

Gender Equality Forum
10 October 2023, 10.30-12:00
Teams meeting (virtual)

Attendees

Head of Gender and Disability Policy, Welsh Government (Chair)
Bawso
Cardiff University
Equality and Human Rights Commission (EHRC) Wales
Fair Treatment for the Women of Wales (FTWW)
Homestart Cymru
National Federation of Women's Institute (NFWI) Wales
Oxfam Cymru
Wales Trades Union Congress (TUC)
Welsh Women's Aid
Women's Equality Network (WEN) Wales

Welsh Government officials

Equality and Human Rights
Women's Health
Senedd Reform

Item 1: Welcome and update on actions from previous meeting

Attendees were welcomed to the fourth meeting of the Gender Equality Forum.

The new Director at WEN Wales was welcomed to the Forum. Thanks were expressed to the former WEN Wales Director for her work with the Forum and Welsh Government.

Chwarae Teg recently announced its closure. Thanks were expressed to the staff for their work with the Forum and Welsh Government and best wishes sent to all those affected by the closure.

An update was provided on the actions from the previous meeting:

- The Deputy Minister for Social Partnership and Deputy Minister for Social Services had met on 4 October to discuss low pay in the care/childcare sectors and work is being taken forward to explore the possibility of a fair work forum.
- Officials met with Wales TUC to discuss childcare and caring on 6 October and another meeting will be scheduled in the autumn.
- Welsh Government officials had investigated what data is held by local authorities regarding carer assessments. Data was held by Stats Wales on the number of carers' needs assessments (adults and young carers), by local authority, and the number of support plans for carers that result. [Carers \(gov.wales\)](https://gov.wales).

- Welsh Government officials have been invited to this meeting to provide an update on work relating to the statutory duties.
- The EHRCs refreshed procurement guidance for public bodies has been circulated.

It was confirmed that the Gender Equality Forum webpage went live in September. The minutes of this meeting will be added to the page.

Item 2: Women’s Health Plan – Welsh Government

A small, new team had been formed over recent months and will be taking forward work, in a phased approach, on the Women’s Health Plan. The plan is not a Welsh Government plan – it will be owned by NHS Wales. A Women’s Health Network (WHN) is being formed and will be responsible for developing the plan. It is hoped that recruitment of two key posts in the WHN will be completed over coming weeks with the Network in place by the end of the year.

The Women’s Health Plan will build on the findings from the Discovery Report, published in 2022, as well as outstanding actions from previous work. In the meantime, an interim transitional group is in place.

The main priorities of the transitional group were:

- i) extension work around Bloody Brilliant, concentrating on the 17–25 age group by providing further support and information.
- ii) pelvic health and endometriosis nurse roles and reviewing whether the postholders think the services are effective.
- iii) focusing on menopause policies - as the NHS is the biggest female employer in Wales, learn from their work and policies which have been in place since 2018.

Forum members raised the following points/questions:

- Important to adopt a gender mainstreaming approach. If the plan simply adds women into the existing systems, it will continue to create gaps.
- It would be useful to ask the patient community about their experiences and access to pelvic health and endometriosis services.

The Women’s Health team official provided the following responses:

- The Women’s Health Plan is a 10-year plan which aims to have a gender lens on services so it is not just about filling gaps in the existing system.
- The current focus of the pelvic health and endometriosis work is on identifying barriers within service delivery. Once the work progresses to a fuller evaluation, the patient experience will be a crucial part of the work.

ACTION: Women's Health Team to contact Wales TUC regarding work on the menopause.

ACTION: Women's Health Team to contact FTWW to discuss work on pelvic health and endometriosis.

Item 3: Gender Quotas - Welsh Government

An overview of the Senedd Cymru (Members and Elections) Bill was provided. The Bill was introduced on 18 September 2023 and includes the following proposals:

- Increase the size of the Senedd to 96 Members and reduce the number of constituencies to 16.
- Change the Senedd's electoral system to a closed list proportional system, with votes translated into seats via the D'Hondt formula.
- Decrease the length of time between Senedd ordinary general elections from five to four years.
- Require Senedd candidates and Members to be resident in Wales.
- Provide a mechanism for the Seventh Senedd's consideration of job-sharing of offices relating to the Senedd.

The Bill, if passed, will implement the majority of the Senedd's Special Purpose Committee's recommendations for Senedd reform, published in 2022, in time for the next Senedd election in 2026.

The Committee also made recommendation in respect of gender quotas, the publication of Senedd candidate diversity information and the publication of diversity and inclusion strategies by political parties.

The purpose of these reforms is to help create a more effective legislature for, and on behalf of, the people of Wales. To achieve this, the Gender Quotas Bill aims to ensure the Senedd is broadly representative of the gender make-up of the population.

Work is underway to determine the most effective approach to introducing a gender quota into the electoral system. Several countries have introduced gender quotas and different approaches have been adopted with regards to the criteria, for example the threshold and placement criteria and the enforcement mechanism used. Policy options are being considered including the threshold, placement criteria with regards to vertical and horizontal requirements in respect of parties' candidate lists and broader issues of inclusivity for trans and non-binary candidates.

Alongside this, the Senedd Cymru (Members and Elections) Bill already provides a pathway to encourage the Senedd to explore the practical and legislative implications of job-sharing for Senedd Members. The Welsh Government is also committed to publishing guidance to encourage political parties to publish diversity and inclusion strategies.

