

Unintended Consequences: the impact of the government's legislative programme on women in public roles

Executive Summary

This report examines the impact of a number of pieces of legislation either recently enacted, or currently going through the parliamentary process, on the representation of women in public policy-making, decision-making or scrutiny roles.

The report finds that whilst in some areas legislation is likely to result in improved representation for women, in many key areas - notably economic strategy and policing - women lose out to a much greater degree. Moreover, in many cases power is effectively being allocated to groups of people in which women are least likely to feature, and new elected posts are being created which are of a type for which women are known to be least likely to stand.

These changes matter because, to be effective in the twenty-first century, representative democracy needs to reflect the communities it serves. It needs to be able to make full use of all the skills, experiences and expertises available, and to be inclusive in ways that pre-universal suffrage democratic models could not achieve. In other words, being able to vote is not in itself enough, and as we develop new more participative ways of working we need to ensure that they do not default to the exclusivity of earlier days.

The report looks at eight pieces of legislation and one White Paper. For each, it identifies how far it has got in the legislative process, what is being proposed, what the effect on the representation of women will or could be, whether or not the Government has carried out an Equality Impact Assessment and, if so, what it says. Finally, we make recommendations for what steps could be taken to mitigate (or encourage) the usually unintended consequences of each measure for women's access to public life.

As we went to press, the Government published its long-awaited - and very overdue - Open Services White Paper. This is therefore not included in this study, but many of the comments on the Localism Bill will also be applicable to the Open Services proposals.

As a result of this study we have concluded that over the next few years there will be an imperceptible but steady withdrawal of women from the public sphere, resulting in a net reversal of the gains of recent decades and damaging the quality of both the decision-making process and representative government itself.

However, we also believe that most of this is avoidable, and the recommendations we make at the end of each section outline the measures that need to be taken at all levels.

Education

This section covers the Academies Act (which received royal assent in 2010) and the Education Bill, currently in the House of Lords.

The Academies Act is the enabling legislation for the extension of academy status, whilst the Education Bill proposes a range of changes including the abolition of a number of educational quangos and changes to the make-up of school governing bodies.

Currently, over 50% of school governors are women. Many are nominated by Local Education Authorities, and the numbers of these governors will be reduced. The absence of collated information about the make-up of either current school governing bodies or new academy bodies makes it difficult to predict precise outcomes. We were able to look at the trustees and governors of a small number of free schools, and found that 61% of them are female.

The Government has produced an extensive Equality Impact Assessment for this legislation, but it does not cover its effect on women as decision-makers.

Recommendations

1. The Department of Education should keep, or require to be kept, publicly available statistics on the make-up of school governing bodies. Free schools should also be required to make this information available.
2. School governing bodies should be required to achieve a degree of balance in their membership. It might be, for example, that, excluding the Headteacher, there should be a requirement that at least 40% of governors should be male and 40% female. Such a requirement should be applied to all schools, including free schools and academies, and should apply to all types of governor.

Fixed Term Parliaments Bill

This Bill sets a five year term for each parliament.

If implemented, it will marginally extend the time it will take (currently over a century) for the House of Commons to achieve gender balance of 50:50.

There has been no Equality Impact Assessment for this legislation.

Recommendations

1. Political parties should consider the impact of this measure on their strategies for improving the representation of women (and other under-represented groups) at Parliamentary level.

2. Both political parties and Parliament should consider the cumulative (negative) impact of constitutional legislation on the representation of women in Parliament, and should take steps to mitigate it. In particular, Government should make time for a Parliamentary debate on the Speaker's Conference Report as soon as possible (see Voting and Parliamentary Boundaries below).

Health & Social Care Bill

This Bill is taking a considerable time to progress, at least in part because of the long pause for the Future Forum consultation and report. To date, the Government alone has tabled over 180 amendments.

The Bill abolishes both Primary Care Trusts (PCTs) and Strategic Health Authorities (SHAs), and introduces Clinical Commissioning Consortia (CCCs), Health & Wellbeing Boards and an NHS Commissioning Board.

Currently, 40.7% of PCT Board members are women, and 35.9% of SHA directors. SHAs will be abolished and not replaced, whilst most of the functions of the PCTs will be transferred to Clinical Commissioning Consortia. Local Healthwatch groups will be established, and local authorities will be tasked with setting up Health & Wellbeing Boards.

There is very little detail available on the composition of the emerging CCCs. However, we looked at the representation of women in the groups which will make up the boards, and found that:

- although 42% of GPs are women, they are much less likely to be Partners, and therefore less likely still to sit on CCC Boards;
- although over 50% of Practice Managers are women, they appear to be under-represented on the few Boards about which it is currently possible to find information;
- although over 90% of nursing staff are women, men seem proportionately more likely to occupy senior or strategic nursing posts;
- 28% of consultants are women, so that secondary care specialists on Boards are more likely to be male;
- 35.3% of lay members of PCTs are women, and it is therefore reasonable to suppose that a significant percentage of lay members of CCC Boards will be also.

