

Assessing Impact

**Supporting Paper
Gender Equality Review Phase 2**

June 2019

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1. Introduction

In Phase One we highlighted a number of challenges with the use of equality impact assessments (EIA). There were concerns that EIA was not being approached in a meaningful way, was happening at the end of the policy development process rather than the start and generally lacked critical analysis through an equalities lens. As a result, the approach was often “gender-blind” i.e. fails to perceive that there are different gender roles, needs and responsibilities and therefore fails to realise that policies, programmes and projects can have different impacts on people of different genders.¹

Since Phase One, the Welsh Government have developed the Integrated Impact Assessment (IIA) Tool that brings together over 20 required impact assessments with the central aim of reducing duplication and simplifying the process. This is now the main vehicle through which the equality impact of policies, legislation and programmes are assessed.

If used effectively, EIA is one of a range of tools that can embed equalities into the development, delivery and evaluation of policies and programmes. EIAs, or gender impact assessments, are used throughout the world to support better policy-making and gender mainstreaming. As a result there is a wide range of international practice that can strengthen the use of EIA in Wales.

This paper has been produced in support of the Gender Equality Review report *Deeds not Words* to provide analysis of the new Integrated Impact Assessment Tool (IIA) used by Welsh Government. As there is significant international practice to draw upon we have also analysed the Gender Based Analysis Plus (GBA+) tool used in Canada, one of the more recent countries to set out aspirations to be a feminist government. This analysis provides a useful point of comparison and offers a number of lessons for Wales.

Many of the key findings from this paper are discussed in Chapter Five of the main report. In addition, this paper offers a more detailed analysis of the IIA tool and sets out short-term recommendations that we believe could be made almost immediately to the IIA form and guidance to strengthen consideration of equalities as part of the impact assessment process.

¹ UN Definition of “gender blind” cited in Chwarae Teg *Rapid Review of Gender Equality 2018: Phase One 2018*

2. Key messages

1. EIAs are used across the world as a tool to support gender mainstreaming and inform decision-making. strengthen impact assessment, including the Gender Based Analysis Plus (GBA+) model used in Canada. EIA are only effective when integrated into policy development and implementation, supported at the highest level of government and carried out by staff with the appropriate expertise and access to qualitative and quantitative data to back up analysis.²
2. Within Welsh Government impact assessment is now delivered through the Integrated Impact Assessment (IIA) Tool, which frames all necessary assessments within the framework of the WFG Act. The IIA tool was developed with the primary goal of simplifying the process and reducing duplication across the required impact assessments, as a means of tackling the perception of impact assessment (IA) being overly burdensome. In this respect it may be a step in the right direction.
3. While efforts have been taken to prompt those completing the IIA to consider equalities at numerous points in the process, there are missed opportunities to truly mainstream equalities, most notably in consideration of how proposals deliver against the well-being goals.
4. GBA+ appears to be a more comprehensive approach to IA, with a stronger focus on evidence and analysis and looking through an intersectional lens. By comparison, EIA in Wales can tend towards looking at each equality strand in turn, which does not provide a full picture of the experiences of many groups. It is also supported by a suite of engaging and interactive training resources and job-aids as well as mandatory requirements from central government departments to ensure the approach is embedded in policy and programme development across the board.
5. Importantly GBA+ is not the only tool being used in Canada to meet the aim of being a feminist government. There are plans to introduce new legislation to enshrine gender budgeting in the federal government's budgetary and financial management processes, additional funding has been made available to bolster equalities evidence and a Gender Results Framework has been developed setting out gender equality goals, associated actions and measurement indicators.
6. In the short term there are some simple changes that could be made to bring equalities more to the fore in the IIA tool and guidance.
7. In the medium term, work is needed to improve guidance and training, put stronger challenge functions in place to improve both compliance and quality, clarify the role of senior leaders in driving behavioural change in relation to IA and build both equality and analytical capacity and competency.
8. In the long-term the impact assessment as it is currently designed and delivered is unlikely to be capable of delivering against the new vision for gender equality. This vision will not be well served by a reductive interpretation based on comparative

² OECD (2018) *Toolkit Mainstreaming and Implementing Gender Equality: Implementing the 2015 OECD Recommendation on Gender Equality in Public Life*

“disproportionate impact” between protected characteristics.³ There will likely need to a shift to a more reflexive model of policy making that has more effective impact assessment and analysis built in. This is discussed in Chapter Six of *Deeds not Words* and could be informed by existing practice such as the GBA+.

³ Parken, A. (2019) *Improving Well-being and Equality Outcomes: Aligning processes, supporting implementation and taking new opportunities*

3. Background

There are a number of tools used within Welsh Government aimed at embedding equalities within the policy process. These include impact assessments, Ministerial Advice Notes and engagement and consultation exercises. During Phase Two we have predominantly focused on impact assessment as this emerges as an area with the greatest potential to drive change and there is a well-established evidence-base as to what works well and what doesn't. Furthermore, the use of gender impact assessments was highlighted by Nordic experts as being one of five key factors necessary for gender mainstreaming.⁴

During the course of Phase One, work was underway to develop an integrated impact assessment (IIA) tool for use in Welsh Government, that would address some of the issues highlighted by ourselves and others through simplifying and integrating the breadth of required impact assessments. It was recommended that during Phase Two the new IIA tool be reviewed.

As a result, Phase Two of the GER has considered the IIA tool in relation to the wider question of whether there are effective tools and processes in place to support policy-making from a gender perspective within Welsh Government.

