



Llywodraeth Cymru
Welsh Government

IMPACT ASSESSMENT, DOCUMENT

Senedd Cymru (Members and Elections) Bill: equality impact assessment

Assessment of the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

First published: 31 October 2023

Last updated: 31 October 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

Contents

[Will the proposal promote equality?](#)

[Possible negative impacts](#)

[Barriers](#)

[Unintended impacts](#)

[Identify impacts](#)

[Measuring success](#)

[Record of impacts](#)

[Human Rights and UN Conventions](#)

[EU/EEA and Swiss Citizens' Rights](#)

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

How will the proposal promote equality?

In overarching terms, measures to increase the size of the Senedd will potentially improve the Senedd's ability to scrutinise on behalf of, and represent, the interests of a wider range of communities and people across Wales, including people with protected characteristics as described in the Equality Act 2010.

The following measures are not considered to have a differential impact with respect to people with protected characteristics as described in the Equality Act 2010:

- increasing the legislative limit on Welsh Government ministers to 17 (in addition to the First Minister and Counsel General), with power to further increase this limit to 19
- increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd to 2
- changing the Senedd's electoral system so that all Members will be elected via a closed proportional list system, with votes translated into seats via the D'Hondt formula
- repurposing and renaming the Local Democracy and Boundary Commission for Wales, including:
 - providing the new Democracy and Boundary Commission Cymru with the functions necessary to undertake ongoing reviews of Senedd constituency boundaries
 - providing instructions for the Democracy and Boundary Commission Cymru to follow in undertaking their boundary reviews, including:
 - in respect of the streamlined review to pair the 32 new UK Parliamentary constituencies in advance of the 2026 Senedd election (to form 16 new Senedd constituencies),
 - a full review in advance of the subsequent election, and
 - ongoing periodic reviews.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

- returning the normal length of time between Senedd general elections to 4 years.

Consideration has been given to the potential impact of requiring an individual to be registered to vote in Wales in order to either stand as a candidate in Senedd elections, or remain as a Member of the Senedd post-return. **Electoral Commission data** (albeit at a Great Britain level) indicates that certain groups – for example, ethnic minorities and younger people – are less likely to be registered to vote, and therefore more likely to be disqualified from both candidacy and membership of the Senedd. However, given the comparatively quick and straightforward administrative process that a person needs to complete in order to become registered, and the fact that the protected characteristics above are not a legal bar to registration, this measure is not considered to have a differential impact with respect to people with protected characteristics as described in the Equality Act 2010.

The provisions in the Bill relating to job-sharing provide a clear pathway for further work to consider the practical and legislative implications of job-sharing in the Senedd. Should any proposals be taken forward, this could result in enhanced opportunities for individuals to be able to engage in the political process, providing opportunity to address barriers they may face or personal circumstances.

What are the possible negative impacts on people in protected groups and those living in low income households and how will you mitigate for these?

No negative impacts have been identified.

What if any, barriers do people who share protected characteristics face? Can these barriers be reduced, removed, mitigated?

Welsh Government research published in 2022 looked into the under-representation of groups with protected characteristics in both local and national politics in Wales and found there to be barriers for candidates for elected office with protected characteristics, barriers for elected members with protected characteristics, and barriers for prospective candidates with protected characteristics and the public. Barriers were further categorised by the report into financial, cultural, political, social, and physical barriers. Barriers included physical barriers, such as disabled candidates who use wheelchairs not being able to physically go and “knock on doors” of voters whilst campaigning, as well as barriers to do with caring responsibilities, where the hours required for campaigning were not compatible with the personal circumstances of those with young children or caring responsibilities, for example.

This suggests an inequality of access compared to majority groups which becomes evident “at different and/or multiple stages throughout life” (**Removing barriers to elected office for people with protected characteristics: theory of change** p46).

Job-sharing is one mechanism by which barriers to access can be reduced and/or removed, providing opportunities for people who, for a myriad of reasons, may not be able to or do not wish to commit to being a full time Member of the Senedd, or to undertake a particular role within the Senedd on a full time basis.

