we recognise that current capacity already puts pressure on the Committee structure.

There are also a range of external accountability bodies that exist to ensure effective implementation of the legislative and regulatory framework discussed in this report. While there are examples of this working effectively, it’s felt that there is little sanction for non-compliance with the Welsh Specific Equality Duties in particular. There is scope for this network of Commissioners and other bodies to be more effectively integrated.

Recommendations:

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 scrutinise 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.

The terms of reference for this review outline a two stage process. Phase One has highlighted an number of key challenges that will need to be addressed if Wales is to be a world-leader on gender equality. Many of these will require further exploration in Phase Two as highlighted in the recommendations above. While the details of Phase Two are yet to be finalised, there are a number of actions that will be required to ensure its success.
Recommendations:

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.

The under-representation of women in public life, particularly in our political institutions is an issue that has been explored in depth and is rightly a focus for many working in the field of gender equality and equality more broadly. The diversity of views and experiences that comes from a more representative political group has been demonstrated and urgent steps are required to ensure that we achieve gender balance in Welsh public life. Doing so will support the aims of the review, by increasing the likelihood that gender impacts are considered in policy design and scrutiny.

Recommendations:

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.

Introduction

An important element of Phase One of the rapid review was our stakeholder engagement. The intention was to begin a national conversation on making Wales a world leader in gender equality. In this phase of the review we held two stakeholder events where public and third sector representatives were invited to feed in their expertise and observations on what is needed to achieve gender equality in Wales and the challenges that are holding us back.

There were two stakeholder events, one in North Wales and one in South Wales. Public sector and third sector representatives were asked to attend the events to feed in their expertise and observations on the actions that are needed to achieve gender equality in Wales, and to identify the challenges that are holding us back from achieving this.

This knowledge and expertise has enabled us to draw out nine key challenges that may need to be prioritized for action if we are to deliver the First Minister’s vision of Wales leading the way on gender equality. In this paper we have summarized these challenges, making recommendations for short-term actions where possible and highlighting issues for further exploration in Phase Two.

In addition to these key challenges, stakeholders provided insight into a wide variety of policy areas with suggested actions for change. These are summarized in a separate paper for further exploration in Phase Two.

<table>
<thead>
<tr>
<th>Ten key challenges to achieve gender equality in Wales</th>
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<tbody>
<tr>
<td><strong>1. Culture change</strong></td>
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<tr>
<td>Sexism, racism and gender stereotypes are deeply engrained in our society and culture and continue to shape attitudes towards women and the gender equality agenda.</td>
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<tr>
<td><strong>2. Care</strong></td>
</tr>
<tr>
<td>Unpaid care remains a significant barrier to women’s full participation in the economy and society</td>
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<td><strong>3. Violence against women and harassment</strong></td>
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<tr>
<td>Violence against women and harassment persists with a “culture of disbelief” leading to low disclosure rate.</td>
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</tbody>
</table>
4. **Failure of the existing equalities framework**
The existing strategic equalities framework – Equality Act and PSED; Well-being Future Generations (Wales) Act; Violence Against Women, Domestic and Sexual Violence Act – is not working effectively. There is a lack of integration, poor implementation and non-compliance.

5. **Accountability**
There is little to no accountability for non-compliance with the existing strategic equalities framework, particularly the PSED.

6. **No shared vision**
There is a lack of shared vision, language and guiding principles for gender equality

7. **Funding and resources**
Equalities remains under-funded and under-resourced

8. **Data**
There is a lack of Welsh specific, disaggregated data to inform policy

9. **Invisible women**
Some women remain invisible with the experiences, voices and challenges of BAME, disabled and LGBT women often overlooked by policy makers

10. **Brexit**
Brexit poses a significant threat to terms of rights and protections and possible loss of funding for women's organizations and services

1. **Culture change**

Most stakeholders were in agreement that in order to become a world leader in gender equality, ultimately we need to see a shift in culture and attitude. There was a sense from stakeholders that we still live in a sexist, racist society in which attitudes and opinions are shaped by deeply held stereotypical ideas. The manner in which women are portrayed in the media as either sex objects or victims was a common topic of discussion. Others highlighted the lack of positive or accurate representation of BAME women.

The stereotyping of women as primary carers was raised in numerous conversations, pointing to the absence of images or stories of the positive role that men take in caring for children.

