

# United Kingdom

## Apie

There is no Constitution to enshrine the principles of gender equality in the UK. Efforts towards gender mainstreaming in the UK have been described as highly fragmented and disconnected from general policy and agendas, with little evaluation taking place [1]. The Government Equalities Office (GEO) has no equality strategy document, with individual government departments instead required to ensure compliance with the Public Sector Equality Duty (PSED).

UK gender equality machinery operates at national level but there are some differences between the instruments in place in England and in Scotland, Wales and Northern Ireland. For example, Wales and Scotland are covered by the Equality Act but have their own mainstreaming arrangements, whereas Northern Ireland has its own structures, arrangements and methods for gender and equality mainstreaming, notably its Gender Equality Strategy (2006-2016) and the Statutory Duty on Equality mandated by Section 75 of the Northern Ireland Act (1998).

On 23 June 2016, the UK voted to leave the European Union (EU). The negative impact on gender equality is one of many Brexit-related concerns, given that most of the progress in relation to gender equality has been driven by the framework of EU employment strategies and directives on childcare targets, equal treatment of women and men, gender mainstreaming, maternity and parental leave [2]. Uncertainty around the UK government's Brexit strategy has persisted, and the government has been criticised for including only one woman on the Brexit negotiation team. The political and media debate has paid little attention to the significant gender and equality impact of Brexit [3]. In February 2017, the Women and Equalities Committee (WEC) published a report recommending that the government include a clause on equality in the 2017-19 EU (Withdrawal) Bill to provide an explicit commitment to maintaining the current levels of equality protection provided when EU law is transposed into UK law. It also recommended that a cross-government equality strategy should be developed to ensure that all government departments take action on equality, and that research and other equality projects currently receiving EU funds should be ring-fenced to ensure that research on equality continues uninterrupted [4]. Although the government has provided assurances that equality rights and protections will not be eroded after the UK leaves the EU, there are no firm legislative commitments [5].

## Legislative and policy framework

The 2010 Equality Act is the key legal instrument for equality in the UK, banning unfair treatment and helping to achieve equal opportunities in the workplace and wider society. The 2010 Act draws together previous equality and anti-discrimination legislation, with a shift from gender equality to a concept of equality that spans all dimensions of discrimination. This is part of a shift in the UK to broaden mainstreaming frameworks [6], requiring 'public bodies to address a complex range of inequalities including but not limited to gender' [7]. As part of this shift, in 2011, the Public Sector Equality Duty (PSED) replaced the Gender Equality Duty (GED) (2006). The PSED covers gender, race and disability equality duties and extends across nine protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation). The GED was the UK's most obvious effort towards gender mainstreaming.

The PSED consists of a general duty (s149 of the Act) and specific duties, set out in regulations that vary across England, Scotland and Wales [8]. The PSED requires all public authorities to have 'due regard' to the need to eliminate discrimination, advance equality of opportunity and foster good relations when carrying out their activities (including in shaping policy, delivering services and in relation to their own employees). However, the main challenge for the PSED lies in its implementation, which varies considerably across the public sector.

The GEO has no equality strategy document at present nor does it appear to be involved in monitoring the gender or equality impacts of government departmental budgets or policy-making. Instead, responsibility rests with individual government departments to consider equality in policy development and ensure compliance with the PSED.

The GEO's lack of a strategy document is in contrast to the Department for International Development's (DfID) 2018-2030 vision for gender equality, which has been praised for setting out a cross-government and integrated approach to gender issues and for taking a gender perspective in its policy and decision-making. The WEC argues that while the DfID delivers good work in the international development sector, it has no domestic policy locus and thus 'the danger is that gender equality and other equality strands are pigeonholed as a matter for action abroad, not at home' [9]. In March 2017, the WEC recommended that the DfID's responsibility for domestic policy coordination and work on the implementation of Sustainable Development Goal (SDG) 5 on gender equality should be moved to the Cabinet Office, but this was rejected by the government.

The Equalities and Human Rights Commission (EHRC) is the UK's independent gender equality body. In February 2019, the EHRC presented its formal submission to the UN Committee on the Elimination of All Forms of Discrimination Against Women [10]. This included the recommendation that the UK government commit to all original provisions of the Equality Act 2010 and that outstanding provisions are finally undertaken (such as the socioeconomic duty and dual discrimination provision). The EHRC also recommended that the government establish equality objectives, with the publication of evidence of action and progress [11]. In July 2018, the WEC launched an inquiry into how effectively individuals are able to enforce their rights under the Equality Act 2010. In its evidence to the inquiry, the EHRC highlighted the complexity and expense of litigation. It also highlighted that the onus is on individuals to bring claims through the court, and that 'greater consideration should be given to placing the onus on duty-bearers to root out discrimination and ensure respect for equality rights, for example by ensuring the PSED reaches its potential for achieving wider-scale transformative change' [12].

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## Structures

The infrastructure of the national gender equality machinery is composed of the Government Equalities Office (GEO) and the independent Equalities and Human Rights Commission (EHRC). Prior to this, the UK had a separate, independent Women's National Commission (1969-2010), which presented the views of women to government [13].

