

#GENERATION EQUAL

HOLD YOUR OWN
2020 ANNUAL
TOPIC CIRCLE

First Minister's National Advisory Council on Women and Girls

2020 Report and Recommendations

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Our Manifesto

For generations, our history
has been written by one gender.

One perspective, one vision,
one half of the population.

Half of history is missing.

For years, we've been striving for change.

But now is the time to change for good.

To design a future where gender inequality
is a historical curiosity.

With the voice of everyone we want
to create a Scotland where we're all
equal – with an equal future.

Together, we are generation equal.

**#GENERATION
EQUAL**

The 2020 Youth Circle engagement created a zine as they explored our annual topic. This is a collage of their own individual lived experiences.

GENDER EQUALITY

GIRLS SUPPORTING GIRLS

WOMEN'S POWER

INTERSECTIONAL GENDER LENS

Not a Dirty Subject

"I do not wish women to have power over men; but over themselves"
- Mary Shelley

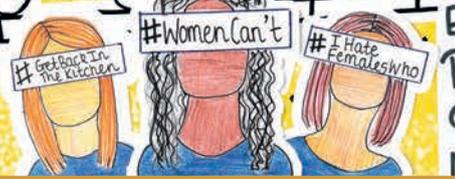


SUPER GIRL



Queen Energy!

PUBLIC TRANSPORT



ABCDEFGHIJKLMNOPQRSTUVWXYZ

ABCDEFGHIJKLMNOPQRSTUVWXYZ



Co-Chair Foreword

**“A HUMAN BEING, EVERY HUMAN BEING,
IS BOUNDLESS AND CONTAINS MULTITUDES”**

Elif Shafak, Turkish novelist



2020 has been the third year of the National Advisory Council on Women and Girls. And 2020 has been the year dominated by COVID-19. Its impact on the global understanding of inequality and in exposing fundamental systemic issues has been remarkable.

The focus of the Advisory Council is system change – how to tackle the root causes of gender inequality that harm every single citizen of Scotland.

In year one, we explored attitudes and culture change and in year two, policy coherence: each time through a systemic lens. From day one we took an

intersectional approach – understanding that each topic had to be viewed in a way that took account of the even greater inequalities faced by too many women and girls. Different structures of oppression create both privilege and penalty: they compound one another so that women who identify as belonging to more than one marginalised group will experience discrimination in ways that are inextricable and intensified, while other women enjoy policy privileges.

Scotland must design for those furthest away from the sources of power and the furthest are always women and girls who experience multiple discriminations.

Of course the further away you travel from the centre, the more you can see. And this year the pandemic has allowed everyone to not just see but experience, the ripple effects of gender inequality. It has brutally exposed the need for urgent action on persistent gender inequality and the social and economic inequalities experienced by women and girls who are intersectionally marginalised.

“FOR EXAMPLE, THE PANDEMIC EXPOSED THE RELIANCE ON PAID CHILDCARE SERVICES. WHEN CHILDCARE SERVICES CLOSED, THE ECONOMY SHUDDERED AND WOMEN WERE ONCE AGAIN DRAWN INTO THEIR STATUS AS A ‘RESERVE ARMY OF LABOUR’.

TIME-USE DATA SHOWS THAT WOMEN AND MEN STILL DO NOT SHARE HOUSEHOLD WORK AND CARING. HEADLINES ALL THROUGH THE SUMMER, AS WELL AS THE EVIDENCE FROM THINK TANKS AND FRONT-LINE WOMEN'S ORGANISATIONS, ALL SOUNDED THE ALARM ON THE PROSPECT OF WOMEN'S ECONOMIC AND SOCIAL STATUS BEING JEOPARDISED."

Dr Angela O'Hagan,
Glasgow School for Business and Society,
Glasgow Caledonian University

In times of crisis, gender inequality can be demonstrated, entrenched and created anew in both the experience of it and in the policy and service response to it. But if this understanding of gendered inequality has significantly grown because of the social upheaval, we must also acknowledge the potential for transformative change because of it. This increased our resolve as a Council to identify the systemic infrastructure change needed to re-calibrate Scotland's systems to establish processes for gender equality.