Linked to this issue of sexism and stereotypes was that of a “backlash” against women and feminists. Stakeholders discussed the issue of some men opposing this agenda, as a result of fears that more rights for women means less rights for them and that taking steps to address inequality for women was somehow unfair to men.
There was agreement that driving culture change is difficult and a long-term goal but also that education is a central component to it. There was support for more work to educate the educators on equality, to increase the amount of positive role models, to promote male champions of gender equality and to see high quality sex and relationships education in all schools.

2. **Unpaid care**

All stakeholders discussed care as a barrier to achieving gender equality. There was a clear steer that we must be clear whether we are discussing unpaid care or paid care; both pose challenges but the solutions are different.

There was agreement that the value of care is not recognized and that the burden too often falls only to women.

In terms of paid childcare there was agreement that there is not enough affordable childcare and there is not enough awareness of what is available. Cost was flagged as a key issue. While many stakeholders welcomed a focus on increasing childcare by the Welsh Government, many did express concern that offering it from age 3 is too late to support many women back to work. Others spoke of the “postcode lottery” created by the current approach to delivering Flying Start.

Childcare as a career was also discussed with many in agreement that it’s undervalued as a sector, resulting in low pay and poor conditions.

3. **Violence against women and harassment**

The issue of violence against women and harassment was discussed by many of our stakeholders, with reference to the recent #MeToo movement and the increasing recognition of the extent to which this issue is endemic in our society.

Some spoke of a “culture of disbelief” in which the default position of authorities is often to disbelieve a report of harassment or sexual assault; a position that is not seen when other crimes are reported, such as the theft of a car.

The problem of online abuse and harassment was raised as an increasing issue.

Stakeholders also discussed recent events in Wales. There was agreement that public bodies such as the Welsh Government and National Assembly for Wales should always seek to be leading the way, particularly on this issue, and ensure that there are clear and robust processes that will be taken if complaints are made.
There was some support for treating misogyny as a hate crime as has been done by a number of police forces across the UK.

4. **Failure of the existing strategic equalities framework**
   In Wales there is a strategic equalities framework enshrined in three pieces of legislation, each of which place duties on public bodies that explicitly focus on equality and gender equality:
   - The Equality Act (2010) and Public Sector Equality Duties
   - The Well-being of Future Generations (Wales) Act
   - The Violence Against Women, Domestic and Sexual Violence Act

   This framework should support public bodies to embed consideration of gender equality into their policy development. However while many of our stakeholders recognized the importance of having such a framework in place there was a clear consensus that the current framework is failing.

   Stakeholders expressed a range of concerns around the impact of this framework with four key themes emerging.

4.1. **Lack of integration**
   Each of these laws place duties on public bodies that include some degree of consideration of equality. In theory these should come together but in reality many stakeholders have seen little integration.

   Each piece of legislation and associated duties appear to be approached in silos. Some spoke of the need for the PSED and Well-being duties in particular to be better integrated as at present they are being approached separately with greater focus and resource being given to the Well-being duties.

   There was also discussion of equality being addressed in silos within public bodies. Equalities objectives are put in place within Strategic Equality Plans but these are not included in the broader policy agenda; i.e. gender equality is not embedded in policy making. Examples given were a lack of consideration in planning decisions, procurement policies and economic development. This was echoed in discussion of Welsh Government policy-making.

   There was a general consensus among stakeholders that more should be done to integrate these agendas.

4.2. **Poor implementation and non-compliance**
   A lack of effective implementation in relation to this framework was also a common theme. This is most notable in relation to Strategic Equality Plans and equality impact assessments, which we discuss below, however
stakeholders also raised broader concerns. Some discussed a lack of meaningful engagement and a disconnect between public bodies and people on the ground.

There was a sense that there is ambition in the legislation and rhetoric but often those who have to deliver on these, officials and local authority officers, have limited support and resources to build their knowledge and put policy into action.

Some stakeholders spoke to specific issues with the implantation of one or more of these pieces of legislation. For example, some suggested that in the implementation of the Well-being of Future Generations (Wales) Act some well-being goals are being given higher priority with less attention paid to “a more equal Wales”. The lack of an equalities lens on the development of well-being plans is contributing to a gap in strategic planning on equality.

The issue of procurement was raised in a number of stakeholder discussions, with many stating that gender equality is not considered enough as part of public spending decisions. This could suggest a further implementation issue with the PSED as this includes a procurement duty.

