



Llywodraeth Cymru
Welsh Government

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Senedd Cymru (Electoral Candidate Lists) Bill: integrated impact assessment

An assessment on the impact of the bill for reform of electoral candidate lists.

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Section 1. What action is the Welsh government considering and why?

In accordance with the recommendations of the **Special Purpose Committee (SPC) on Senedd Reform**, which included that “the Senedd should be elected with integrated statutory gender quotas” (**recommendation 11**) the Welsh Government is introducing legislation with the purpose of making the Senedd a more effective legislature for, and on behalf of, the people of Wales.

Acknowledging that the Senedd does not currently mirror the make-up of the Welsh population in terms of gender, the legislation aims to ensure the Senedd broadly reflects the population it is seeking to represent and serve, in particular with regard to the representation of women.

In summary, the Bill’s provisions provide for:

- At least 50% of candidates on political party lists must be women
- At least 50% of a party’s candidate lists across Wales must have a woman in first position (horizontal placement criteria)
- A candidate on a list who is not a woman must be immediately followed on the list by a candidate who is a woman unless they are last on the list (vertical placement criteria)
- Candidates will declare whether or not they are a woman as part of the nominations process
- Enforcement of the vertical placement criteria will be carried out by Constituency Returning Officers (CROs), and enforcement of the horizontal placement criteria will be carried out by a new National Nominations Compliance Officer (NNCO) in conjunction with relevant CROs.

Consideration has been given to the effect of this legislation in relation to the 5 ways of working identified within the **Well-being of Future Generations (Wales) Act**.

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Legislating to reform the Senedd is considered to have ongoing long-term benefits in terms of the Senedd's capacity to hold the Welsh Government to account, make laws and represent the people of Wales.

Increasing the number of women in the Senedd will see a number of benefits in the long term. The Explanatory Memorandum which has been published alongside the Bill provides more detail, but in summary research suggests that a gender balanced legislature can make it more effective because women representatives have been found to:

- Prioritise different policy and legislative matters such as those affecting children, families and civil society
- Prioritise particular types of work as representatives, including working across the political divide on issues of common interest ([Clayton 2021](#))
- Champion particular ways of working, including working cultures and practices ([Cowper-Coles 2021](#))
- Drive a higher calibre of candidates overall ([Aldrich and Daniel 2020](#) and [Weeks and Baldez 2014](#))
- Create role models in positions of political leadership ([Campbell and Wolbrecht 2006](#) and [Ladam et al 2018](#))
- Increase minority representation ([Clayton 2021](#) page 247 and [Hughes 2011](#))
- Decrease the risk of corruption and unethical activity ([Jha and Sudipta 2015](#) and [Dollar et al 1999](#))

Also, legislating to reform the Senedd will help mitigate against a range of concerns previously identified around the Senedd's capacity to scrutinise effectively and engage with the people it serves ([A Parliament that works for Wales 2017](#)). Research indicates that enhancing the diversity of a legislature, including increasing women's representation, can strengthen the legitimacy of decisions taken by Members of the Senedd (MSs) ([Atkeson and Carrillo 2007](#) and [Ulbig 2007](#)).

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Research also suggests that the introduction of quotas can lead to a number of positive effects; it can lead to the diversification of issues debated by a legislature (including, for example, policy areas relating to women, children and families - [Cowper-Coles 2021](#) page 10); create a change in culture towards more inclusive and co-operative leadership styles; and encourage changes to the way in which the legislature operates, for example, through the format of debates and sitting hours ([Cowper-Coles 2021](#) page 8). These potential positive effects, together with the positive effects as a result of the [Senedd Cymru \(Members and Elections\) Bill](#) (if enacted) will all contribute to making the Senedd more effective, providing the people of Wales with greater confidence in our national democratic institution and potentially preventing a range of issues and concerns that have previously been identified relating to the Senedd's ability to scrutinise the Welsh Government effectively and engage with the people it serves.

Engagement has been carried out with key external stakeholders in the development of the legislation, including external delivery partners, political parties, the Senedd Commission and a small number of third sector organisations. There has been particularly strong engagement and collaboration with electoral practitioners who have been involved in discussions that have focused on the practical implications of the policy. There has also been internal collaboration within the Welsh Government, including with regard to the integration of quotas with the existing electoral system and links with other relevant Welsh Government policy.

The purpose of the legislation is to make the Senedd a more effective legislature for, and on behalf of, the people of Wales. It does this by maximising the chances of electing a proportion of women to the Senedd which broadly reflects the proportion of women in the Welsh population.