In relation to the IIA the following activities have been carried out to understand what is working well with the new tool and what can be learnt from the implementation of other impact assessment tools:

- New IIA documentation has been reviewed including the two main forms and accompanying guidance
- Desk-based research has been carried out into the Canadian GBA+ model and supporting resources, including completion of the online course hosted by Status of Women Canada (SWC)
- Attendance at a seminar hosted by EHRC in Cardiff about the cumulative impact assessment developed by Landsman Economics
- Attendance at the Nordic Exchange event, coordinated by the Wales Centre for Public Policy (WCPP), which focused on experiences of gender mainstreaming in a number of Nordic nations

⁴ Taylor-Collins, E. and Nesom, S. (2019) *Gender Equality: Learning from Nordic Nations – Gender Equality Review Phase 2*, Wales Centre for Public Policy

4. What is the purpose of equality impact assessment?

Versions of equality impact assessment or equalities analysis are used by many governments across the world as part of policy and decision-making. Equality or gender impact assessments are considered to be a crucial element of gender mainstreaming and an important tool to ensure that gender mainstreaming is institutionalised, if they are conducted effectively.

The European Commission defines gender impact assessment as “...the process of comparing, assessing, according to gender relevant criteria, the current situation and trend with the expected development resulting from the introduction of the proposed policy”.⁵ Guidance from the European Institute for Gender Equality (EIGE) states that the “final aim of the gender impact assessment is to improve the design and planning of the policy under consideration, in order to prevent a negative impact on gender equality and to strengthen gender equality through better designed and transformative legislation and policies...Beyond avoiding negative effects a GIA can also be used in a more transformative way as a tool for defining gender equality objectives and formulating policy to as to proactively promote gender equality.”⁶

Guidance from the OECD outlines a similar purpose of gender impact assessment stating that “they improve the design and the planning of policies, prevent negative impact on gender equality and adapt the policy to make sure that any discriminatory effects are either removed or mitigated.”⁷

In Wales impact assessment is described as “a structured way to consider the factors that mean our policies affect different people’s lives in different ways....[it] prompts and guides us to gather, and if necessary, seek evidence so as to improve the development of a policy or delivery plan.”⁸ Equality Impact Assessment is one of a number of impact assessments that Welsh Government need to consider. Under the Equality Act (2010) and Welsh Specific Equality Duties, Welsh Government are required to have arrangements in place for carrying out equality impact assessments across all the protected characteristics. EIA is the formal means by which WG can demonstrate that due regard has been given to the need to eliminate unlawful discrimination, harassment and victimisation, as well as advance equality of opportunity and foster good relations.⁹

⁵ European Institute for Gender Equality (EIGE) (2016) *Gender Impact Assessment Gender Mainstreaming Toolkit* <https://eige.europa.eu/sites/default/files/mh0416171enn.pdf>

⁶ Ibid

⁷ OECD (2018) *Toolkit Mainstreaming and Implementing Gender Equality: Implementing the 2015 OECD Recommendation on Gender Equality in Public Life*

⁸ Welsh Government *Integrated Impact Assessment: Guidance v1.0*

⁹ Ibid

There are various different approaches to gender impact assessment used across the world. While some take a broader equalities lens as in Wales, others have focused on assessments that use an intersectional gender lens. This is the case in Canada, where the main tool used is the GBA+, which has been used in the development of policies, programmes and legislation since 1995.¹⁰ “It provides federal officials with the means to continually improve their work and attain better results for Canadians by being more responsive to specific needs and circumstances.”¹¹

Given the widespread use of impact assessments across the world, and the similar challenges governments have faced in successfully embedding impact assessment into policy processes, there is great opportunity to learn and share best practice.

¹⁰ <https://cfc-swc.gc.ca/gba-acs/approach-approche-en.html#commitment> Accessed January 2019

¹¹ Ibid

5. EIA use in Wales and the new IIA tool

EIAs are a key mechanism of compliance to the Welsh Specific Equality Duties (WSED), 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.¹²

Unfortunately, equality impact assessments have had a tendency, within Welsh Government and other public bodies, to become tick box exercises; a compliance based exercise that lacks detailed analysis, does not comply with the requirements of the specific duties on equality information or engagement and is not done at the appropriate time to meaningfully influence and inform policy and legislation.¹³

Increasingly, impact assessment is being viewed through the lens of the Well-being of Future Generations (Wales) Act. This is most marked within Welsh Government, through the development of a new Integrated Impact Assessment Tool (IIA), which has been reviewed as part of the Gender Equality Review.

5.1. IIA Tool

Following recommendations made by the PPIW (now WCPP), a new tool to support impact assessment within Welsh Government has been developed. The aim of the new IIA tool is to simplify the impact assessment process, which incorporates a number of impact assessment requirements including equalities, environment and children's rights. The new tool has also sought to frame the process of impact assessment within the Well-being of Future Generations (Wales) Act (WFG Act).

The IIA form and guidance have a clear focus on using the WFG Act to frame this process, including discussion of how the five ways of working have been applied and how proposals will effect social, cultural, economic and environmental well-being. There remains an expectation that statutory impact assessments, like EIAs, be carried out. EIAs are noted as part of the social well-being section of the form.

It should also be noted that at the time of writing the process of rolling out the new tool and delivering training is ongoing. There are also wider initiatives in place to strengthen the policy profession within Welsh Government and support the implementation of the WFG Act. Under these initiatives a further recommendation made by PPIW will be implemented by creating a "steward" role who will have responsibility for the smooth operation and

¹² Chwarae Teg (2018) *Rapid Review of Gender Equality 2018: Phase One*

¹³ Ibid

continuous improvement of the IA process.¹⁴ It's clear that the development of the IIA tool is seen as an ongoing piece of work and it's recognised that further work will need to be undertaken to improve the implementation of impact assessment and deliver stronger policy and decision making.