Others spoke about the intentions of the VAWDSV Act not being met. Violence against women is not being named as a cause and consequence of gender equality or considered in the implementation of other equalities duties. There is a sense that the VAWDSV Act has become siloed and implementation is too slow.

A number of stakeholders highlighted the success of the Welsh Language Standards and role of the Welsh Language Commissioner in ensuring compliance. While this process was not without criticism, it was felt that lessons could be learnt from the success in ensuring Welsh language is prioritized by public bodies to improve the implementation of equalities duties.

4.2.1. Weak Strategic Equality Plans
Stakeholders spoke about a lack of consistency in the content and quality of strategic equality plans across Welsh public bodies. There was some consensus that greater alignment between the objectives of different bodies would be useful.

Stakeholders again expressed concern about a perceived lack of focus on action and there was agreement that there are few examples of an intersectional approach being taken. The Equality Act encourages consideration of protected characteristics by equalities strand but SEPs would benefit from a more intersectional approach to objective setting.

There is also a sense that strategic equality plans are being diminished and superseded by well-being plans.
There was agreement from a number of stakeholders that public bodies should be required to have at least one objective that is focused on gender equality.

There was also support for an audit of equalities objectives and monitoring processes across Welsh public bodies.

4.2.2. Inconsistent approach to equality impact assessments

EqIAs were a focus of conversation among most stakeholder groups with agreement that currently they are not being carried out effectively. Stakeholders expressed concern that often EqIAs are approached as a tick box exercise at the end of the policy process, instead of being used throughout to ensure that a policy or spending decision is considered through a gender lens.

There was agreement that EqIAs focus too much on preventing discrimination and seem to rarely be used to shape a policy to advance equality.

Stakeholders suggested that EqIAs are not always carried out and when they are they are often done poorly. A lack of meaningful engagement with members of the public from protected groups was highlighted as a key issue.

Stakeholders stated that there was a need for the development of the capacity of staff within WG and public bodies to ensure they are equipped with the right skills and knowledge to carry out meaningful impact assessments.

There was consensus that in order to be effective EqIAs must be foregrounded in the policy process and greater consistency must be brought to how they are carried out.

5. Accountability

Linked to the above discussion of poor implementation and non-compliance is the issue of accountability. Most stakeholders raised a perceived lack of accountability measures and sanctions as a factor contributing to poor implementation of equalities duties.

Currently there is a sense that there are no consequences for non-compliance or for producing poor quality equality plans and impact assessments. Stakeholders questioned the role of the EHRC and Wales Audit Office and whether there was scope for them and others to provide greater challenge to public bodies on their implementation of these duties.
There was support for an audit process on the application of equalities duties, particularly on the EqIA process across Welsh public bodies. There was also support for bringing greater consistency to the inspection regime in Wales. While some inspectorates give detailed consideration to equalities others, such as Estyn, are felt to give minimal focus to this in their current inspection frameworks.

6. **No shared vision for gender equality**

Stakeholders spoke of the difficulty in engaging people in the gender equality agenda and this being exacerbated by a lack of a shared language and vision. There was discussion of whether there needs to be a clear gender equality strategy and action plan across the Welsh Government and public bodies. Although this was discussed in the context of already feeling that there are too many strategies with a lack of action.

Stakeholders in some groups discussed the narrative of choice and individualism that prevents a broader and deeper discussion on the structural inequalities that persist in our society, economy and culture. Language was discussed in this context with consideration of whether people respond more positively to concepts such as “fairness” than “equality”.

There was agreement that in order to drive this agenda forward and work towards a shared vision for gender equality leadership is crucial. There was a sense that leadership on this agenda could be strengthened and Welsh Government could provide more of a steer to other leaders across Wales. There was also support for bespoke training for leaders to ensure that they are embedding gender equality within their own organizations.

7. **Equalities continues to be under-funded and under-resourced**

A lack of funding and resourcing was raised by a number of stakeholders in different ways. In discussion of the implementation of equalities duties, some spoke about the lack of resources within public bodies to carry out this function effectively. In many local authorities capacity for equalities has been reduced, in part due to shrinking budgets, and some suggested that it can be difficult for a junior member of staff to challenge Councilor’s and Senior Officer’s.

Other stakeholders highlighted that public bodies are under increasing pressure to deliver more for less money and that the duties and expectations placed on them is not matched with funding.