Through a series of "Wee Circle" virtual events, seminars and meetings, the NACWG explored how understanding intersectionality within gender can be the mechanism to demonstrate to "the system" how systemic gender inequality is created and sustained. We highlighted what that means in practice within Scotland in our policymaking, our service provision and our infrastructure.

One of the most consistent findings, both within our research and in our Circle engagement was that accountability processes and mechanisms in Scotland

are not fit for purpose and that this lack of accountability in the system has created a reliance on the third sector to plug the "accountability gap". People told us that seriously investing in a more intersectional approach and more accountability were the primary ways in which Scotland's gender architecture could be improved.

This year – as every year – people highlighted the absence of diverse voices inputting into Scotland's gender architecture, resulting in potentially exclusionary policies and strategies. Key to this is addressing the under-representation of intersectionally marginalised women and girls working and engaged in policy-making and legislation – we must have their increased participation.

A major barrier to exploring intersectional gender architecture was the perceived complexity of the issue and the lack of understanding of intersectionality and of consensus on its meaning. Intersectionality was felt to be talked about a lot but acted on little. This was connected to, and entrenched by, siloed equalities work on the one hand and the blending of equalities under blanket legislation on the other. We have explored this in more detail on page 8. But if we are to transform the pace of change then this discussion must move from academic debate to an agreed civic, political and policy consensus.

"THIS IS NOT ABOUT WOMEN FINDING OUR VOICES – WE HAVE ALWAYS HAD OUR VOICES. THIS IS ABOUT PEOPLE'S ABILITY TO HEAR. WE'VE JUST FINALLY FOUND A FREQUENCY THAT PEOPLE CAN HEAR US."

Tarana Burke, founder of
the #MeToo movement

Interestingly – given the accountability gap – we found no examples anywhere in the world of frameworks that assess or measure the effectiveness of the



intersectionality of gender architecture specifically. Our hope is that as the sophistication of our understanding of these issues increases, our ability to recognise what “success” looks like will develop alongside.

As a Council, we made a deliberate decision not to halt our programme and focus solely on COVID-19. Our reasons were twofold: first, a recognition that the focus of the civic response in Scotland initially required to be with those who were delivering a front line response to women and girls affected by inequality; and secondly that our planned core “exam question” relating to what makes a successful intersectional gender architecture in Scotland would uncover vital insights and recommendation that would support renewal. There is no doubt that the evidence of how gendered inequality is created and sustained through the systems created and supported by our gender architecture has been highlighted further through the pandemic.

Managing COVID-19 created a shift in public sector, business, Government and parliamentary process, and it was into this shifting landscape that as a Council we have been navigating, watching and thinking about what might be possible. While small in comparison to the unprecedented challenges that women and girls have bravely faced this year, we have missed coming together in person to discuss this theme that means so much to all of us. Technology has made our work and this final report possible and has reminded us of the importance of both internet accessibility for all and physical spaces for women of all ages to organise and support each other. Without either, transformative change is not possible.

We firmly believe the recommendations in this report are the foundation we need to address the very issues which have been demonstrated through the pandemic – the bold infrastructure recommendations proposed here are important to build this future for all of us.

The First Minister has accepted all of the recommendations in our first two reports. We commend this report to her. Progress on these – in combination with the others – will create a strong infrastructure in Scotland which would deliver the ambitions we know she shares, to transform Scotland and consign gender inequality to curious history.

It has been important this year to use our shared learning across sectors to help grow the understanding of how marginalisation of our intersectional experiences manifest into policy decisions, into our organisations and into our collective thinking. Scotland must incorporate intersectional framing and analysis in order to recognise the distinct experiences of ALL women and girls and to unleash their power and potential to play a full part in social justice. To do that, conscious and active work is required to build supportive, resourced platforms and gender-sensitive policies that are gender competent, inclusive and accessible.

This report marks the last set of recommendations from the First Minister’s National Advisory Council on Women and Girls. We recognise that it is not helpful to any system to have ongoing recommendations produced – the existing ones require energy and careful attention to implement successfully, as well as the ability to respond to reactions within the system as change is enacted. It is vital that an effective, constructive and meaningful scrutiny model is developed to support this and we are now exploring options with a view to giving our considered advice to the First Minister on “what next”.