The 2020 Committee for Senedd Electoral Report stated:

“ many of those who contributed to our work argued that enabling job sharing would reduce barriers which might otherwise prevent people from

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

standing for election to the Senedd. In particular, we heard that it would be beneficial for women, people with disabilities, people with parental and other caring responsibilities, or people who wished to maintain their professions or other commitments while still having something to offer within the political sphere (**Senedd reform: the next steps**). ”

The **Special Purpose Committee on Senedd Reform** identified job sharing as a possible measure to increase diversity by making roles more accessible and by removing certain barriers that may prevent some groups from standing.

“ In considering the issue of job sharing, we have noted that job sharing could enable a greater diversity of candidates to stand for election, including those with family and caring responsibilities; those with disabilities; and those who are geographically based further away from the Senedd. We noted that it could have intersectional benefits, expanding the opportunity to become a Member of the Senedd to multiple communities, and to people of multiple communities. ”

Share your EIA wider within Welsh Government, ask colleagues to consider unintended impacts

We have engaged with internal stakeholders throughout the process of developing legislation for reforming the Senedd, including with colleagues within the Welsh Government working in related policy areas.

The Explanatory Memorandum for the Bill sets out the extensive work which has been undertaken by various expert groups over recent years in terms of exploring ways in which candidate diversity can be increased.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

How have you/will you use the information you have obtained from research to identify impacts?

Reports including [Unpacking Diversity](#) and [Removing Barriers to Elected Office for People with Protected Characteristics](#) highlight the existence of barriers and explore ways in which some of these barriers to political participation may be removed.

Various recommendations on addressing some of these barriers and increasing the diversity of the Senedd were made in the [report of the Expert Panel on Assembly Electoral Reform](#) in 2017; in the [Committee on Senedd Electoral Reform \(CSER\) report](#) in 2020, as well as the [Special Purpose Committee \(SPC\) report](#) in 2022. These include recommendations relating to job sharing arrangements.

These groups interviewed experts within the field, and considered the available research, to reach the conclusions which led to their recommendations.

How will you know if your piece of work is a success?

The Welsh Government considers that any review of job-sharing should be led by the Senedd itself, while ensuring that there is an effective mechanism for the Welsh Government to play its part in responding to any recommendations and in mapping out next steps. Whether or not job-sharing in the Senedd becomes a reality depends very much on the action taken by the Senedd, on the conclusions of that piece of work and on any commitments to change in response.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

Record of impacts by protected characteristic

The provisions in the legislation relating to job-sharing are intended to provide a clear pathway for more detailed consideration by the Senedd of the practical and legislative implications of job-sharing Senedd roles. This work will identify the particular groups which stand to benefit from job-sharing opportunities and any potential negative impacts.

Broadly speaking, it is considered that job-sharing can provide opportunities for people who, for varied reasons, may not be able to or do not wish to commit to being a full-time Member of the Senedd or to undertake a particular role within the Senedd on a full-time basis. Job-sharing can broaden the skills and experience brought to roles, leading to deeper and broader levels of scrutiny. It is seen as a practical measure which has the potential to help level the playing field, remove barriers and bring many benefits to people including women, disabled people and carers. It is anticipated that the Senedd would consider both positive and negative impacts of job-sharing. For job-sharing to work well, it will be necessary for appropriate practical arrangements to be made to ensure that the role, responsibilities and accountability are shared equally and fairly between job sharing partners. This is why it is considered important that the feasibility and practical implications are fully explored, as well as the legislative changes that would be required.

- Protected characteristic or group
- What are the positive or negative impacts of the proposal?
- Reasons for your decision (including evidence)
- How will you mitigate impacts?

Protected characteristic/group: Age

Think about different age groups.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

Impacts of the proposal

Positive: Job-sharing measures may attract a wider age range of candidates.