The question of expertise was also raised as to whether those engaged in implementing equalities duties such as EqIAs have the necessary expertise to apply a critical gender lens to policy and spending decisions.
8. Data

Availability of data is central to evidence-based policy-making and scrutiny. Many of our stakeholders raised a lack of data as an issue. Some spoke of the lack of Welsh specific data and others about the lack of disaggregated data in Wales. While some data is available disaggregated by gender, it’s not often that data can be further stratified by other protected characteristics such as ethnicity or age. Stakeholders highlighted number of groups who were generally “invisible” in data including refugee and migrant women, homeless women, disabled women and women who are carers.

There was recognition of the issues posed by small sample sizes in Wales but general consensus that either more resource could be put towards boosting surveys or the current spend on boosting surveys could be assessed for effectiveness. It was felt that the aim should be for all Welsh Government published data to be disaggregated by gender and where this is not possible an explanation as to why should be provided.

9. Invisible Women

The voices, experiences and challenges of some women are often overlooked by policy-makers. BAME, LGBT, disabled, refugee and migrant and socio-economically disadvantaged women are largely absent from the policy agenda. There is limited diversity among those engaged in fixing the issues and a lack of data and engagement with diverse women exacerbates issues if a policy agenda that largely focuses on white, able-bodied women. Some stakeholders outlined concerns that equality strands as protected characteristics do not address intersectionality and there needs to be a more specific definition of how to apply the lens to multiple and intersecting equalities strands.

Stakeholders were in agreement that this agenda must be relevant and representative of all women and that there is some way to go to ensure that this is the case.

10. Brexit

Many stakeholders raised the issue of Brexit with concerns that it will threaten rights and protections and services for women that are delivered as a result of structural funding. Stakeholders stated that women’s voices were missing both during the referendum and in discussions since. There were concerns about the loss of European Social Fund investment and the international links that membership of the EU has enabled, which facilitate sharing of best practice, research and data.
Conclusion
Input from stakeholders in Phase One has been invaluable and has confirmed that it is possible to build a shared vision for gender equality that government, public bodies and others can work towards.

There is broad consensus that we have strong foundations on which to build, with a legislative framework that should enable gender equality to be properly embedded into the policy development and decision-making processes in Wales.

However, the challenges highlighted in this paper should be not be underestimated. There remains a great deal of work to be done to drive culture change within political institutions and society more broadly.
Annex 2: Stakeholder consultation report: Summary of action areas

Introduction

As part of the gender equality review we asked organisations across Wales for their ideas on what single action that we can do to advance gender equality. As well as a number of written responses, views were collated at two stakeholder engagement events, one in North Wales and one in South Wales.

This paper brings together a summary of the key issues discussed at these events and the actions suggested by our stakeholders.

These actions will provide a useful basis for further discussion and investigation in Phase Two as practical solutions to achieve gender equality are explored.

Common Principles

Stakeholders identified a number of shared principles that should inform action to advance gender equality.

An intersectional approach

- The needs of all women must be considered in all policy-development, actions and monitoring, to ensure that no women are left behind.
- There is greater potential to advance gender equality if policies and initiatives advance the position of black and minority ethnic women, disabled women, refugee and asylum seeking women, lesbian, bisexual and trans women, young and older women and women with lower socio economic status.
- This must ensure the participation of diverse women at the highest level to ensure that action is inclusive, co-designed and co-delivered.

Reaching the furthest left behind

- Action to advance gender equality must place those furthest left behind at the forefront of our thinking. Vulnerable women, such as those who experience poor mental health, are recovering from substance misuse, who have experienced domestic abuse and sexual exploitation, including sex work, women who are EU migrants, women from BAME communities, lone parents living in poverty and women with disabilities, are supported to access education and employment gender equality will not have been achieved.

Quick Actions

Although stakeholders agreed that it would take long-term, sustained action to address the structural issues that contribute to gender inequality, they identified a number of quick actions that could be taken now to ensure momentum is maintained.

1. Welsh Government public appointments to be gender balanced.
2. Welsh Government to commission and roll out gender equality and violence against women training for all teachers.
3. Welsh Government to conduct a review of men’s role in childcare and promote shared parental leave.
4. Welsh Government to review the contribution of unpaid care to our economy.
5. Welsh Government to deliver on their commitment of sustainable, long-term funding for support services for survivors of all forms of violence against women.
6. Pilot and adapt gender-responsive budgeting to Welsh Government budget-setting process
7. Ministerial statement from across the Cabinet on the importance of this agenda and how they will personally be involved in the next phase of this review.
8. Welsh Government to encourage all organisations in Wales to publish their gender pay gap data and produce an all Wales public sector index.
9. Welsh Government to run a long-term communications campaign to advance gender equality.
10. Welsh Government to strengthen the existing equalities duties.