As we conclude our programme of work, we wish to acknowledge the women’s organisations, community networks, specialist individuals and Government – and its officials – who, despite the enormous pressures many people have found themselves in within this moment, have continued to support the work of the Council.

“HIGH TOLERANCE FOR AMBIGUITY IS A CRITICAL LEADERSHIP SKILL IN A COMPLEX ENVIRONMENT. WE HAVE TO SEEK OUT DIVERSE VIEWS AND MAKE SENSE OF THINGS THROUGH CONNECTIONS WITH OTHERS. DIVERSITY IS OUR MOST POWERFUL LEVER IN AN AMBIGUOUS, COMPLEX WORLD.”

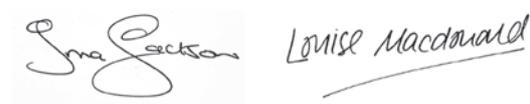
Helen Bevan,
Chief Transformation Officer,
NHS Horizons

We also want to extend our profound thanks to everyone who has supported the work of the Advisory Council over the past 3-years and contributed to/sat on the Council – from our first steps to now, we have benefitted hugely from the deep insight and wise counsel of women’s organisations; grassroots community organisations; networks; business leaders; third-sector providers; and public bodies. Those working across all spheres of Government have been generous with their time and open to challenge, with a shared commitment to improve the lives of all women and girls across Scotland.

The times we are living in show that evolutions in social justice are fragile – that we need to restate the case for equalities and fight to stop society being dominated by fear and prejudice, particularly in a world of such upheaval and uncertainty. But we do that with hope and with compassion – along with a commitment to creating some “good trouble”.

Finally, we wish to record our gratitude to all the women and girls who have given so much during this year of such

tragedy due to the pandemic and been part of the fabric of our response as a nation. Those who are unpaid carers; who are working in supermarkets and essential services; in care homes; in our NHS, emergency services and social care; our teachers, early years and youth workers; activists and people whose creative expression have given us moments of sustenance and hope – we see you and all you do every day. And to those in communities in every part of Scotland who have lost a loved one due to this virus – our deepest sympathies as you hold their memory close.



Dr Ima Jackson | Louise Macdonald OBE
Co-Chairs | December 2020

“I STAND ON THE SACRIFICES OF A MILLION WOMEN BEFORE ME, THINKING: ‘WHAT CAN I DO, TO MAKE THIS MOUNTAIN TALLER SO THE WOMEN AFTER ME CAN SEE FARTHER?’”

Rupi Kaur, Canadian Poet.



The context we are working in

There are two famed quotes by the feminist poet and academic Audre Lorde which express the need for an intersectional approach across all aspects of feminist work, for it to be fit for purpose:

“THERE IS NO SUCH THING AS A SINGLE-ISSUE STRUGGLE, BECAUSE WE DO NOT LIVE SINGLE-ISSUE LIVES.”

“I AM NOT FREE WHILE ANY WOMAN IS UNFREE, EVEN WHEN HER SHACKLES ARE VERY DIFFERENT FROM MY OWN.”

The work of the National Advisory Council on Women and Girls has aimed to take a competent intersectional approach to ensure it is delivering for all women, particularly those who are too often ignored within systems.

An intersectional approach is one which acknowledges and works to dismantle the compounding and overlapping discriminations faced by women. It understands how women may experience racism and sexism, and at the intersection of these is a gendered racism, or a racial sexism. For example, sexist and racist tropes such as “angry Black women” or the intersection of Islamophobia and sexism experienced by hijab-wearing women. Intersectionality was first coined by the academic and activist Kimberlé Crenshaw, as she explains in an article for Columbia Law School in 2017:

Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects. It's not simply that there's a race problem here, a gender problem here and a class or LGBTQ problem there. Many times that

framework erases what happens to people who are subject to all of these things. Some people look to intersectionality as a grand theory of everything, but that's not my intention. If someone is trying to think about how to explain to the courts why they should not dismiss a case made by Black women, just because the employer did hire Blacks who were men and women who were white, well, that's what the tool was designed to do.