The IIA sets out 4 main stages:

1. The proposal: policy/ plan/ programme/ project
2. Consider and describe how the 5 ways of working will be applied, how the proposal fits with the Nation Strategy and well-being objectives and effects on social, cultural, economic and environmental well-being
3. Conduct full impact assessments where required
4. Draw conclusions and integrate impact assessment findings into final proposal

The IIA template is described as the means to “summarise the main impacts of the proposal”. Consideration should be given to how the proposal “fits with the priorities and vision of *Prosperity for All*; can contribute to the social, cultural, economic and environmental well-being of Wales and might affect Wales and the people who live here, positive or negatively.”¹⁵

The IIA form is split into seven main sections:

1. What action is the Welsh Government considering and why?

This section summarises how the five ways of working will be applied and impact, which is described as the main arguments for and against the proposal, referencing evidence, evidence gaps and plans to fill evidence gaps

Equality is not discussed explicitly in the template in this section.

2. What will the effect be on social well-being?

This section summarises the proposals likely impact on people and communities, children's rights, equality, rural proofing, health and privacy.

You are directed to complete a full EIA and summarise the findings in this section. The EIA is specifically referenced under equalities and not in relation to other considerations in this section, e.g. as a possible evidence base for summarising the impact on people and communities.

3. What will be the effect on cultural well-being and the Welsh language?

¹⁴ Public Policy Institute for Wales (2016) *Reducing Complexity and Adding Value: A Strategic Approach to Impact Assessment in the Welsh Government*

¹⁵ Welsh Government IIA Template (As seen January 2019)

This section summarises the proposals likely impact on cultural heritage, arts, sport and recreation and the Welsh language

Equality is not discussed explicitly in the template in this section.

4. What will be effect on economic well-being?

This section summarises the proposals likely impact on business, the general public and individuals, with a strong focus on monetary, non-monetary, short and long term costs and benefits, impact on the public sector and third sector and justice impact.

Equality is not discussed explicitly in the template in this section.

5. What will be the effect on environmental well-being?

Sets out the statutory impact assessments that need to be completed in relation to the environment, summarises how proposals will deliver on National Priorities in the Natural Resources Policy and impact on biodiversity and climate change.

Equality is not discussed explicitly in the template in this section.

6. Record of full impact assessments required

This sets out a record of what full impact assessments – e.g. children’s rights, equality, privacy – are considered necessary for this proposal

7. Conclusion

In this section you are expected to summarise the following:

- How have people most likely to be affected by the proposal been involved in developing it? (250 word limit)
- What are the most significant impacts, positive and negative? (750 word limit)
- In light of the impacts identified, how will the proposal maximise contribution to well-being objectives and seven well-being goals and/ or avoid, reduce or mitigate negative impacts? (750 word limit)
- How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes? (250 word limit)

Sections One and Seven are published as part of the IIA Summary document. All other sections of the IIA form are only published upon request.

5.2. Consideration of equalities within the IIA tool and template

Throughout the IIA form there are prompts to complete an EIA and to draw out the key findings from the EIA. This is most marked in section 2 and in section 7.

However, there are some missed opportunities to mainstream EIA more thoroughly in the process and there is still a sense that equalities is an “add-on” rather than a core consideration that cuts across all elements of the WFG Act.

For example, in section 2 an EIA could be a helpful evidence base to consider the impact of the proposal on people and communities. It could also inform analysis of the likely impact on economic well-being, for example highlighting whether a proposal that will create jobs is primarily creating jobs in sectors that men dominate.

Section 7.2 What are the most significant impacts, positive and negative? States that you should outline the following:

“Summarise the most significant impacts for the people, culture and Welsh language, economy and environment of Wales, expected as a result of the proposed action. Describe the themes that emerged from involving people. Refer to the seven well-being goals and the Welsh Government’s well-being objectives. Contrast with the impact of current Welsh Government action if appropriate.”

There is no explicit mention here of equalities. This is a concern as this section is used to complete sections of the Ministerial Advice Note (MA).

Equalities is mentioned explicitly in the prompt for Section 7.3 where you are steered to consider how to maximise contribution to well-being objectives and well-being goals and avoid, reduce or mitigate any negative impacts. A steer to consider how to advance equality here would strengthen the IIA and policy development.

5.3. IIA Guidance and Training Resources

The new template is accompanied by a guidance document that sets out in detail the IIA process with prompts and questions to ensure full consideration across the breadth of impact assessment areas. Equalities and EIA are discussed throughout the guidance document at key points to inform considerations. However, there is no clear statement about the benefit of placing equality/ EIA at the core of the IA and policy process given the way in which equalities should be considered in relation to the well-being goals and five ways of working.

There is greater focus on equalities within the guidance document compared with the form itself. This may be to be expected but could risk equalities being overlooked if the guidance is not used by those who have worked on IAs for a number of years and feel they are already well versed in how to approach the process. This could lead to bad habits not being challenged and limited discussion of equalities in the IIA process and subsequent MA.

The shift to basing impact assessment around the WFG Act and Goals has occurred in response to recommendations from PPIW. In principle, this could work as the WFG Act is still in the process of being embedded into practice across the public sector. However, Phase One of the GER raised concerns about the lack of integration or alignment between WFG and existing equalities duties and a concern that the WFG was superseding existing responsibilities. There is a risk that this could be the case with the new IIA unless steps are taken to more effectively mainstream equality throughout the impact assessment process and equip civil servants with a firm understanding of how equalities aligns with well-being. It's possible that the new vision for gender equality and feminist government principles could help to achieve this, alongside the work of the new Future Generations and Integrated Policy team within WG.

Alongside a guidance document, a number of resources have been produced to support the move to IIA including training and "at-a-glance" job-aids.

5.4. Strengths and Weaknesses of the new IIA Tool

There are some clear positives about the new IIA template and accompanying guidance:

- You are directed to have an early conversation with an internal expert advisor
- There is a steer to make effective use of evidence, and highlight any data gaps and how these will be filled. The support available from KAS is made clear
- There is a clear steer to carry out impact assessment in the early stages of policy development or delivery planning and of the need for impact assessment to inform future evaluation
- The role of impact assessment in all five stages of the policy process is made clear
- In the guidance, it is noted that EIA should be used when outlining the impact on people and communities in Section 2 of the form.
- You are directed to consider how you have engaged with those with protected characteristics in relation to how those affected by the policy have been involved in developing it
- You are directed to note engagement with those with protected characteristics as part of the conclusion and to note the effect of policy/ programmes on particular groups in Section 7.
- You are directed to note where data gaps may have prevented full impact assessment and to include equality impact in ongoing monitoring and evaluation.