It is currently planned for the measures included in both the Senedd Cymru (Members and Elections) Bill and the forthcoming legislation relating to gender quotas to be implemented for the 2026 Senedd election.

The team is continuing to engage with stakeholders and members of the Forum were invited to contact the team.

Members of the Forum raised the following questions/comments:

- While the introduction of gender quotas would be a milestone towards diversity of representation, other measures such as job-sharing are equally as important – why hasn't job-sharing been progressed sooner?
- Important to get political parties to play their part and the guidance regarding publishing diversity and inclusion strategies needs to be published as soon as possible.
- There are many challenges to collecting diversity data, particularly from disabled people with hidden disabilities who may not be prepared to share their information, and maybe this should be a consideration in the work on diversity data.
- Alongside this work, there is a need to address all the other areas which are creating barriers such as low pay, childcare and long hours.
- Are there ways to enforce publication of diversity information by political parties?
- If the barriers to accessing political positions are childcare, then the solution would come not from political parties alone, but through collective bargaining eg. subsidised childcare.

Welsh Government responses to points raised:

- Job-sharing is not straightforward to implement in the context of elected offices and may require legislative changes. There is nothing preventing the Senedd from considering the implications of job sharing sooner during this current Senedd term. The provisions in the Senedd Cymru (Members and Elections) Bill are to ensure that if it has not been considered by this Senedd the next Senedd does debate and discuss the issue.
- Advisory guidance can be provided to political parties with regards to publishing diversity and inclusion strategies and Welsh Government recognises the importance of issuing the guidance as soon as possible.

Item 4: Update on Statutory Duties – Welsh Government

An overview of the Public Sector Equality Duty and the Welsh Specific Equality Duties was provided to Forum members.

Several Employment Tribunal rulings since 2021 on gender critical belief in the workplace were also explored as these have considered whether and to what extent

gender-critical beliefs count as “philosophical beliefs”. Philosophical beliefs are protected under the Equality Act 2010.

The outcomes of the three cases were discussed. These cases have established that:

- gender-critical beliefs can be protected from discrimination under the Equality Act 2010.
- the ways in which such beliefs manifest themselves in behaviour might not be protected. It depends on what those behaviours are and how they impact on the legal rights of others not to be discriminated against, on the basis of their sex or gender reassignment.

An update was provided to the Forum on the work to take forward the recommendations of the Strengthening and Advancing Equality and Human Rights in Wales report, which includes incorporating the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into Welsh law.

A Human Rights Advisory Group, co-chaired by the Minister for Social Justice and Chief Whip and the Counsel General and Minister for the Constitution, meets quarterly.

A working group has been established comprising members from academia, the third sector, civil society, the EHRC and legal expertise. The next step is a deep dive analysis of the treaty text and conventions. It will need to be determined where the legislative competence lies, and to understand the policy and legislative landscape already in place that gives effect to specific article rights and how this might affect incorporation. The expert group will be feeding back on progress in December at the next Human Rights Advisory Group.

Forum members raised the following comments/questions:

- has any communication been sent out to confirm that the Public Sector Equality Duty review has been paused?

Welsh Government officials confirmed that while there had been no meetings with external stakeholders since the initial meetings, internal meetings were continuing. It was recognised that communication with external stakeholders was needed.

Item 5: Update on Gender Equality plan – Welsh Government

Work is underway to finalise the internal implementation plan. The plan will need to be agreed by Welsh Government Ministers. The plan was due to be discussed by Cabinet members in November, but this had now been postponed until January.

It is intended that the draft plan will be shared with Forum members before the end of the year. Quarterly highlight reports will be produced which will likely begin in January 2024, alongside the plan.

Forum members raised the following questions/comments:

- Will the findings of the Gender Equality Review be reflected in the implementation plan?

The Gender Equality Review published two reports (Deeds Not Words and the Roadmap) which included 81 recommendations setting out a long-term plan to achieve gender equality. Welsh Government officials confirmed that the recommendations will continue to underpin the refreshed implementation plan. Work has been undertaken to determine which recommendations are complete and which are ongoing. Any incomplete and outstanding work will be taken forward.

It was also confirmed that the Gender Equality Forum will continue to provide robust scrutiny of the plan and the work to take it forward.

ACTION: Draft of the internal implementation plan to be shared with Forum members before the end of the year.

Item 6: Any Other Business

Forum members were informed of the recent death of Professor Dame Teresa Rees FLSW FAcSS. An invitation was extended to attend her funeral to be held at Llandaff Cathedral on 20 October.

Oxfam Cymru will be publishing a report on childcare in Wales in the week commencing 6 November. The report and any further details will be shared with the group.

Forum members were asked to share any suggestions or feedback regarding agenda items with Welsh Government officials. Forum members suggested that the three priority areas be standing items on the agenda.

The next Forum will take place on 18 January 2024.

ACTION: Welsh Government officials to include the three priority areas as standing items on the agenda.

Summary of actions

- Women's Health Team to contact Wales TUC regarding work on the menopause.
- Women's Health Team to contact FTWW to discuss work on pelvic health and endometriosis.
- Draft of the internal implementation plan to be shared with Forum members before the end of the year.
- Welsh Government officials to include the three priority areas as standing items on the agenda.