The National Advisory Council on Women and Girls, acknowledges that in Kimberlé Crenshaw's first writings on intersectionality, the focus was, rightly, Black women's lives and the intersection of racism and sexism. Since her writing in the late 1980s, intersectionality has become known as an acknowledgement of multiple intersections across multiple inequalities, so whilst the NACWG is also using the definition of intersectionality across multiple discriminations, the focus on racism should never be lost or diluted. Crenshaw stood on the shoulders of decades of Black women writing about their experiences, and we too stand on the shoulders of giants like Crenshaw when discussing and analysing intersectionality.

A truly intersectional approach does not give a higher status to any one inequality or experience of discrimination, as it should not recreate hierarchies, but rather should attempt to see the equally destructive force of all discriminations. However, the NACWG by its very nature is putting its central focus on women and girls and the intersections of gender and sex alongside race, disability, sexuality, class caring responsibilities and religion, age, and other categories.

In order to prevent the replicating of hierarchies within the work of NACWG, and all crucial work where a necessary focus is given to a specific inequality, there is a duty to mitigate the privileges that may exist in having such a focus. In other words, taking proactive measures to prevent the focus being on those who are already benefiting the most from the status quo.

The NACWG has attempted to do this by ensuring a wide and diverse range of voices were able to input into the development of our recommendations, that expertise specifically on intersectionality were sought out and that all requests for research or support are delivered with an intersectional analysis. The COVID-19 pandemic greatly impacted our attempts to reach out and we always acknowledge that there is more to do. We believe that the work done so far must be built on, with further investment and dedicated time. The voices and experiences of those most often ignored must be prioritised.

Whilst there is a specific focus on intersectionality and intersectional gender architecture in this final year of the NACWG, we have worked to ensure that intersectional analysis has been at the core of all of our work since day one. When discussing attitude and culture change in year one, it was critical to take an intersectional approach which understood the overlapping and compounding inequalities faced by women in Scotland. We cannot tackle negative and discriminatory attitudes towards women if we do not also deliver this work in a way which understands and tackles the specific discriminations faced by Muslim women, by Black women, by LGBTQ women, by older and younger women, by trans women or by disabled women.

In year two, we discussed policy coherence: how policy is made in Scotland and how well it operates to improve women's lives. We cannot be successful in delivering coherent policy if it works in siloes and does not understand the complex realities of all women's lives.

With this year's focus on gender architecture, intersectional analysis of this requires a review of how the policy and decision-making architecture of Scotland works for women and how it can become fit for purpose for women especially those experiencing multiple discriminations, as a consequence of architecture which simply is not working well enough for them and failing to improve their lives.

The idea of a "gender architecture" sounds technical and abstract, but, like the systems that deliver us clean water and electricity, it is profoundly important to women's day-to-day lives. Women in Scotland can get a mortgage in their own right, breastfeed anywhere that suits them and their baby, seek remedy for sex discrimination at an employment tribunal and see how wide their employer's gender pay gap is **because** of gender architecture.

Gender architecture is the name for all of the machinery of the state that is supposed to advance women's equality and rights. It includes things like:

- Anti-discrimination law and human rights law, like the Equality Act 2010 and Human Rights Act;
- Statutory requirements to proactively promote women's equality, like the public sector equality duty that is part of the Equality Act 2010;
- Distinct ministries or Ministers for women or gender equality;
- Independent oversight bodies, like the Equality and Human Rights Commission and Scottish Human Rights Commission;
- Dedicated parliamentary committees, like the Scottish Parliament's Equality and Human Rights Committee, and mechanisms like equality rapporteurs;
- "Gender focal points" in government departments and public bodies, like the forthcoming centre of expertise in equality and human rights in the Economy portfolio within Scottish Government; and
- Institutional gender budget analysis, which considers the differences between women's and men's lives and needs in determining how to use the state's revenue raising (tax) and spending powers.



The elements of gender architecture support gender mainstreaming. This is the idea that women's equality and rights should not only be about special projects, programmes and services, but should be part of everything that the public sector does.