A regulatory impact assessment has been developed to accompany the Bill, which covers the costs and the saving implications of the legislation. Value for money considerations will continue to be given full regard in delivering and

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implementing the reforms.

Primary legislation is necessary as part of the delivery mechanism for the proposals set out above.

Section 2. What will be the effect on social well-being?

2.1 People and communities

The introduction of quotas for Senedd elections is part of the Welsh Government's aim of making the Senedd a more effective legislature for, and on behalf of, the people of Wales. This includes the potential benefits that more women MSs may bring to the Senedd in terms of a stronger focus, for example, on policy-making and debates on matters that are important to women, children and families ([Cowper-Coles 2021](#) page 10). This could have a positive effect on particular groups of people, for example children, women, families and communities, as a result of an increase in issues relating to them being brought forward for debate and discussion.

Quotas will have impacts on particular groups of people and these impacts are assessed in more detail in the associated Equality and Human Rights impact assessment.

2.2 Children's rights

It is not considered that the proposals to introduce candidate quotas for Senedd elections will have adverse impacts on children and children's rights, as prospective Members of the Senedd need to be at least 18 before the day on which they are nominated in order to stand for election. However, as the

Explanatory Memorandum for the Bill sets out, research would suggest that an increased number of women representatives in government has the potential to result in legislatures increasingly focusing on a variety of social and family issues ([Clayton 2021](#) page 241). This could therefore result in an increased number of debates in the Senedd on issues relating to children, their rights and families, as well as more effective scrutiny of the Welsh Government's proposals in these areas.

No direct impacts on children's rights have been identified as a result of these proposals and therefore a full detailed children's rights impact assessment has not been carried out. However, a full [children's rights impact assessment](#) has been completed and published in relation to the proposals in the Senedd Cymru (Members and Elections) Bill which will lead to broader reforms to the Senedd.

2.3 Equality

A full [Equality and Human Rights impact assessment](#) has been carried out.

2.4 Rural proofing

In broad terms, the proposals to introduce candidate quotas for Senedd elections will not have any specific or direct impacts on people in rural areas and on rural communities. The quotas will apply in the same way in respect of all candidates, whether they are from rural areas or not and in respect of all constituencies, including those that may be comprised largely of rural areas.

As no specific or unique impacts have been identified on people in rural areas and rural communities as a result of gender quotas, a full rural proofing impact assessment has not been carried out.

2.5 Health

Research indicates that an increased number of women representatives in governments can impact on the nature and topic of debates, leading, for example, to increased focus on social, education, health and family issues ([Cowper-Coles 2021](#) page 10). If quotas are successful in increasing the proportion of women in the Senedd, it is reasonable to conclude that we may see an increased number of debates in the Senedd on health, including women's health and mental health, as well as an increased focus on the scrutiny of the Welsh Government's proposals in these areas.

There is potential that the proposals will incentivise more women to engage in the democratic process, with the associated health benefits that may bring in terms of feelings of personal and professional fulfilment and inclusion. It is possible that there could be a potential negative impact on the mental health of some individuals who, because of their particular circumstances, may feel anxious about stating whether or not they are a woman and may consider this a barrier to standing for election. Based on our current assessment of the likely impact, it would appear that the number of potential Senedd candidates who could be affected in this way is likely to be very small and the nature of the impact will vary depending on each individual's particular personal circumstances. The analysis of this potential negative impact is set out in more detail in the [Equality impact assessment](#) that is available here. On this basis therefore a full health impact assessment has not been carried out.

As the impacts that have currently been able to be identified are unlikely to have a direct or significant negative impact on the health of the majority of candidates, a full health impact assessment has not been carried out.

2.6 Privacy

A full [data protection impact assessment](#) has been carried out, and is available here.

Section 3. What will be the effect on cultural well-being and the Welsh language?

3.1 Cultural well-being

The proposals to introduce candidate quotas for Senedd elections, with the aim of making the Senedd a more effective legislature, will not impact in any significant way on cultural well-being and heritage.

3.2 Welsh language

The proposals to introduce candidate quotas for Senedd elections are unlikely to impact directly on the Welsh Language. However, there may be some indirect impact on the use and promotion of the Welsh language and this is reflected in the [Welsh Language assessment](#) that has been carried out, and which is available here.

Section 4. What will be the effect on economic well-being?