We also found that, if women are represented on Health & Wellbeing Boards as well as they are in their constituent elements (councillors, Directors of Adult and Children's Social Services, Directors of Public Health, etc) these new bodies may well have a better gender balance than many others.

Recommendations

1. Government should require at least 40% of members of Clinical Commissioning Boards to be women, and that those women should reflect the diversity of the area. This would at least maintain the current level of women's involvement in policy making and commissioning at local level.
2. Local authorities should ensure that at least 50% of their members of Health and Wellbeing Boards are women.
3. The Government should take steps to require that men and women are equally represented on local Healthwatch Boards.
4. The Department of Health should ensure that future Equality Impact Assessments take account of the diversity of decision-makers as well as the impact of changes on patients and staff.

House of Lords Reform Draft Bill

This Bill is currently in draft form and has a long way to go before it enters the statute books.

It seeks to reduce the size of the House of Lords from over 800 to 300 members over a 15 year period, with 60 members being appointed and the remainder elected using proportional representation. It retains the membership of Church of England bishops but reduces their number from 26 to 12.

22% of members of the current House of Lords are women; this is the same level as the House of Commons.

This legislation could result in an increase in women peers, and thus an increase in women's parliamentary presence as a whole. However, this could only be achieved if both the political parties and the government (as well as the church) were prepared to take advantage of the opportunity offered by the electoral system to be used.

No Equality Impact Assessment has been carried out for this Bill.

Recommendations

1. Government should set a target that the reformed House of Lords will be 50% female by 2030.
2. The Bill should be amended to include a requirement that 50% of the 60 appointed members should be women.
3. The Bill should be amended so as to require political parties to ensure that their candidate lists are 50% female.

4. The Bill should be amended so to require the Church of England (and any other religious organisations subsequently gaining representation in the House of Lords) to ensure that, by 2030, at least 50% of their representatives are women.
5. The Government should take other appropriate measures to ensure that the reformed House represents the diversity of the country.

Local Growth White Paper

This was published in October 2010 and dealt with, amongst other things, the abolition of the English Regional Development Agencies (RDAs) and their replacement with a larger number of Local Enterprise Partnerships (LEPs).

Currently, 24% of RDA Board members are women. It might be expected that women would be more likely to be members of more locally-based LEP Boards, but hitherto, in the 15 approved so far, only 16.2% of LEP Board members are women. LEP Boards are made up of representatives from both the private and public sectors, with business people forming the majority.

No Equality Impact Assessment has been carried out for this measure.

Recommendations

1. The appointments system for private sector members should be adjusted to ensure that an agreed percentage - at least 40% and preferably higher - of private sector LEP Board members are female.
2. Public sector bodies who are to be represented on LEPs should ensure that at least 2 of their nominees are women.
3. When seeking applications for LEP Board members, Government should ensure that women are actively invited to apply by targeting small businesses and women's networks as part of the process. It is recognised that this may be done to some extent already, but there may be room for improvement.
4. Government should publish diversity figures for applicants and appointees for each LEP area.

Localism Bill

The Localism Bill covers a wide range of areas connected with local government. Amongst other things it proposes an increase in directly elected mayors, local referendums, a new right for local groups and others to buy land or buildings defined as a community asset, and increased local involvement in development plans.

There are currently 13 elected mayors, of whom 2 are women. As a percentage (15%) this is marginally higher than the level of local authority women leaders (14%). Many other of the provisions in the Bill are for new arrangements, and direct comparisons with the current situation is therefore not possible.

The Government has carried out separate Equality Impact Assessments for the various parts of the Bill. The only one which comes anywhere near recognising that there may be an issue for women as decision-makers is that relating to neighbourhood planning and the community right to build, which seems to accept earlier research which said that 'those whose responsibilities for caring for young children prevent them from attending public meetings held in the evening'¹ might be disadvantaged. However, the Assessment does not identify this as affecting women in particular, nor does it offer any remedy.

Recommendations

1. Political parties should take steps to ensure that they field more women candidates in mayoral elections where they have a good chance of winning.
2. Local authority leaders should appoint more women to cabinet portfolio-holding roles, and should ensure that these include areas like regeneration and planning as well as education and social services.
3. Government, local authorities and other relevant agencies should take steps to ensure that plans for neighbourhood planning and community asset owning do not exclude women.
4. The new tenants panels should be required to have equal numbers of men and women members.