The evidence section on page 21 of this report tells us that, despite having legal equality, women and girls and boys and men in Scotland do not have equal access to power, safety, and resources. Decisions about how to allocate scarce public resources are still made as if the default human being is a white, non-disabled, straight man.

Since the 1970s, the gender architecture in Scotland has become an equality architecture. Laws, equality bodies and regulators cover multi-characteristic "equality" rather than focusing on sex, or race, or disability, or sexual orientation, or age alone. In theory, this seems like it should create a conducive context for taking an intersectional approach. In practice, the detail of how these structures work has prevented a truly intersectional approach. In other elements of the architecture, public bodies have overlooked the specific ways in which sexism, racism, ableism, ageism, homophobia and transphobia operate to constrain women's lives.

So what needs to change? The National Advisory Council on Women and Girls has spent this year exploring how well Scotland's gender architecture is delivering gender justice for all women in Scotland.

Working alongside diverse communities of interest and identity, activists, academics, leaders of public services, and women and girls in Scotland, we have heard that the existing gender architecture is not working for them: there is limited and expensive accountability when poor decision-making happens; public bodies and businesses pay lip service to equality but it isn't reflected in their policy or services; and neither equality bodies, the parliament, nor Government is acting purposefully enough to make substantive change.

The National Advisory Council on Women and Girls has also evaluated information about international good practice, as well as women's experience of living and working in Scotland, and produced this ambitious set of recommendations for change.

Summary of Recommendations

Leadership

- 1. We call for Scottish Government to advocate for the full devolution of Equality legislation and policy-making to the Scottish Parliament.**

Equality is not fully devolved. We believe that if Scotland is serious about radically progressing gender equality, the Scottish Government must dedicate considerable effort to the devolution of equality through existing inter-governmental mechanisms.

- 2. We call on the Scottish Government to integrate intersectional Gender Budget Analysis into the Scottish Budget process, and to give this a statutory footing.**

This would support the creation of a systemic intersectional gender architecture by ensuring that revenue raising and spending meets the needs of all groups of women and girls, and that the Scottish Budget proactively advances equality between women and men, and realises women's rights.

Accountability

- 3. We call for an Equality Focused Review Body to be established in the Scottish Parliament that will provide an equality-focused accountability mechanism which has an independent authority to scrutinise and analyse Parliament's business.**

This includes proposed Bills, amendments, Committee enquiries and the Scottish Budget, integrating equality processes and realising equality outcomes. This independent equality-focused review body needs to be sufficiently resourced with competence built in and extra commissioned when needed, that provides high-quality research, evidence gathering and evaluates the impact of all proposals and debates being progressed through all Committees.

- 4. We call on the Scottish Government as part of the current review of the Public Sector Equality Duty (PSED) regulations in Scotland to place additional specific duties on listed Public Bodies to:**

- Gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women;
- Integrate intersectional gender budget analysis into their budget setting procedures.

Creating conditions

- 5. We call on the Scottish Human Rights Commission (SHRC) to appoint a Commissioner tasked specifically with promotion and protection of Women's Rights. This Commissioner would lead work to realise rights for all women and girls as set out in CEDAW, the Istanbul Convention and other international instruments.**

- We also call for the expansion of the mandate of the Scottish Human Rights Commission, with sufficient resourcing to allow it to take on cases on behalf of individuals.

Beyond the SHRC, **we also call on the Scottish Government** to ensure that the mandates of all Scottish regulators, ombudspersons and oversight bodies are required to advance equality and rights.