4.1 Business, the general public and individuals

The Bill's provisions are not considered to impact (either beneficially or negatively) on economic well-being and as a result, a full Economic Impact Assessment has not been conducted.

An assessment of the costs associated with the legislation is provided within the Regulatory Impact Assessment, included within the legislation's Explanatory Memorandum.

4.2 Public sector including local government and other public bodies

As the proposals include new duties in respect of registered political parties and their candidates standing for election to the Senedd, a direct impact on the Electoral Commission will be for them to update their guidance for political parties, candidates and Returning Officers as a result of changes due to the implementation of the quota. There will also be an impact on Returning Officers who will have a role in enforcing the quota rules.

We have engaged with the Electoral Commission, political parties represented in the Senedd and electoral practitioner representatives in developing the proposals. This has enabled us to develop proposals which integrate effectively with the existing pre-electoral regime (including any changes which may be made as a result of the provisions in the Senedd Cymru (Members and Elections) Bill) and which minimise any negative or disproportionate impact on established processes. We will continue to engage with these key stakeholders

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as we develop the secondary legislation required to implement the quotas.

An assessment of costs has been carried out as a result of the additional duties to be placed on local authority Returning Officers and the creation of the new role of the NNCO. Further details can be found in the Regulatory Impact Assessment which accompanies the legislation. Through engagement with the Electoral Commission, it has been assessed that there will be no additional costs on them as a result of the quotas.

4.3 Third Sector

In broad terms, the proposals to introduce candidate quotas for Senedd elections will not impact significantly on the third sector, other than that they may provide a new and specific focus for the work of a small number of organisations working to promote greater diversity of representation in public life and leadership positions.

4.4 Justice impact

A comprehensive [assessment of the impact of the proposals on the justice system](#) has been carried out, and is available here.

Section 5. What will be the effect on environmental well-being?

The proposals do not impact on Natural Resources, Biodiversity, Climate Change, Habitats and environmental well-being, although there is some evidence to suggest that women may be more inclined to focus on issues such as climate change, environmental protections and standards ([Piscopo 2020](#)).

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As no direct impacts on the environment, including biodiversity have been identified, a full Biodiversity Impact Assessment has not been carried out.

Section 6. Socio-economic duty what will be impact on socio-economic disadvantage?

In broad terms, the proposals will not have any adverse impacts on socio-economic disadvantage. Therefore, a full Socio-economic duty assessment has not been carried out.

Section 7. Record of full impact assessments required

Full impact assessments required:

- Equality
- Privacy
- Welsh Language
- Regulatory impact
- Justice

Section 8. Conclusion

As the proposals to introduce candidate quotas for Senedd elections have been developed at pace to implement the recommendations in the report of the **Special Purpose Committee (SPC)** on Senedd Reform, a full public consultation has not been carried out. Instead, targeted engagement with

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relevant external stakeholders has been carried out which has helped to inform this impact assessment. This has included engagement with:

- Those involved in the administration and running of Senedd elections, including electoral administrators and Returning Officer representatives
- The Electoral Commission
- The Senedd Commission
- Groups and organisations representing the interests of people who share certain protected characteristics
- Political parties represented in the Senedd (facilitated by the Electoral Commission)
- Information Commissioner's Office
- Ministry of Justice

In developing the legislation, consideration has been given to views expressed in consultations and surveys and reports on Senedd reform in recent years. Research undertaken by experts in the area of electoral gender quotas and women's representation in politics has also been considered.

This integrated impact assessment considers the implications of the legislation in relation to the five ways of working set out within the Well-being of Future Generations (Wales) Act, as well as in relation to other key policy areas. In aiming for the Senedd to broadly reflect the gender balance of the population of Wales, it has been considered that quotas will have a positive impact on making the Senedd more effective as a legislature in the longer term, potentially preventing and addressing a range of issues and concerns that have previously been identified, relating to the Senedd's ability to scrutinise the Welsh Government effectively and engage with the people it serves. Increasing the representation of women will also help increase its legitimacy, because research suggests that increasing women's representation strengthens the legitimacy of decisions taken by a legislature ([Atkeson and Carrillo 2007](#)).

During consideration of the model for quotas and in designing the legislation

collaboration with, and involvement of, partners and stakeholders has taken place. Consideration has also been given to the broader changes that are proposed as part of Senedd reform and their cumulative impact on established processes and the capacity of local authorities' elections teams, with a view to integration with existing electoral practices as far as possible. This approach will be maintained during the implementation of the legislation.