Police & Social Responsibility Bill

This Bill (currently in its Committee stage in the House of Lords) proposes the establishment of Police and Crime Commissioners (PCCs) in 43 force areas, the creation of Policing and Crime Panels (PCPs) to work with and scrutinise the PCCs, and the abolition of the current Police Authorities.

At present, 31.4% of Police Authority members are women; 21.5% of local authority members and 42.8% of independent members. 25.6% of Police Authority Chairs are women. There are 3 women Chief Constables in England and Wales.

32.5% of Police Authority Chief Executives are women and 30.8% of Treasurers.

There are currently no directly elected police commissioners.

¹ Published by the Office of the Deputy Prime Minister 2005

The potential impact of this legislation on the presence of women in either decision-making or scrutiny roles in policing is very serious, and could result in women becoming even less able than they are now to influence the direction of policy in this area.

Although there are currently no elected police commissioners, it is known that women are less likely to stand as candidates for comparable offices (e.g., elected mayors, where 17% of candidates are women) than for local councils (30%) or as MPs (21%).

None of the political parties use any form of positive action mechanisms for mayoral elections, although some do for others (e.g., parliamentary).

It is anticipated by government that many candidates for PCC elections will be independent of any party, but this has only proved to be the case in a limited number of mayoral elections, and only 25% of such candidates have been women. Women are less likely to stand as Independent candidates at every level of election.

The new Police and Crime Panels are less likely to include women than the existing Police Authorities because they will be predominantly made up of local councillors, with independent members being reduced to 2. There are currently 230 women on Police Authorities; if this measure is enacted over 100 of them will be removed from decision-making or scrutiny roles as a result.

The Government has produced an Equality Impact Assessment which does not recognise this fact, but does accept that women and other groups are under-represented in key 'public-facing' roles. However, it proposes no remedy for the PCPs, and, in the case of PCCs, says only that 'Political parties will need to consider how they might increase their diversity to appeal to and encourage wider engagement across all sections of the population.'

Recommendations

1. Political parties should take steps to ensure that at least 40% of their candidates for Police Commissioner elections are women.
2. Government should monitor the situation with regard to Police Commissioners, and, if necessary, should take active steps to ensure that women are better represented in this post.
3. Government should require that Police and Crime Panels are established with a gender balance of 50:50
4. Steps should also be taken to ensure wider diversity (e.g. race, age, disability etc) in PCPs.

Public Bodies Bill

This Bill is near the end of its legislative journey. It is enabling legislation to give Government the power to abolish, merge or otherwise change a number of quangos and public bodies. 192 quangos have already been abolished or merged using other powers.

Women currently hold 32.6% of public appointments.² The Appointments Commission has failed to meet its target of 50% of appointments being women, whilst the other body responsible for this area, the Commissioner of Public Appointments, appears to have no diversity targets.

It is hard to establish exactly what the effect of this legislation on women's representation will be, other than to observe that, if the level of women appointed remains much as it is, it will not rise much above 30%, regardless of the configuration of the public bodies involved.

Recommendations

1. All future changes to quangos should include an equality impact assessment, and this should deal with representation as well as other relevant areas.
2. Government should set clear, realistic and achievable targets for gender balance in public appointments, should ensure they are monitored, and should publish the figures annually.
3. Both the Appointments Commission and the Commissioner for Public Appointments should have clear strategies for achieving the targets set.

Parliamentary Voting System & Constituencies Act

This received royal assent on 16 February 2011.

It provides for a referendum on the Alternative Voting System (held on 6 May 2011) and for a reduction in the number of parliamentary constituencies from 650 to 600.

Currently, 22% of MPs are women; this is an historic high in the UK but lags behind most other Western European countries.

A reduction in the number of constituencies will inevitably mean the loss of some women MPs, but whether this loss will be disproportionate or not remains to be seen. The new boundary proposals will not be available until September 2011, when it will be possible to make a much clearer assessment of what the effect is likely to be.

² Government Equalities Office

An Equality Impact Assessment has not been carried out for this Act.

Recommendations

1. Political parties should make sure that women MPs and candidates are not disproportionately disadvantaged by their own internal arrangements in regard to seat allocation following the review.
2. Political parties should also take steps to ensure that at least 50% of candidates in vacancies created by sitting MPs not seeking re-election, as well as at least 50% of candidates in marginal seats, are women. They should also ensure that those women candidates are themselves diverse.
3. In January 2010 the results of the Speaker's Conference's inquiry into Parliamentary Representation was published. This made recommendations for how a range of bodies, including Parliament itself, could improve the diversity of the House of Commons, and it also asked that the Government make time for a debate on its findings. This debate should be held at the earliest possible opportunity, and should include issues around the boundary reviews.
4. After the 2015 general election the Government of the day should take stock of the outcomes of the changes in terms of diversity and should take whatever steps are necessary to ensure that Parliament achieves gender balance as soon as possible thereafter.