## Government responsibilities

Established in 2007, the GEO takes the lead on issues and policy relating to women, sexual orientation and transgender equality, and has responsibility across government for equality strategy and legislation. The GEO is also the institutional mechanism responsible for overseeing and promoting the delivery of UK commitments under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). There are three ministerial posts to deliver the UK's women and equality agenda across Great Britain, including one at Cabinet level, covered by the Minister for Women and Equalities. At the level of a Parliamentary Under Secretary of State, there are each a Minister for Women and a Minister for Equalities, who are respectively responsible for overall responsibilities for policy on gender equality and for all Government Equalities Office business in the House of Lords and equalities (covered under the Equality Act).

In November 2018, it was announced that the GEO would move to the Cabinet Office on 1 April 2019 in order to provide stability and improve the GEO's leverage and influence within government [14]. However, the Minister for Women and Equalities will continue to have two portfolios, as the ministerial responsibility for gender equality is always associated with another responsibility/policy area.

## **Independent gender equality body**

The EHRC is an independent statutory body that was established in 2007 in place of the Equal Opportunities Commission (established under the 1975 Sex Discrimination Act). The aim of the EHRC is to reduce inequality, eliminate discrimination based on age, disability, gender, race, religion or belief, sexual orientation or transgender status. The EHRC's mandate covers equality and human rights. It has a statutory duty to monitor progress towards human rights and to report on progress to parliament (section 12 of the Equality Act 2006). The EHRC is responsible for monitoring compliance and enforcing the equality duty of the PSED.

## **Parliamentary bodies**

In the UK, Select Committees are small groups of Members of Parliament (MPs) or members of the House of Lords that are set up to investigate a specific issue or to perform a specific scrutiny role. These committees have a minimum of 11 members. They can call in officials and experts for questioning, as well as demand information from the government. There is a Commons Select Committee for each government department, examining three aspects: spending, policies and administration. Committee findings are reported to the House of Commons and then printed and published on the parliament website. The government has approximately 60 days to reply to Committee recommendations.

In 2015, the WEC was appointed by the House of Commons to examine and scrutinise the expenditure, administration and policy of the GEO, and was subsequently moved to a more permanent footing in 2017. The creation of an Equalities Committee was recommended by the All-Party Parliamentary Group on Women in Parliament in their July 2014 report on 'Improving Parliament: Creating a better and more representative House'. The Committee fills a gap in previous accountability arrangements, with the Minister for Women and Equalities and the GEO being held to account by a Select Committee on government performance on equality (sex, age, race, religion or belief, sexual orientation, disability, gender identity, pregnancy and maternity, marriage or civil partnership status) issues. The GEO's associated non-departmental public body, the EHRC, is similarly held to account.

The WEC's remit is to extend the effectiveness of equality law and policy across government and all protected characteristics (as set out in the Equality Act 2010). The WEC has no legislative role and does not routinely undertake pre or post-legislative scrutiny. The WEC is currently involved in 14 inquiries, including an inquiry into 'Enforcing the Equality Act: the law and the role of the EHRC'. The role of the Minister for Women and Equalities and the place of GEO in government was also the subject of an inquiry in 2018.

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## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by the UK.

### Gender budgeting

The government of the UK has resisted gender budgeting and gender impact analysis of fiscal expenditure in its budget setting and welfare reforms. The Women's Budget Group (WBG), a civil society organisation, highlights the Treasury's continued failure to publish a full impact assessment of budget announcements, and while the 2018 Budget, Tax Information and Impact Notes (TIINs) contained some equality impact assessments, these were limited. In February 2019, a Treasury Select Committee 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' [15].

In Scotland, gender budgeting practice is more embedded. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 require Scottish public authorities to undertake a range of activities to enable the better performance of the PSED. These activities include reporting on mainstreaming equality, setting equality outcomes and reporting on progress. In particular, the Equality and Budget Advisory Group reports to the Cabinet Secretary for Finance, with equality budget statements published by the Scottish government to accompany its [annual draft budget](#) since 2009.

## Training and awareness-raising

Gender and equality training and awareness-raising do not appear to be embedded in the national framework. They are not evident in formalised training schedules and thus appear to be rather ad hoc. [Individual government departments' equality and diversity objectives](#) are available online.

## Gender statistics

Sex-disaggregated statistics and equality indicators are an important tool to promote gender equality [16]. In the UK, a wide range of economic and social statistical data (some of which are disaggregated by gender) is collected by government departments and the Office for National Statistics (ONS, the UK's largest independent producer of official statistics). ONS data are used by the government and government departments to influence their policy-making and decision-making. They are also used by civil society organisations and academics in their reports and critical assessments of government progress on integrating gender equality and equality perspectives into legislation, policy and practice.

In March 2018, the ONS published its first report on UK data gaps in reporting progress towards the global SDG indicators. ONS currently reports headline data for 114 global SDG indicators through its [National Reporting Platform](#) (NRP). Data sources are being explored for 86 indicators where there are data gaps, and 10 indicators are considered genuine data gaps, meaning that there are no known data sources that will close these gaps. There are no data gaps for SDG 5, on gender equality.

A Centre for Equalities and Inclusion has been established to improve the evidence base for understanding equity and fairness in the UK. The Centre is based at the [ONS](#) and is multi-disciplinary, bringing together people interested in equality data and analysis from across central and local government, academia, business and the third sector.

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# Good practices

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## Endnotes

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