Detailed individual impact assessments have been prepared where this assessment has identified that the Bill could have specific impacts, or where there is a legislative requirement to do so. Individual impact assessments have been prepared in relation to Equality and Human Rights; Data protection; the Welsh Language and Justice.

The main impacts identified are in relation to equality and human rights, privacy and data protection.

The purpose of the Bill is to create a more effective Senedd, as part of the package of reforms with that purpose. It seeks to do this by aiming to achieve a Senedd membership that is broadly representative of the gender balance of the Welsh population. The proposals will mean political parties will need to select a sufficient proportion of women candidates to be able to comply with the quota rules and that women candidates will need to be placed proportionately in positions on lists where they have a realistic prospect of being elected.

Research suggests that increasing the representation of women can lead to positive outcomes in terms of the effectiveness of a legislature, including: an increased focus on policy and legislative issues which matter to women, children, and civil society; the creation of positive role models in positions of leadership for women and girls; and a higher calibre of candidates overall.

Nothing in the quota rules about the proportion and placement of women on lists precludes any individual from standing for election. However, it has been identified that the requirement for all candidates to complete a gender statement

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as part of the nomination process may have a negative impact on some candidates on the basis that they may feel anxious about completing their statement. The number of candidates who are likely to be impacted will be very small and the nature of the impact will vary depending on individual candidates' personal circumstances.

It has also been identified that there could be an impact on some potential candidates, specifically some men who may on occasion be placed in less favourable positions on their parties lists or not on a list at all as a result of the quota rules. This may result in them not being elected when they might have been. However, the approach is considered proportionate in achieving the aim of a more effective Senedd, as women are and have been an under-represented majority.

A data protection impact assessment has been developed, setting out the anticipated impact in terms of the sharing of personal information relating to a candidate's gender. This more detailed assessment provides information about the legal basis for collecting and processing the information and steps that will be taken to protect this sensitive information as part of the electoral process. It also recognises the potential negative impact for some candidates of having to state their gender for the purpose of effective implementation and enforcement of the legislation and that these candidates may consider this a barrier to participation. While candidates will be required to provide personal information for the purpose of effectively implementing the legislation, no more information than is essential for that purpose will be collected. As data controllers, registered political parties, CROs and the NNCO will be responsible for the data processing and will be required to comply with data protection legislation. It is expected that the information relating to gender will be gathered as an extension of the existing candidate nomination process, with which they will be familiar. It has also been identified that there will be an impact on some political parties which may need to select more women candidates in order to comply with the quota rules, although this will vary depending on a party's starting point in terms of gender diversity amongst their pipeline of candidates. The requirement to choose more

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women candidates may therefore impact on parties' ability to submit their preferred list of candidates.

The minimum 50% threshold for the quota and the placement criteria aims to enable a gender balance to be struck between candidates, while ensuring that women candidates are not placed at the bottom of parties' candidate lists where they are less likely to be elected. The model is intended to be simple and straightforward to implement and seeks to achieve the legitimate aim of a more effective Senedd in a proportionate way.

The Bill ensures the Welsh Ministers have the powers to provide for much of the operational detail necessary to implement the quotas in an Order made under section 13 of the Government of Wales Act 2006. A consultation on changes to the relevant secondary legislation will be carried out in due course.

It is important that the proposals are appropriately monitored and reviewed for their effectiveness and for their impact on political parties, candidates, electoral practitioners, the electoral process and the Senedd. For this reason, the primary legislation includes provisions to enable the Senedd, if it so agrees, to establish a Senedd committee to conduct a review of the operation and effect of the quota provisions. The review provisions will take effect following the Senedd election in which the quotas apply for the first time (currently planned for the 2026 election). The legislation also places a requirement on the Welsh Ministers to respond to any report resulting from such a review.

As the proposals to introduce quotas for Senedd Elections originated from the Senedd itself through the establishment and report of the Expert Panel on Assembly Electoral Reform in 2017, the report by the Committee on Senedd Electoral Reform in 2022 and the more recent SPC report, it is considered appropriate that the Senedd conducts this review, either as part of, or separate from, its review of the impact of the whole package of Senedd reform. Further information on the review mechanism is set out in the Bill's Explanatory Memorandum.

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The Welsh Government will continue to monitor the impacts arising from the legislation over the course of the scrutiny and implementation of it, including reviewing its impact assessments as necessary and appropriate.

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