However, there are also some gaps and potential missed opportunities to demonstrate how central EIA and equalities analysis should be to impact assessment and consideration of well-being:

- Inequality is not mentioned explicitly in relation to any of the five ways of working

- In section 7 of the form, which is published, under “7.2 *what are the most significant impacts, positive and negative*” there is no explicit mention of tackling inequality in the prompts of what to summarise nor is there a steer to include evidence of mitigation. While this is addressed in later parts of the form, as 7.2 is used to inform the Ministerial Advice Note, there is a risk that equalities considerations could be omitted from MAs.
- In the Summary IIA, which is published, equalities is not explicitly mentioned in relation to how the proposal will maximise contribution to our well-being objectives and the seven well-being goals; and/or, avoid, reduce or mitigate any negative impacts. It’s possible that the assumption is that the prompts in the main IIA form would be sufficient if the summary will be copied from the main form.
- The process of IIA as outlined in the guidance still has EIA as an “add-on” after you have considered how the five ways of working will be applied, how the proposal fits with the National Strategy and well-being objectives on social, cultural, economic and environmental well-being. In practice, EIA or equalities analysis should inform these processes and the thinking at these early stages of policy and programme development, particularly given the focus on tackling inequality by the current Cabinet and FM.
- The first reference to “equality” in the IIA guidance is on page 19. Further reinforcing the sense that it is an “add-on”.
- EIA/ equality is not discussed in relation to economic wellbeing but pigeon-holed as a social issue. This is a missed opportunity to demonstrate the importance of gender mainstreaming and of integrating equality across all well-being goals and objectives.
- There are word counts included in the sections that are routinely published. This could limit the presentation or use of evidence and suggest that a less comprehensive impact assessment has been carried out to external stakeholder and scrutiny bodies, such as the National Assembly for Wales, when that may not be the case.
- The importance of considering intersectionality is not covered in the IIA templates or guidance. Looking at one single form of discrimination or inequality in isolation can ignore the way in which characteristics such as gender, race or class can interact and produce unique experiences and, often multiple, disadvantage.

6. International Practice: Gender Based Analysis Plus (GBA+) in Canada

GBA+ is an analytical tool used in Canada to assess how diverse groups of women, men and gender-diverse people may experience policies, programmes and initiatives.¹⁶ The “plus” is to acknowledge that the tool looks beyond just sex and gender and considers a wide range of identity factors.¹⁷

GBA+ is framed not just as a means of ensuring that initiatives impact people fairly, but also as a means of delivering better policy and programmes and contributing to broader goals of advancing equality and fairness. Throughout associated training and resources there is a clear focus on equity, not just equality, so that historical inequalities are recognised and addressed.

GBA has been used in Canada since 1995, but has regained prominence since 2015 as the Government of Canada outlined a renewed focus on gender equality and women’s empowerment.

GBA+ has been developed by Status of Women Canada (SWC), who play a leadership role in the government-wide implementation of GBA+. SWC share GBA+ knowledge, provide technical assistance to departments and agencies and develop tools and training. Central agencies (such as Privy Council Office and Treasury Board Secretariat) exercise a challenge function and provide guidance on incorporating GBA+ where appropriate, while federal departments and agencies conduct GBA+, integrate and sustain the practice and monitor and report on GBA+ practice and outcomes.

It’s important to note that GBA+ is not the only tool being utilised by the Government of Canada to meet it’s aim of being a feminist government. Efforts have been taken to place gender equality at the heart of all the Government does, including bringing a feminist agenda to Canada’s international activities such as the presidency of the G7. Since 2015, Status of Women Canada, was placed on a statutory footing and given increased funding. It has since been announced that SWC will become an official department of the Government of Canada.¹⁸ There are plans to introduce new legislation to enshrine gender budgeting in the federal government’s budgetary and financial management processes and additional funding is being made available to Statistics Canada to develop a new Centre for Gender, Diversity and Inclusion Statistics.

The Government of Canada has also developed a Gender Results Framework. This is described as a whole of government tool to track current performance, define what is

¹⁶ Status of Women Canada <https://cfc-swc.gc.ca/gba-acis/index-en.html> Accessed 20.1.19

¹⁷ Ibid

¹⁸ Government of Canada (2018) *GBA+ of Budget 2018*

needed to achieve greater equality and determine how progress will be measured.¹⁹ The Framework sets out gender equality goals in relation to education and skills policy, economic participation and prosperity, leadership and democratic participation, gender-based violence and access to justice, poverty reduction, health and well-being and gender equality around the world. Each section sets out end goals and the indicators that will be used to measure progress.

For example, the Framework states that “increased labour market opportunities for women, especially women in under-represented groups” as a goal for economic participation and prosperity. This will be measured using labour force participation rate by gender and employment rate by gender (including recent immigrants).

The Gender Results Framework is already being used within broader policy, with its inclusion in the 2018 Government of Canada Budget document with details of Budget 2018 actions noted under the relevant areas.

6.1. The GBA+ Model

There are seven stages of the GBA+ process.

1. Identify key issue

Here you are directed to identify the context and gender and diversity issues in relation to your initiative

2. Challenge assumptions

Here you are directed to challenge your assumptions about whether your initiative has gender and other diversity implications. If regarded as “neutral” you are promoted to consider what evidence you have for this.

3. Gather the facts: research and consult

At this stage you are directed to conduct research and consult stakeholders to build the evidence base.

4. Develop options and make recommendations

Using the data collected at this stage you indicate the options you propose to respond to the specific issues identified. GBA+ findings should be presented to decision-makers clearly, with strategies to strengthen proposals in response to any differential impacts or unintended barriers.