Reasons

The average age of a Member of the Senedd is 55 ([Election 2021: How diverse is the Sixth Senedd?](#)). This is compared to the average age of the Welsh population, which is 42.4 years old (at the time of figures in mid-2020 - [Population estimates - ONS](#)). These figures clearly demonstrate that the Senedd is attracting an older profile of person than that of the general population.

Job-sharing may attract a different cohort of candidates, for example younger members— whose needs may be different from those who are older.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Disability

Consider the social model of disability and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disable people with different types of impairments.

Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they

encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'.

Impacts of the proposal

Positive: Job-sharing measures may help remove barriers that disabled people face to become candidates and Members of the Senedd.

Reasons

According to 2021 Census figures, 10.4 million (17.8%) of people in England and Wales are disabled ([Disability, England and Wales: Census 2021](#)). There is no data currently available on how many Members of the Senedd are disabled. We do, however, know ([Barriers to elected office for disabled people](#)) that disabled people face barriers and specific obstacles throughout their journey to become candidates at local and national levels.

The [Unpacking Diversity report](#) comments:

“ In the context of severe underrepresentation of people with disabilities in our elected legislatures, it is hardly surprising these institutions fail in substantially representing the interests of people with disabilities. ”

The report also goes on to indicate that:

“ such barriers might include the costs of seeking selection and election, particularly for people with disabilities who may face additional costs in respect of access requirements. ”

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Gender reassignment

The act of transitioning and Transgender people.

Impacts of the proposal

No specific positive or negative impacts have been identified.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Pregnancy and maternity

Impacts of the proposal

Positive: Job-sharing measures may help remove barriers to elected office for

women with caring responsibilities.

Reasons

Research shows that gender norms “negatively impact women’s earning potential; for example, by exiting the labour market earlier due to caring responsibilities” (**Removing barriers to elected office for people with protected characteristics: theory of change**). The Welsh Government has made important steps in making it feasible for individuals who face certain barriers to remain in elected office, for example in providing financial support to Members with childcare or other caring responsibilities. Job-sharing opportunities may attract more women with young children into elected office, making it more of a realistic career prospect.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Race

Including different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees.

Impacts of the proposal

No specific positive or negative impacts have been identified.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Religion, belief and non-belief

Impacts of the proposal

No specific positive or negative impacts have been identified.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Sex

Impacts of the proposal

Positive: Job-sharing measures may help remove barriers for individuals (regardless of sex) to seek elected office. It is considered that job-sharing could bring benefits, in particular, to women.

Reasons

Generally, since devolution in 1999, women have been underrepresented in the Senedd. We also know that women are significantly underrepresented at candidate stage for Senedd elections. In total, 470 candidates stood for election to the Senedd in 2021. Of these 322 (69%) were men and 148 (31%) were women ([Senedd Election 2021: Research Briefing](#)).

The Unpacking Diversity report found that: “Women ... were considerably more likely than men to view barriers as more ‘significant’, and view incentives more positively.

There is considerable research and evidence around the various public policy benefits of women participating in politics.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Sexual orientation

Lesbian, Gay and Bisexual

Impacts of the proposal

No specific positive or negative impacts have been identified.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Low-income households

Impacts of the proposal

No specific positive or negative impacts have been identified.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Marriage and civil partnership

Impacts of the proposal

No specific positive or negative impacts have been identified.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Protected characteristic/group: Children and young people up to the age of 18

Impacts of the proposal

No specific positive or negative impacts have been identified as a consequence of the job-sharing provisions. As detailed in the Children's Rights Impact Assessment, the Bill does not affect the rights of 16- and 17-year-olds to vote - only the way that such votes take place.

Reasons

Not applicable.

Mitigation

Any work triggered by the provisions in the legislation will consider ways in which any negative impacts could be managed or reduced.

Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights?

- Human Rights
- What are the positive or negative impacts of the proposal?
- Reasons for your decision (including evidence)

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

- How will you mitigate negative impacts?

Article 8: Right to privacy

Impacts of the proposal

No specific positive or negative impacts have been identified.