Glossary

- **CEDAW:** Convention on the Elimination of All Forms of Discrimination Against Women. An international treaty adopted by the UN in 1979. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.
- **EHRC:** Equality and Human Rights Commission is UK-wide, although there are sub-Commissions in Scotland and Wales. It monitors human rights, protecting equality across 9 grounds – age, disability, sex, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. The Scottish Commission shares the human rights remit with the Scottish Human Rights Commission.
- **EQIA:** Equality Impact Assessment. An activity or process that helps assess the impact of a policy on different groups of people.
- **The Equality Act 2010:** legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.
- **Feminist:** an advocate of women's rights on the grounds of equality of the sexes.
- **Gender:** refers to socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for men and women. We understand gender is not limited to only two identities, but for the purposes of this report we will at times refer to a gender binary, not because we believe this to be a reflection of Scotland but because the systems in which we are working are structured in the binary.
- **Gender architecture:** the structures that are designed to advance women's equality and rights – like ministries, regulators, equality laws, duties, indicators, policy processes and any accountability mechanisms.
- **Gender budgeting:** means preparing budgets or analysing them from a gender perspective. Also referred to as gender-sensitive budgeting, this practice does not entail dividing budgets for women. It aims at dealing with budgetary gender inequality issues, including gender hierarchies and the discrepancies between women's and men's salaries.
- **Gender mainstreaming:** gender mainstreaming is a strategy towards realising gender equality which includes the integration of a gender perspective into the preparation, design, implementation, monitoring and evaluation of policies and programmes.
- **Gender sensitive:** policy which takes into account the socially constructed differences between men's and women's lives and experiences.
- **Gender competence:** refers to the skills, knowledge and analytical capability to develop policy that is well gendered, and which takes into account the socially constructed differences between men's and women's lives and experiences.
- **Intersectionality:** a framework for understanding how multiple categories of identity (such as gender, race and class) interact in ways that create complex systems of oppression and power.
- **Protected characteristics:** nine characteristics which are protected in the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

-
- **PSED:** Public Sector Equality Duty. Created under the Equality Act 2010 and replaced the race, disability and gender equality duties. It was developed in order to harmonise the equality duties and to extend them across the protected characteristics.
 - **Scottish Government:** The devolved government for Scotland has a range of responsibilities which include health, education, justice, rural affairs, housing and the environment. Some powers are reserved to the UK government, including immigration, the constitution, foreign policy and defence. It is structured into a number of Directorates. Directorates and their related public bodies are responsible for putting government policy into practice. 5,000-plus people make up the Civil Service, which works for the Scottish Government. They are led by the Permanent Secretary, the senior civil servant in Scotland.
 - **Scottish Parliament:** is the devolved legislature of Scotland. The Parliament is a democratically elected body comprising members known as Members of the Scottish Parliament (MSPs), elected for four-year terms.
 - **SHRC:** Scottish Human Rights Commission. An independent public body, accountable to the people of Scotland through the Scottish Parliament. The Commission has a general duty to promote awareness, understanding and respect for all human rights – economic, social, cultural, civil and political – to everyone, everywhere in Scotland and to encourage best practice in relation to human rights.



The NACWG Council Members

Independently Co-Chaired by Louise Macdonald OBE, CEO of national youth information charity Young Scot, and Dr Ima Jackson, Senior Lecturer at Glasgow Caledonian University, the NACWG has 17 members aged 18-plus. All members are passionate about tackling gender inequality and are drawn from a range of disciplines. Due to COVID-19 the NACWG have mainly met virtually this year.



Amina Ahmed,
Scottish
Government
Fairer Future
Codesign Panel



Kara Brown,
CEO,
Tiny Changes



Tressa Burke,
CEO,
Glasgow
Disability
Alliance



**Catherine
Calderwood,**
MA Cantab.
MBChB FRCOG
FRCP Edin,
NHS Lothian



Revati Campbell,
Convener,
Scottish Youth
Parliament's
Equalities and
Human Rights
Committee



Sharon Edwards,
Chair Women's
Committee,
STUC



**Vicky
Featherstone,**
Artistic Director,
London's Royal
Court Theatre



Jacqui Ferguson,
Non-Executive
Director,
Wood Group PLC,
Tesco Bank and
Croda PLC



**Dame Anne
Glover,**
President,
Royal Society
of Edinburgh



**Dame
Katherine
Grainger,**
Chair,
UK Women
in Sport



Katie Horsburgh,
Volunteer
Advocate,
Girlguiding
Scotland



Dr Ima Jackson,
Independent
Co-Chair



**Baroness
Kennedy of
the Shaws,**
QC



**Louise
Macdonald OBE,**
Independent
Co-Chair



Satwat Rehman,
CEO,
One Parent
Families
Scotland



Emma Ritch,
Executive
Director,
Engender



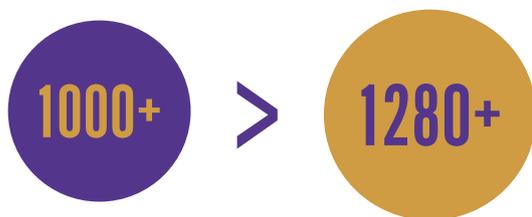
Talat Yaqoob,
Independent
Consultant
on equality
and inclusion
and Chair of
Women 50:50