5. Monitor and evaluate

¹⁹ Government of Canada *Budget 2018: equality* <https://www.budget.gc.ca/2018/home-accueil-en.html>
Accessed January 2019

GBA+ also applies to the evaluation and monitoring of initiatives. You are directed to ensure evaluation identifies groups who are positively or negatively affected and to highlight any data gaps.

6. Communicate

GBA+ should help identify target audiences and tailor messaging to ensure you show how the initiative will support diversity and that no images are used that perpetuate harmful stereotypes.

7. Document

Document analysis and findings throughout the GBA+ process as it provides meaningful background information, you may be asked to provide evidence that a GBA+ was conducted and the information could inform a future proposal.

6.2. GBA+ Guidance and Training

Following a report from the Auditor General in 2015, Status of Women Canada (SWC) refreshed the GBA+ training. An online course *Introduction to GBA+* is freely available and is increasingly used as the main training for those involved in policy development in federal departments and agencies.²⁰

The course includes five core modules:

1. Sex and Gender: outlines the difference between sex and gender and importance of looking at both as part of GBA+
2. Moving beyond sex and gender: outlines the importance of an intersectional approach and focus on equity
3. What is GBA+: Outlines the steps of the GBA+ process and difference between a targeted and flexible approach
4. What does GBA+ look like “in action”: outlines in detail the way in which GBA+ can be applied depending on your role whether it’s research, policy development, programme design, service delivery and operations, legal counsel, communications or evaluation and monitoring. For each function a detailed list of questions are included alongside a case study example to demonstrate how GBA+ can shape activity
5. Putting GBA+ into practice: provides a case study scenario for the learner to apply their knowledge and complete a GBA+

Three additional modules are also available:

- History of GBA+
- GBA+ Roles and Responsibilities

²⁰ Status of Women Canada (2017) *GBA+ Implementation Survey results: Highlights 2016-17*

- Building a Framework to support GBA+ in your organisation

The online course is engaging and interactive. Most modules include videos, case studies and questions aimed at encouraging learners to challenge their own assumptions. There is a strong focus on intersectionality from the outset and the practical examples provided throughout demonstrate the difference that an intersectional, gender analysis can make to decisions.

The course is freely available online, including to users from outside Canada and is further supported with job aids and micro-learning videos.

To further support the application of GBA+ SWC have produced a number of Job Aids, essentially go-to documents with the top-line messaging and “nudge” style questions. The documents are clear, engaging and easy to use in an at-a-glance manner throughout the policy or programme process.

The [Demystifying GBA+ job aid](#) outlines the seven steps of the GBA+ process with the key questions to ask yourself if applying GBA+ to your work. This includes questions to nudge the individual to think about historical inequities as well as equality of opportunity/ immediate impact and a strong focus on evidence-based policy-making.

The [Intersectionality job aid](#) adopts a similar approach to encourage the individual to think about the intersecting identity factors of the communities likely to be affected and how these factors shape their lived experiences. The job aid outlines a number of suggested questions and actions to support the application of an intersectional lens.

6.3. Embedding GBA+: Challenges and Solutions

Embedding GBA+ into the work of all federal bodies in Canada has not been without it’s challenges. In 2015 the Auditor General produced a report *Implementing Gender-based Analysis*, having carried out an audit of GBA+ implementation in a sample of 4 departments within the Canadian Government. The report was the second audit of GBA+, the first having been carried out in 2009.

The Auditor General reached a number of conclusions, which continue to inform the development of training, resources and support to deliver more consistent implementation of GBA+ across all departments and agencies. These findings included²¹:

²¹ Auditor General of Canada (2015) *Implementing Gender-Based Analysis*
http://www.oag-bvg.gc.ca/internet/English/parl_oag_201602_01_e_41058.html
Accessed 12.2.19

- GBA+ was only being implemented in some federal departments and agencies. In those that had put a GBA+ Framework in place, as suggested by SWC, the analyses were not always complete and quality inconsistent.
- A key challenge was identified as the lack of mandatory requirements for departments and agencies to conduct GBA+ to inform policy, legislative, and programme initiatives. Tight deadlines, limited senior management review of the completeness of GBA+ and a lack of capacity for conducting GBA+ were also identified as critical barriers.

What is a GBA+ Framework?

To effectively support the use of GBA+, SWC recommend that a department/ organisation should put a GBA+ framework in place. They identify six elements to this framework:

1. Responsibility Centre: Leads, supports and monitors the implementation of GBA+ providing oversight, direction and promotion of GBA+. Should include a GBA+ Champion in senior management
2. Organisational needs assessment: capture current situation in terms of existing GBA+ capacity and resources. Should include assessment of any existing GBA+ reports, existing internal competencies and scanning for external resources of best practice.
3. Training and tools
4. GBA+ pilot initiative
5. Policy Statement: a clearly articulated commitment to GBA+ with endorsement from senior management
6. Monitoring of progress

Following this report from the Auditor General, an action plan was put in place by Status of Women Canada, the Privy Council Office (PCO) and Treasury Board of Canada Secretariat (TBS) as the key agencies involved in implementation of GBA+.

The action plan includes a range of steps to support better implementation of GBA+ including:

- Strengthening the infrastructure for GBA+ through an Inter-departmental Committee on GBA+, Steering Group of Senior Officials from SWC, PCO and TBS and new sector-specific GBA+ networks.
- Updating guidance on Memoranda to Cabinet (MC) to include more specific direction on GBA+, making GBA+ training mandatory for PCO analysts who play a challenge function and provide policy advice and developing a policy considerations checklist to accompany submission of MCs which will place particular emphasis on ensuring the appropriate questions are considered when determining whether or

not a full GBA+ is required and a rationale in those cases when a GBA+ is not conducted.