Common Objectives for long-term change
A number of common objectives emerged from stakeholders. These can be summarised as:

1. Strong legislation and policy on gender equality implemented effectively
2. Gender equality education to drive culture change
3. End all forms of violence against women, including domestic abuse, sexual violence, forced marriage, sexual exploitation, female genital mutilation, and sexual harassment
4. Value carers
5. Accessible childcare for all
6. Flexible, fair and agile work
7. Recognise the gendered nature of poverty
8. Gender parity in decision making
9. Fair and accurate representation of women
10. Secure and safe housing for all

Each of these objectives are explored in more detail below with supporting actions suggested by stakeholders.

1. **Strong legislation and policy on gender equality implemented:**
   **Strengthen existing Gender Equality Legislation and Policy and improve scrutiny of the Welsh Government and Local Authorities**

There was broad consensus that existing legislation and policy to advance gender equality could be better implemented.

Suggested actions included:
Increasing the scrutiny of listed authorities on compliance with the Equality Act and Public Sector Equality Duty (PSED) to consider:

- The quality of strategic equality plans
- The robustness of Equality Impact Assessments
- How the PSED integrates with the Well-being of Future Generations Act (WFG Act)

Welsh Government to hold others to account for the development and delivery of Strategic Equality Plans (SEP)

Better integration of SEP and Well-being plans by local authorities

Set up a women’s and equality committee in the National Assembly for Wales

Establish Welsh Government expert panels on gender equality

2. Gender equality education to drive culture change: Gender equality education to challenge traditional gender stereotypes, roles and expectations with sexuality and relationships education in schools and women role models speaking in education settings and workplaces to champion gender equality

Education was highlighted as a crucial tool in driving the culture change needed to deliver a more equal Wales by challenging stereotypes. There was agreement that ongoing education reforms offer an opportunity to embed equality and support the development of well-rounded and informed citizens.

Since the stakeholder events, the Welsh Government has announced intentions to make Relationship and Sexuality Education a statutory element of the Welsh curriculum, an action that was suggested by numerous stakeholders.

Other actions suggested include:

- Adopt a whole-school approach to equality
- Sexuality and Relationships Education on the Welsh curriculum
- Estyn to review schools strategic equality plans
- Estyn to review on human rights education in schools
- Estyn monitors the role of schools in promoting gender equality and reward good practice
- Welsh Government to address occupational segregation through education and careers advice
- Welsh Government to provide guidance on educating boys and men on misogyny
- Welsh Government to roll out programmes like AGENDA in schools
- Create a learning wales resource on gender equality
- Welsh government to fund free sanitary protection in all schools
- Welsh Government statutory guidance to schools on their role to promote gender equality including – a whole school approach to change cultures, gender-neutral school uniforms with no enforcement on hair or skirt length and promoting sport for all.
• Welsh government to roll out teacher training on gender equality and violence against women.
• Welsh Government to roll out training for all governors and teachers in gender equality
• Welsh Government to review opportunities for women teachers in career progression to senior positions

3. **End all forms of violence against women, including domestic abuse, sexual violence, forced marriage, sexual exploitation, female genital mutilation, and sexual harassment:** Deliver the Violence Against Women, Domestic Abuse and Sexual Violence Act, invest in prevention programmes and ensure sustainable long-term funding for specialist support services

Issues of violence, sexual harassment and abuse were raised by the majority of stakeholders as a key challenge to achieving gender equality. The Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) Act was welcomed by most, although there were concerns at the pace of implementation.