NACWG Model, Circle Members and Community

The NACWG is supported by the Circle, a wider group of individuals, allies and organisations, of all genders and those that don't identify, who are supportive of the #GenerationEqual movement. Membership of the Circle currently stands at 1,256. The Circle have been involved with NACWG from the beginning and the outputs from the inaugural meeting on 6 December 2017 helped to formulate the NACWG's initial 3-year strategy.

The NACWG's focus is on inclusion, collaboration and listening. Circle membership continues to grow and members are encouraged to pledge to the #GenerationEqual movement and spread awareness of the NACWG and gender inequality, both through their professional and personal environments. New Circle members are provided with information, guidance and assets to support them, and all members receive regular updates encouraging them to engage in the movement.

Due to COVID-19 the NACWG have been working virtually over 2020. This means that the majority of engagement and insight gathering with the Circle, some targeted participation and the Advisory Council meetings have taken place virtually over the year.



Growth in Circle Members from November 2019 – November 2020

The Community – Digital Platform and Spotlights

Further and extensive community engagement takes place via the NACWG's digital platform, which launched on 1 June 2018 with #GenerationEqual. Bi-monthly the NACWG put the "Spotlight" on a broad range of diverse and complex issues that affect women and girls and explore these topics, seeking feedback and insight from the public.

A key purpose of the Spotlights are to spread awareness and explore a topic in depth, and are supported by accompanying information including a "State of the Nation" research snapshot by Scottish Government analytical services; a policy position piece by the Scottish Government; provocation articles to generate conversation; as well as local and national projects and activity to shine a light on the incredible cross-sector work already taking place in Scotland. This channel and those who engage with it are referred to as the **Community**.

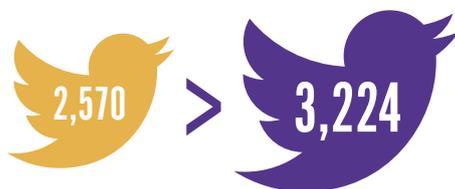
Traffic is driven to the digital platform by social media channels and anonymous summary feedback reports for each Spotlight topic are shared on the website. The NACWG closely monitor this valuable feedback and take it into consideration when writing their annual Report and Recommendations – though it is important to stress that the views expressed as part of feedback to the Spotlights only represent the views of those who actively chose to respond, and they do not reflect the views of the NACWG itself.

We have seen good participation over the course of 2020 – in spite of there being such a significant health and economic crisis due to the coronavirus pandemic – highlighting the importance of these issues by the people of Scotland.



Spotlight topics during 2020:

- **January/February: Disability**
– provocation piece by Rosaleen (Rosie) Moriarty-Simmonds OBE and case studies from Disability Equality Scotland, People First (Scotland), Glasgow Disability Alliance, and Lead Scotland.
- **March/June: Racism and Inequality**
– provocation piece by Poorna Bell and case studies from Dundee International Women’s Centre, Sikh Sanjog, Amina MWRC and Intercultural Youth Scotland.
- **July/August: Fair Work** –
provocation pieces by Pheona Matovu and Katherine Trebeck, and case studies from Get Home Safe, The University and College Union, Professor Nicole Busby and Professor Grace James (A History of Regulating Working Families – Strains, Stereotypes, Strategies and Solutions), Social Care and Regulation at Work, Inclusion Value, Close the Gap, and Sexpression:UK.
- **September/October: Body Image**
– provocation piece by Jess Weiner and case studies from Assa Samake-Roman, YWCA Scotland, Karie Westermann, Gender Equal Media Scotland, Girlguiding Scotland and Danni Gordon (The Chachi Power Project).
- **November/December: Mental Health**
– provocation pieces by Shakira Akabusi and Dr Samara Linton and case studies from Girlguiding Scotland, SeeMe Scotland, LGBT Youth Scotland and SAMH.