- TBS embedding reference to GBA+ in wider guidance on submissions
- Improved monitoring and reporting including detailed GBA+ annual survey to Deputies, development of gender equality indicators in key areas to track progress and a 5 year GBA progress report in 2020.
- Relevant deputy-minister-level committee to be engaged to discuss government-wide implementation of GBA+ and its impact on policy, legislative and programme initiatives.

What is the role of the Privy Council Office (PCO) and Treasury Board of Canada Secretariat (TBS) in GBA+?

Both the PCO and TBS are noted as key departments with a role in supporting the implementation of GBA+ across all federal departments of the Government of Canada.

The PCO supports the Government of Canada cabinet, while the Treasury Board are responsible for accountability and ethics and financial, personnel and administrative management and are supported by the TBS.

Both the PCO and TBS perform a challenge role in relation to GBA+. This is most apparent in the GBA+ requirements attached to the submission of a Memoranda to Cabinet (MC) through the PCO and to Treasury Board Submissions, which is submitted by a sponsoring Minister to see approval of a program's design, deliver or implementation.

Since the introduction of the GBA+ Action Plan, an interim progress report has been delivered by the Chair of the Standing Committee on Public Accounts. Since 2015 the following steps have been taken²²:

- First GBA of budgetary measures published 2017; 60 measures that were analysed and impacted by GBA+.
- In Summer 2016 the Government made GBA+ mandatory for all Memoranda to Cabinet and Treasury Board submissions. As a result seen an increase in demand for SWC's advice and assistance. Over the past year, SWC has been consulted on 27 federal initiatives by departments seeking to improve the quality of GBA+. These have included, for example, large-scale government priorities such as the Defence

²² Interim Progress Report on the Implementation of the GBA+ Action Plan – delivered by Chair of Standing Committee on Public Accounts
<https://cfc-swc.gc.ca/gba-ac/progress-etape-en.html>

Policy Review, the National Housing Strategy, the long-term Infrastructure Plan, and the Government's Innovation Agenda.

- Through the ongoing review of TBS' policy instruments, they have developed new tools and practices to ensure gender-related considerations are part of the policy development and approval processes.
- SWC created three GBA+ Interdepartmental Committees or organisations in similar sectors
- Since April 2016 there has been a 400% increase in the completion of SWC's Introduction to GBA+ online course as a result of renewed emphasis on quality.
- Advanced training developed for designated gender advisors from 30 departments and agencies and working with Canada School of Public Services (CSPS) to incorporate GBA+ into its policy training suite.
- SWC working with Privy Council Office (PCO) to identify priority initiatives where SWC engagement in providing direct GBA+ advice could be most impactful.
- SWC and TBS are also developing guidance to incorporate GBA+ into Departmental Results Frameworks, Departmental Plans and in performance reporting.

In addition the TBS report the following actions²³:

- Designated a GBA+ Champion at assistant deputy minister level to promote the value of GBA+ in informing Cabinet decisions, provide guidance to TBS senior managers and arrange training for TBS analysts. The GBA+ Champion works with champions from Privy Council Office, Dept. of Finance Canada, SWC to ensure coherent and consistent approach to GBA+ and is supported by the part-time work of 2 analysts.
- TBS are now tracking relevant data in submission to identify and address barriers to effective use of GBA+ and reviewing TB submissions submitted between Sept. 2016 and June 2017 to assess quality of GBA+
- In 2018-19 TBS will be developing a guidance tool to help the evaluation community integrate GBA+, developing guidance for depts. and agencies to integrate GBA+ into regulatory analysis and every draft policy instrument is being made available to depts. and agencies for review and feedback (including to SWC).

SWC have begun the annual survey of GBA+ Implementation. The 2017 survey highlights are available online and demonstrate that²⁴:

- There has been an increase in the number of FTEs dedicated to supporting GBA+ in organisations. In 2016 10% had more than 5 FTEs dedicated to GBA+, in 2017 this was up to 45% with no organisation reporting no dedicated GBA+ FTEs.

²³ Treasury Board Secretariat changes in response to 2015 AG report

<https://www.canada.ca/en/treasury-board-secretariat/corporate/reports/treasury-board-canada-secretariat-2018-19-departmental-plan/gender-based-analysis-plus-supplementary-information-table.html>

Accessed 12.2.19

²⁴ Status of Women Canada *GBA+ Implementation Survey results: Highlights 2016-17*

- 100% of organisations now have a GBA+ Champion or other senior management lead and 67% have a departmental GBA+ Action plan (up from 40% in 2016).
- GBA+ is generally applied to the core four phases of the policy cycle – analysis and research, development of options, decision-making and implementation– but less frequently to defining the problem and evaluation stages.
- GBA+ seems to be well integrated into MCs and TB submissions but less so in other activities such as regulations or procurement.
- Most GBA+ training remains non-mandatory and focused on policy-analysis
- Access to gender disaggregated data still a key challenge
- Less than half of departments and agencies tracked GBA+ in MCs and TB submissions or other documents

6.4. External Critique of GBA+

The implementation and design of GBA+ is not without it's critics. As can be seen from the Auditor General report outlined above, there have been some issues around compliance, consistency and quality of GBA+, which core agencies are now working together to address.

External commentators have identified a number of factors that impact on the success of GBA+.²⁵ These are:

- Political support and leadership
- Gender equality champions
- Adequate financial and human resource
- Assumptions about gender equality
- Training and education
- Monitoring and evaluation
- Accountability

There seems to be consensus that GBA+ is a priority under the current administration, and from the progress reports outlined above, positive steps are being taken in relation to gender equality champions, increasing financial and human resources dedicated to GBA+ and improving training resources.

However, there remain some challenges in relation to the others. Writing in 2018, Hankivsy and Mussell stated that “conceptual frameworks that are used in policy work matter, but they are not as well understood as they should be, even by those on the front line of advancing equity.” This suggests that training needs to go further and that assumptions about gender equality remain an issue.

