

May 2019

Equally Ours submission to the Womens Budget

Group Commission on a Gender Equal society



The Women's Budget Group Commission on a Gender-Equal Economy asks -

1. Which policy or practice, that you know of, has had a transformative impact on gender-equality?
2. What happened as a result of the policy or practice?
3. Was the policy or practice implemented at local, regional, national or international level?
4. Could the policy or practice be implemented in other contexts? If so, how? If not, why not?

1. Introduction

Equally Ours (formerly the Equality and Diversity Forum) is the national network of organisations working to make a reality of equality and human rights in people's lives. Our members represent some of the most disadvantaged people throughout the UK, including those with protected characteristics under the Equality Act 2010, and have long played a vital role in ensuring protection and representation for these people. Further information about our work is available at www.equallyours.org.uk . Our members can be found [here](#) .

This submission highlights two key policies that have the power to be transformative:

- The use of gender participation targets in large-scale procurement. The London 2012 Olympics and some of the past and current European Social Fund (ESF) programmes show that one of the most effective ways of driving change is through the use of participation targets. Research showed that businesses like them – they enable them to do the right thing but crucially also to do so on the basis of a level playing field with competitors. Applying them across the National Infrastructure Plan and Industrial Strategy, and building them into the UK Shared Prosperity Fund, could create change at scale.
- The Public Sector Equality Duty (PSED). The PSED is a tool that remains an important asset in helping to achieve equality and, when necessary in forcing public authorities to consider the equality impact of their decision making. The PSED could be used to greater effect in its current form. And it could be strengthened to achieve greater change.

2. Participation targets

Our response is informed by our research on the future of EU funding post-Brexit, *Shared Prosperity, Shared Rights*, published last yearⁱ, and contributions at our Research Network roundtable event on Closing Race Employment and Pay Gaps.

Learning from the Olympics and European Union funding

Research by QML showed that the London 2012 Olympics effectively used participation targets within procurement to drive change in the construction industryⁱⁱ. It also showed that businesses like these targets – they enable them to do the right thing but crucially also to do so on the basis of a level playing field with competitors. A lasting legacy is the not-for-profit organisation [Women Into Construction](#) .

The past and current European Social Fund (ESF) programmes also used participation targets for individual projects to ensure that women and others experiencing discrimination and disadvantaged are included. Gender mainstreaming, equality of opportunity, and the inclusion people at most risk of discrimination have long been mandatory requirements of EU funding. They are themes that cut across all EU programmes and are reflected in the priorities set for particular funds.

An evaluation of the use of equality drivers and other cross-cutting themes (social inclusion and sustainable development) for the 2007-2013 Structural Funds in Wales found that having a dedicated team to provide guidance and support to those responsible for the development and delivery of funding programmes enabled these drivers to be used effectively, making Wales a leader in this field.

The evidence shows that these drivers have had a significant impact on women's participation (and others with protected characteristics), creating an essential framework that has enabled innovation, best practice and accountability.

National Infrastructure Plan and Industrial Strategy

Most current government programmes which attempt to decrease employment gaps around gender (or race or disability) are targeted and small scale. While these play a valuable role and should be retained, they are not sufficient to achieve change at scale.

Equally Ours believes that the scale of ambition should be far greater and that pan-equality goals and drivers should be mainstreamed into major government initiatives. This could achieve significant step changes in participation by women, and marginalised and discriminated against groups.

Bringing gender equality into the mainstream would bring significant economic benefits, as well as benefiting women themselves. For example, bridging the gender employment gap could create an extra £150 billion in GDP by 2025.ⁱⁱⁱ Closing the gap in STEM skills could generate a further £1.5 billion.^{iv}

In particular the UK should harness the £600bn spend of the [National Infrastructure Plan](#) in the next 10 years, and the £54bn of the [National Industrial Strategy](#). It could do this by challenging these to programmes to help deliver on the government's goals on gender, race and disability employment gaps; and building in the concrete drivers needed to create change.

The Government's Industrial Strategy makes a strong case on paper for an inclusive workforce that is good for people, business and productivity, but this is not currently backed up by any concrete steps to create change at scale. For example, the construction sector deal merely says: 'the sector will work to increase diversity of the sector, with regard to gender, ethnicity and disability, and to actively promote construction careers across society'. There are no specific requirements, targets or hard measures on the sector to drive necessary change.

To harness the power of these programmes:

- They should be specifically tasked with contributing to achieve the government's gender and other equality goals
- Participation targets should be set by sector or geographically specific.
- There should be investment in social as well as physical infrastructure, eg good quality early years provision and social care, making it easier for women to combine work and caring responsibilities, as well as providing improved career pathways for those working in these fields.

UK Shared Prosperity Fund

The government's stated aim for the UK Shared Prosperity Fund is to create inclusive growth. This is a welcome ambition, but it is not clear this stage what inclusive means in practice – for example whether that is in reference to reducing geographic inequality. Whatever the focus of the funding, it should have a strong equality focus, with clear commitments, drivers and action to tackle the barriers faced by women and others experiencing disadvantage and discrimination in entrepreneurship and the labour market.

This will require:

- an explicit, strategic focus on equality, anti-discrimination and social inclusion at a national level, in each of the devolved nations, and in local industrial strategies;
- ensuring that the proposed UK Shared Prosperity Fund (UKSPF) includes a dedicated fund to assist women and those currently missed by mainstream services, creating a clear route of employment and other support for all those experiencing disadvantage and discrimination.