Article 14: Protection from discrimination

Impacts of the proposal

No specific positive or negative impacts have been identified.

Article 3, Protocol 1: Right to free elections

Impacts of the proposal

Positive

A reduction in the length of Senedd Terms from 5 to 4 years increases the frequency with which the electorate exercise their democratic mandate to select the legislature.

The adoption of a proportional list system provides a framework to allow the makeup of the legislature to better reflect the voting choices made by the electorate.

Increasing the frequency with which the boundaries of Senedd constituencies are reviewed reduces the chance than any given constituency is effectively over or under represented.

EU/EEA and Swiss Citizens' Rights

Part 2 of the EU-UK Withdrawal Agreement, along with the EEA EFTA Separation Agreement and Swiss Citizens Rights Agreement (“Citizens Rights Agreements”) give EU, EEA and Swiss citizens who were lawfully resident in the UK by 31 December 2020 certainty that their citizens’ rights will be protected.

The Citizens Rights Agreements are implemented in domestic law by the European Union (Withdrawal Agreement) Act 2020 (EUWAA).

Eligible individuals falling within scope of the Citizens Rights Agreements will have broadly the same continued entitlements to work, study and access public services and benefits, in as far as these entitlements have derived from UK membership of the EU as well as its participation in the EEA Agreement and the EU-Swiss Free Movement of Persons Agreement.

Subject to certain limited exceptions, individuals will need to have applied for a new residence status (either pre-settled or settled status) through the EU Settlement Scheme. The deadline for making such an application expired on 30 June 2021.

Policy considerations to take into account:

- Have you considered if your policy proposal will impact EU, EEA or Swiss citizens whose rights are protected by the Citizens Rights Agreements?
- If there is the potential for any negative impact on such EU EEA or Swiss citizens, how will any such impacts be eliminated or managed if

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

management is deemed appropriate?

- Is legal advice required?

Please consider the impacts of your policy on the areas below, indicating whether the impact is positive or negative and any action required to eliminate potential negative impact. Please note the basis for your answer, including where legal advice has been sought and please also indicate where a right is not relevant for your policy.

Mutual recognition of professional qualifications

The continued recognition of professional qualifications obtained by EU/EEA/Swiss citizens in their countries (and already recognised in the UK).

Access to social security systems

These include benefits, access to education, housing and access to healthcare

Equal treatment

This covers non-discrimination, equal treatment and rights of workers.

Workers' rights

Workers and self-employed persons who are covered under the Citizens' Rights Agreements are guaranteed broadly the same rights as they enjoyed when the UK was a Member State. They have a right to not be discriminated against due to nationality, and the right to equal treatment with UK nationals.

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).

(Frontier workers (those citizens who reside in one state and regularly work in another) can continue working in the UK if they did so by the 31 December 2020).

It is not considered that the Bill will have specific impact upon EU, EEA or Swiss citizens (whose rights are protected by the Citizens Rights Agreements) compared to other persons living in Wales. It may be noted that the rules for the pairing boundary review to take place ahead of the 2026 Senedd election do not include a requirement to meet an electoral quota. Because the UK Parliamentary constituencies that will be paired have been formed on the basis of the UK Parliamentary franchise, this means that they will not take account of the geographic distribution of some EU, EEA or Swiss citizens. This is because only British, qualifying Commonwealth citizens and citizens of the Republic of Ireland are enfranchised to vote in UK Parliamentary elections. All legally resident foreign nationals can register to vote in elections to the Senedd. However, it is not considered that this will have a discriminatory effect on EU, EEA or Swiss citizens themselves. It introduces the potential for some constituencies to have a larger or smaller number of electors than might be expected on the basis of the UK's electoral quota, but this is not considered to correlate to a discriminatory impact for EU, EEA or Swiss citizens themselves.

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/senedd-cymru-members-and-elections-bill-equality-impact-assessment.html> for the latest version.

Get [information on copyright](#).