²⁵ Hankivsky, O. and Mussell, L. (2018) *Gender-based Analysis Plus in Canada: Problems and Possibilities of Integrating Intersectionality* Policy and Politiques Vol. 44 Issue 4, December 2018 pp.303-316

There are also some concerns about how well the GBA+ tool responds to the need for an intersectional approach. The “+” in GBA+ has been included with the purpose of driving an intersectional approach to analysis and this is a focus in many of the training tools and resources. However, writing in 2018 Olena Hankivsy and Linda Mussell suggest that this remains an “additive approach” that prioritises consideration of sex and gender and looks at other factors, such as race, “in addition” to this, rather than taking a truly intersectional lens.

The way in which GBA+ has been developed is highlighted as a problem here. The GBA+ tool is a development from GBA, which was first introduced in 1995. As a result, there is a lack of understanding among some agencies as to what the difference is, which could lead to limited consideration of wider identity factors.

Despite this criticism, GBA+ is considered an intermediate step towards intersectional mainstreaming. They suggest that a strategy to move GBA+ forward to a more intersectional approach must be supported “by a shift in equality discourse, new forms of institutions, cross-sectoral capacitors and relationships to allow for an accurate understanding of how inequities are intrinsically related.”

This critique of GBA+ offers a number of potential lessons for Wales:

- Political leadership is key
- Better data and internal knowledge sharing can support better application of GBA+
- Creating mechanisms for NGO involvement is important, but must be accompanied by appropriate funding and support
- Improving government capacity has to go beyond just training

6.5. What can we learn from GBA+?

As a tool, GBA+ has a number of strengths. Evidence-based policy-making seems to be at the heart of GBA+ and there is a clear focus on viewing consultation and engagement activities as a means of building the equalities evidence-base and not merely sense checking proposals. It has a focus on “analysis” rather than “impact assessment” and includes a string steer to consider how historical inequities can be addressed.

It is supported by a suite of engaging and interactive training resources and the job-aids are an invaluable go-to document with “nudge” questions to support you to implement the model effectively.

Regular audits by the Auditor General are an important means of supporting ongoing improvement and since the 2015 report there appears to have been significant activity across the three main departments/ organisations with responsibility for GBA+ - Status of Women Canada, Treasury Board and Privy Council. Notably, action plans have been put in place with regular updates on progress.

As GBA+ has developed a number of changes have been made to support more effective implementation and address some of the identified challenges:

- Steps have been taken to embed GBA+ into existing core processes such as Memoranda to Cabinet and Treasury Board submissions, further enhancing the challenge function across government
- There has been increased training and new tools have been developed
- Dedicated sources of support are in place such as SWC and GBA+ Champions within different departments
- There has been an increase in the infrastructure in place to embed, monitor and improve the use of GBA+, including the involvement of senior members of staff
- Steps have been taken to improve the monitoring and evaluation of GBA+ to support targeted solutions

Good progress appears to have been made within core agencies with responsibility for GBA+ across government and the increased up-take in training and advice suggests awareness of GBA+ and the need to use it has improved.

However, GBA+ is still not fully embedded across all federal agencies and some inconsistency in approach remains. A need for more work to ensure that the application of GBA+ is checked and monitored for compliance and quality assurance has also been identified.

7. Comparing IIA and GBA+

The GBA+ appears to be more comprehensive based on the 7 stages set out in the SWC training. It's clear that the process begins at the point of defining the issue and runs right through to monitoring and evaluation. While the SWC annual survey shows that in practice the application is less consistent at these stages, there is a foundation on which to build given the clarity in the process/ tool itself. Comparatively the IIA process as set out in the new guidance still has EIA included at quite a late stage in the process, by which point the issue being addressed by the proposal would have been identified and decisions taken about it's relevance to broader policy priorities and how to compile the evidence base.

There is a stronger focus on evidence in the GBA+ tool and unlike the EIA/ IIA guidance engagement and consultation activities are seen as part of building this evidence-base rather than a separate activity.

While the new IIA training does explicitly state that the impact assessment form is only the end-point in a longer process, there seems to be a greater focus within the GBA+ resources that documenting the process and thinking behind decisions is only part of a much more comprehensive process of analysis.

Intersectionality is a core consideration in GBA+. While there are critics who would like a more intersectional approach to be adopted, the approach to intersectionality within GBA+ is much more sophisticated than in EIA/ IIA. There is no mention of intersectionality in any of the IIA guidance. It may be beneficial to review the EIA training resources within WG to determine how intersectionality is approached.

GBA+ resources include a more explicit focus on equity and addressing historical/ structural inequities. EIAs are supposed to consider the impact of proposals on advancing equality, but this is not often included in practice. It does not come through strongly in training and support tools either. This may be due to the focus on securing equality of opportunity in UK equality legislation and a lack of understanding of equality vs equity.

The name of the tools could also affect mind-sets. The focus of GBA+ encourages you think beyond just assessing impact. The focus on equality within GBA+ may also be helpful so there is less risk of it being diluted by the inclusion alongside wider impact assessment processes.

There appears to have been more recent external scrutiny of GBA+ that looked beyond compliance to consider quality. It's noteworthy that the GBA+ approach has twice been the subject of an audit by the Auditor General.

There also appears to be greater resource and infrastructure in place to support the implementation of GBA+ effectively across federal departments than has been made

available to support IIA/ EIA within WG. This infrastructure appears to have a role in quality assurance as well as monitoring compliance.

Central departments within the Government of Canada seem to have a more explicit challenge role in relation to GBA+ than any WG department in relation to IIA/ EIA, which again looks at quality as well as compliance. Training and resources have been put in place specifically to support this challenge role. While there are similarities with requirements to attach IIA/ GBA+ to ministerial advice there seems to be more focus on assessing quality within the Government of Canada process, whereas in Wales compliance seems to be a bigger focus.