Actions suggested to end violence against women and girls include:
• Incorporate Istanbul convention and CEDAW into Welsh legislation.
• Delivery of Welsh government policy, legislation, and process to be in accordance with delivery of UN SDG5 and the Istanbul Convention.
• More focus from Welsh Government on all forms of violence against women, like forced marriage and FGM and trafficking,
• Welsh Government collect data on the experiences of violence of migrant women
• Welsh Government and Local Authorities to collect survivor stories and survivors to co-produce policy
• Welsh Government and Local Authorities to fund perpetrator programmes, like the respect model
• Welsh Government to fund BAME women champion campaigns and lead policy development

To support effective by-stander interventions:
• Welsh Government to deliver a 3 year campaign with strong communications and community interventions
• Welsh Government to integrate the policy and legislation within the Violence Against Women, Domestic Abuse and Sexual Violence Act and the Well-being of Future Generations Act to facilitate prevention programmes and approach.
• Welsh Government and Local Authorities to fund support services for children
• Welsh Government deliver a White ribbon campaign like in Canada that gets men involved
To support specialist services:
- Welsh Government to improve funding sources, integrating and diversify funding streams e.g., health and safeguarding to be more long-term funding for organisations to be more strategic
- Use previous service users in design and delivery of services and on trustee boards
- Review the need for men’s services
- Fund trauma-informed services for children and young people
- Welsh Government commission more research on evidence of trauma informed service delivery and prevention
- Housing associations provide safe, settled housing for women experiencing domestic violence e.g. snowdrops in Sheffield
- Welsh Government explore opportunities for keeping women in their own homes and remove men, if it is safe
- Ring fence funding for high risk groups at Local Authority level

To address sexual harassment:
- Welsh Government to commission research to understand and respond to the experiences of women and girls
- Welsh Government and local authorities to have comprehensive dignity at work policies, complaints process and signposting
- Welsh Government and local authority training for workers and managers on sexual harassment
- Welsh Government to recognize misogyny as a hate crime and support police to enforce it
- Welsh Government make zero-tolerance cities with no sexual harassment and sexist imagery
- Welsh Government commission co production of skills and knowledge and interventions to stop sexual harassment

4. **Value carers:** Increase the value and pay for carers in Wales through career progression for paid carers, creating carer friendly workplaces, and valuing unpaid care

Care was an issue raised by the majority of stakeholders, both in terms of availability of formal, paid care and the burden of unpaid care on women. There was a strong steer that conversations on care must be clear on whether they are discussing formal care or unpaid care as the challenges are different.

To address this challenge suggested actions are:

- Welsh Government and local authorities to develop carer friendly workplaces
- Support carers in the workplace through a Welsh Government review of the role of caring across Wales
- Welsh Government review opportunities for crèche facilities in care homes for the carers within the workforce
• Develop a Welsh Government economic modelling report on pay for care workforce to look at increased wages – increase revenue to increase tax returns back to Wales (been done for refuse workers)
• Welsh Government work with providers to have accredited qualifications for those who care.
• Welsh Government review of the role of caring in Wales and the impact on economy
• Welsh Government review and collect evidence on un-paid care work in Wales
• Welsh Government address the barriers to access the care allowance
• Welsh Government explore the Universal basic income
• Welsh Government explore opportunities for intergenerational care initiatives

5. Accessible childcare for all: Affordable and accessible childcare available for all ensuring that fathers are engaged, disabled children can access childcare, and there are childcare hubs for asylum seeker families

Access to childcare was seen to be a central barrier to women accessing well-paid, secure employment. Stakeholders highlighted that some groups, such as disabled and BME women, can require additional support to access appropriate childcare.

Stakeholders also stated the importance of supporting men to play a more active role in providing care for their children.

Actions to address this challenge were:

• Welsh Government to review the childcare offer in light of the evaluation of the pilot scheme
• Welsh Government to increase free childcare for women out of work to encourage them to progress their skills and education
• Welsh Government to encourage more employers opening crèche facilities.
• Welsh Government to review the availability of child-minders and promote careers for child minders to move into teaching
• Welsh Government to review of men’s role in childcare with an inquiry and collection of data on fathers accessing childcare and shared parental leave
• Welsh Government to promote shared parental leave
• Welsh Government to provide financial incentives for childcare providers to provide for disabled children, e.g. a scheme paying the extra cost for a disabled child to attend nursery or a childminder
• Welsh Government to provide Disability Equality Training for childcare providers
• Welsh Government to develop a scheme matching experienced nannies with disabled children for disabled children with substantial and complex needs, needing one-to-one care,
• Welsh Government to fund childcare hubs for asylum seeker families to encourage integration.
6. Flexible, fair and agile work: Close the gender pay gap through access to a flexible and fair work conditions with a living wage

Improving access to childcare was seen as one measure to address women’s inequality in the workplace. Stakeholders agreed that more needs to be done to ensure access to flexible, fair and agile work as this would contribute to closing the gender pay gap.