Local Enterprise Partnerships

It is likely that under the UK Shared Prosperity Fund in England, Local Enterprise Partnerships (LEPs) will have responsibility for implementing local industrial strategies, and administering the UKSPF. They could and should therefore be tasked with playing a key role in promoting gender equality and women's economic empowerment.

This should be reflected in their governance and accountability requirements, for example by:

- embedding equality drivers and principles in the revised National Assurance Framework for LEPs, to ensure that this is a core priority and provide clear lines of accountability for addressing gender equality as well as race and disability equality;
- requiring LEPs to develop local strategies in partnership with local communities and civil society including those representing women and other equality groups, with specific targets to ensure the active participation of women and others experiencing disadvantage and discrimination in local labour markets.

3. The Public Sector Equality Duty

The Public Sector Equality Duty (PSED) works as a tool that helps public bodies to deliver their services fairly and more accurately. It means that they must

- consider the equality implications of all their decisions,
- work to eliminate institutional discrimination at every level,
- advance equality of opportunity in practice, and
- foster good relations between different groups of people.

The objective behind the Equality Duty is to ensure that consideration of equality forms part of the day-to-day decision-making and operational delivery of public bodies. It is a more efficient way of operating which takes into account the differing needs of public bodies' diverse users. It helps public authorities to do their job better and to make the best use of their resources.

The equality duty has enormous potential to build equality considerations into all public authority decision making but in England it has been particularly undermined by the Red Tape Challenge as well as by negative statements made by Government Ministers and the review of the Public Sector Equality Duty.

The Public Sector Equality Duty when properly applied within the public sector can help public bodies to deliver their services fairly and more accurately, which will benefit everyone. It has been publicly labelled as both a luxury and red tape and this together with other negative and discouraging comments from the highest level of Government has undoubtedly undermined its success in achieving equality in the public sector.

In our view it is a sensible tool for modern Government which is particularly important in times of austerity. However, the negative statements from Government Ministers and the cuts in funding for the EHRC have meant that this important duty is not taken sufficiently seriously by some public authorities. This is a missed opportunity.

We can however highlight two significant examples where legal challenges to help enforce this duty have benefitted women. The first was an early challenge by Southall Black Sisters to funding for their services to Asian and Afro-Caribbean women particularly in relation to domestic violence. They had received substantial funding from Ealing Council but in 2007 the Council decided that it would in future encourage open competition by commissioning

services according to agreed criteria. These included that services should be provided to all individuals irrespective of gender, sexual orientation, race, faith, age, disability, resident within the Borough of Ealing experiencing domestic violence. This requirement meant that they would no longer be able to limit their services to Asian and Afro-Caribbean women. They sought a judicial review of this requirement.

The Court ruled that the Council had failed to assess the impact that its policy would have on ethnic minority women. The Court concluded that 'Cohesion is achieved by overcoming barriers. That may require the needs of ethnic minorities to be met in a particular and focussed way...specialist services for a racial minority from a specialist source is anti-discriminatory and furthers the objectives of equality and cohesion'. The decision would be quashed. This has been a judgement that has been referred to in many subsequent situations where funders have tried to limit funding to specific services by insisting on a cheaper more generic service.

The second example relates to the Fawcett Society's challenge to the 2010 emergency budget on the grounds that the Government had failed to fully assess whether its savings proposals would increase inequality between men and women. Although the case was unsuccessful the Government did concede that it forgot its legal duty to consider whether cuts would disproportionately affect certain groups as the Treasury was unable to provide any evidence that an equalities impact assessment had taken place. The pressure on the Treasury to carry out equality impact assessments on its budgets continues and the Treasury Select Committee recently recommended that the next budget should include 'quantitative analysis of the equalities impact of individual tax and welfare measures in all cases where data are available'.

We strongly consider that the improving of enforcement of equality norms is vital and it includes greater political support for the application of the Public Sector Equality Duty to ensure that equality objectives are set and fulfilled, and that equality impact assessments are considered at every level of Government decision making.

We also consider that there's a need to learn from the experiences of colleagues in devolved administrations where the specific duties and political climate are different; and to identify ways to modernise and strengthen the duties.

References

ⁱ Equality & Diversity Forum, 2018, Shared Prosperity, Shared Rights – Replacing EU Funding for Equality and Human Rights after Brexit
<https://www.equallyours.org.uk/edf-report-shared-prosperity-shared-rights-replacing-eu-funding-for-equality-and-human-rights-after-brexite/>

ⁱⁱ Advancing gender equality in the construction sector through public procurement: Making effective use of responsive regulation, T Wright & H Conley, 2018
<https://journals.sagepub.com/doi/full/10.1177/0143831X17745979>

ⁱⁱⁱ McKinsey Global Institute, The power of parity: Advancing women's equality in the United Kingdom, 2016,
<https://www.mckinsey.com/featured-insights/gender-equality/the-power-of-parity-advancing-womens-equality-in-the-united-kingdom>

^{iv} Institute of Mechanical Engineers, May 2018, Engineering News
<https://www.imeche.org/news/news-article/stem-skills-gap-costs-the-uk-1.5bn-a-year>

Further information

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