The challenges to successful implementation of GBA+ appear to be similar to those impacting on EIA/ IIA. However, there also appears to be much more resource being made available to improve the implementation of GBA+ than EIA/ IIA. Furthermore GBA+ is being supported by wider action to embed gender equality in to the decision-making processes of the Government of Canada and place equity at the heart of the policy agenda.

With GBA+ there seems to be a more clearly defined central point of advice, training and tools through SWC.

8. Emerging Practice: Cumulative impact assessment

Over the past nine years there have been numerous calls for a cumulative impact assessment (CIA) of public spending decisions. These calls have predominantly been made in response to the austerity agenda and welfare reform to enable a better understanding of how different equalities groups have been affected.

In 2017 the EHRC commissioned Aubergine Analysis and Landman Economics to carry out a cumulative impact assessment of the distributional impacts of tax and spending decisions on people sharing different protected characteristics.²⁶ To understand the impact of the decisions taken between May 2010 and January 2018, which will be implemented by the financial year 2021-22, the tax-transfer model (TTM) is used.²⁷ Two main sets of data are combined in the model to understand impact – aggregate public spending data and individual service use data.²⁸

While there are limitations to this model, it provides a relatively comprehensive understanding of how the spending decisions of the past nine years have impacted on different groups, with breakdown by gender, ethnicity and disability.

Given its retrospective view, the cumulative impact assessment is not necessarily a replacement for the forward-looking analysis carried out with GBA+ or EIA, however, it could act as an additional tool to enable governments to understand how their spending decisions have affected communities. If carried out every 3-5 years, the CIA could provide a sense-check as to whether spending decisions have had any unintended impacts, and further grow the equalities evidence-base to inform other impact assessment and analysis work.

²⁶ J. Portes and H. Reed (2018) *The Cumulative impact of tax and welfare reforms*

²⁷ Ibid

²⁸ EHRC Seminar 14.3.19 in Cardiff *Cumulative impact assessment of spending decisions in Wales: Technical Workshop*

9. Conclusion

The IIA tool has been developed with a very specific goal of simplifying impact assessment in the round and reduce unnecessary duplication across multiple forms. In some ways it marks a step forward, seeking to bring impact assessment within the framework of the WFG Act and make the process appear less burdensome, therefore removing one of the barriers to effective implementation.

However, without further change in behaviour and ways of working, the IIA tool will have limited impact. Here, there are lessons that can be learnt from the Canadian experience of GBA+.

Our recommendations in this chapter therefore include short-term actions that could be implemented almost immediately to strengthen the existing tool, and medium-term actions that can help to better embed IIA and drive behaviour change.

In the longer term we do not believe that IIA/ equality impact assessment as currently understood or used is fit for purpose. In its current form it favours a strand-focused approach to considering equalities, which presents a challenge to adopting an intersectional approach and it leans towards equality of opportunity rather than equality of outcome as a result of the current legislation. This may pose significant challenge in the context of the new gender equality vision, which is more radical in its intersectional approach and focused on equity. This paper should therefore be read in conjunction with discussion in the report *Deeds not Words*, which reflects on new approaches to policy-making and issues of capacity and internal infrastructure for embedding equalities.

Recommendations: Short-term

1. The IIA form and guidance should be updated to include an overarching question in relation to equalities such as “How does your proposal advance equality, tackle historical inequalities and contribute to the vision for gender equality?”
2. IIA Guidance and training should be updated to include a clear statement of how equalities impact assessment/ equalities analysis should be at the heart of the policy process and outline how it can inform other elements of the IIA such as delivery against the well-being goals and application of the five ways of working.
3. The IIA, and potentially EIA, form and guidance needs to encourage completers to look beyond a siloed “strand” approach to equality and consider how intersectionality can lead to greater disadvantage.
4. Equalities needs to be discussed much earlier in the IIA form and accompanying guidance. It should be made clear that consideration of equalities should inform how a policy issue is framed and it’s expected impact on social, cultural and economy well-being.
5. Changes should be made to the IIA form and guidance to ensure equalities does not appear to be an “add-on” and is not pigeon-holed as only a social issue.

6. Section 7.2 of the IIA form must include a prompt to consider the EIA, especially as this is the section that informs the MA.
7. Section 7.3 of the IIA form should include a steer to consider how opportunities to advance equality can be maximised.
8. IIA training and guidance should include discussion of how consultation and engagement can strengthen equalities data and should be considered an important means of building the evidence base and not merely a way to consult on detailed proposals.

Recommendations: Medium Term

1. Review and refresh training and job aids in relation to IIA to ensure it includes reference to statutory equalities requirements and that they are engaging and user friendly. The GBA+ job aids and training suite provide a strong example of good practice which could be replicated.
2. The Assembly Commission should review processes for induction and continuous development of those who scrutinise Welsh Government, including Assembly Members and Committee Support Staff, so that they are informed of the purpose and application of the new IIA tool and build confidence and competence across Welsh Government, regulator and auditor functions and bodies to strengthen ability to challenge, and scrutinise with a gender and broader equalities lens- looking beyond compliance to quality, and equality of outcome.
3. Leadership and challenge from senior figures in government is essential to successful implementation of IIA. The role of Ministers and senior civil servants in championing the role of IIA and challenging both quality and compliance should be clarified and leaders within Welsh Government must ensure better use of equalities evidence as part of the impact assessment process. Policy officials should engage with Knowledge and Analytical Services (KAS) at an earlier stage in the process. To do so may require the up-skilling of policy officials to improve their evidence analysis skills.
4. Introduce a process for systematic auditing of a sample of IIAs from across Welsh Government departments to routinely assess for quality, compliance and progress towards the vision for gender equality. This would be best delivered through external scrutiny, so Welsh Government should work with Wales Audit Office to implement this change. Such review should not only report on compliance with IIA requirements but also on use of training and resources, and inclusion of IIA findings in ministerial advice.
5. Review the Ministerial Advice process to analyse how well the current practice of requiring impact assessment summaries is working, and consider a mandatory requirement for equalities analysis to be included.