Discussions explored the inequality women experience in the workplace and their greater risk of in-work poverty as a result.

Actions suggested include:
- Welsh Government and public bodies to publish gender pay gap data and produce an all Wales public sector index
- Welsh Government and public bodies to have comprehensive objectives on closing the gender pay gap and deliver actions.
- Living wage for all in Welsh Government and Local Authorities
- Recognize good practice in flexible working across Wales by Welsh Government
- Welsh Government review all procured services for meeting fair work standards, including living wage and zero-hours contracts
- Welsh Government to develop guidelines for dealing with gender specific issues in the workplace like, menstruation, menopause and maternity
- Deliver sexual harassment training for Welsh Government and Local Authority workplaces
- Welsh Government make policy change for concessionary travel for low-income women who want to access work
- Gender balanced teams within Welsh Government
- Welsh Government to fund confidence and leadership programmes for women
- Increase part-time and job share recruitment in Welsh Government and Local Authorities
- Welsh Government work with partners to develop a kite mark on gender equal employer status
- Welsh Government work with partners to recognise refugees qualifications

7. Recognise the gendered nature of poverty: women face a higher risk of poverty. This must be recognised and action taken to end poverty in Wales

Stakeholders highlighted women’s greater risk of poverty and the different causes and experiences of poverty of men and women. There was broad consensus that the gendered nature if poverty needs to be recognised to inform effective responses.

Actions include:
- Do a Public Health Wales study on inequalities related to poverty in Wales
- Welsh Government to collect better data and commission research on women’s experiences of poverty
- Welsh Government to enact the socio-economic duty in Wales

8. Gender parity in decision making: 50:50 women and men within the National Assembly for Wales and increasing all women’s representation in decision making, particularly focusing on engaging BME and disabled women

The under-representation of women in decision-making was identified as a key issue, that underpins many others as a result of gender and women’s issues being less likely to be discussed in male dominated environments.

To redress this imbalance, stakeholder suggested the following actions:

- Welsh Government to adopt the electoral reforms within the recommendations from the Electoral Reform Expert Panel.
- Welsh political parties to adopt legal quotas to increase participation and representation of diverse women in the NAFW.
- Welsh political parties to promote and recruit job share opportunities
- NAFW to put a crèche and breast feeding facilities in the Senedd
- Welsh political parties to fund programmes to specifically remove barriers faced by BME and disabled women.
- Welsh political parties to legislate to ensure gender parity within all public boards in Wales.
- Welsh Government to use the Local Government Reform to make changes to increase the representation of women on local councils.
- Wales Audit Office can audit representation on public appointments and senior civil servants with an intersectional lens
- Welsh Government Ministers and civil servants can refuse to speak at panels where there is not a gender balance and a diverse group of women on the panel.
- Welsh Government to collect and communicate case studies and role models on women decision makers
- Championing of gender equality by politicians and policy makers, making sure that there is diverse representation of women in forums and decision makers

9. Fair and accurate representation of women: women, and women’s issues, to be represented fairly and equally in the media and communications campaigns utilised to drive culture change

The role of the media was a common theme of discussion among stakeholders. It was felt that women are often unfairly represented in the media, either as weak and
vulnerable or objectified. The impact of how women are represented in the media on young people was a key concern, particularly in relation to body image.

Concern was also expressed at the manner in which gender stereotypes are reinforced by media and advertising.

The potential positive role of the media was also discussed, with appetite for campaigns to help drive culture change and challenge stereotypes.

Action suggested include:

- Welsh Government led campaign to raise awareness of media bias, particularly with representation of BAME women
- Welsh Government to agree on-going campaign plan with media and arts partners
- Welsh Government to deliver campaigns with the media in schools
- Welsh Government to work with media partners to amplify women’s voices in arts and the media
- Let toys be toys campaign
- Call out sexism campaign
- TV campaigns with S4C
- Sports campaigns
- TV soap operas on gender equality storylines

10. Secure and safe housing for all: Ensure an end to insecure tenancies and provide safe accommodation for survivors of violence against women

Safe, secure and good quality housing is essential for everyone, but women are more likely to live in insecure housing and experience violence within their own homes. Therefore, it was felt that specific action is needed from housing associations and the Welsh Government. This includes:

- Welsh Government to ending the ‘no-fault eviction’ that will stop insecure tenancies that disproportionately impact women
- Housing associations provide accommodation for survivors fleeing violence with move on from refuge to stable housing