Growth in twitter followers from November 2019 – November 2020

Partnership working

The NACWG has continued to develop partnerships with established and respected organisations in Scotland, such as deafscotland and IoD Scotland, which allows us to communicate more widely

across Scotland. These partnerships are examples not only of broadening the reach of the Circle, but also of supporting diverse women’s participation. For example, Glasgow Disability Alliance has supported disabled women’s participation at all Circle meetings and has provided capacity building in advance of sessions as well as hosting Wee Circle events for diverse disabled women (September and October 2020). Partnerships are an extremely important communications channel for the NACWG and these platforms engage with all genders in diverse grassroots communities across Scotland and support them to nurture an awareness about gender inequality and feed their valuable lived experience into our work.

Women and girls – as well as men and boys and those that don’t identify – are further encouraged to hold their own discussions on the Spotlight issues in what the NACWG call Spotlight Wee Circles. The NACWG encourage these informal group discussions as they feel it normalises the conversation on gender inequality.

The NACWG’s digital platform sees an average of 1,348 visits per month. 56 individuals and 17 “Wee Circles” have contributed to the Spotlights over the year. It is estimated that around 159 people have contributed through “Wee Circle” feedback.



PR

We carry out PR activity to extend the reach of the work of the NACWG and to encourage more engagement by the public, from projecting New Year resolutions that drive gender equality on some of Scotland’s best-known landmarks to highlighting the lack of statues celebrating the achievements of women and girls to mark International Women’s Day. PR coverage of the NACWG and #GenerationEqual has had a total reach of 51.4 million so far with features in publications such as The Guardian, the i, Tes and The Scotsman.

NACWG Our Story So Far

A commitment was made in the Scottish Government Programme for Government (PfG) 2016/17 to establish the First Minister's National Advisory Council on Women and Girls (NACWG) and Louise Macdonald OBE was announced as the independent Chair in March 2017. The NACWG membership was sourced over summer 2017 and, following a further commitment in the PfG 2017/18 membership, was announced in November 2017.

The Advisory Council's inaugural meeting took place on 6 December 2017 and it was at this meeting that the NACWG asked their Circle what they wanted from this project and based on their response the initial 3-year strategy was developed.

The NACWG have worked to calendar years and the chosen annual topics have been the focus of our end of year reports:

- 2018: Attitudes and Culture Change – in public life, in work and in learning systems.
- 2019: Policy Coherence – how is policy made and do policies work against each other.
- 2020: Creating an Intersectional Gender Architecture – the status of women in Scotland, structures and intersectionality.

The First Minister attended the celebratory Circle session in January 2020, providing encouragement for the NACWG to challenge her further and provide her with bold, ambitious advice on how to make gender inequality a historical curiosity. The First Minister accepted two recommendations of our just-published 2019 Report on Policy Coherence outright: the upscaling of the Equality Unit to a standalone Directorate and the formation of a Senior Leaders and Officials Group, advising the full remit to be confirmed. She advised the Scottish Government would wish to carefully consider a formal response to the rest of the report

and recommendation – although she accepted the ambition of all of them. At this event the First Minister also announced that Dr Ima Jackson would be joining the NACWG as Co-Chair and as well as her duties as Co-Chair would also lead on a piece of work exploring inclusive participation.

Over the course of 2020 the NACWG had planned to explore our annual topic in-person with the Circle, as we have over the past two years, but due to the COVID-19 pandemic we took an early decision to adopt an entirely digital strategy. Engagement with our Circle of 1,200+ members and exploration of our annual topic, was carried out via survey, the encouragement for members to undertake virtual Annual Topic Circles if they could and “deep dive” virtual roundtable events.

To assist the Circle with exploring the 2020 annual topic we developed a web page dedicated to it and content included written and visual, webinar and podcast. We created a Circle support pack and an easy-read version, and introduced a communication strategy to help manage this work.

Youth participation

Following the testing and success of Youth Circle activity in 2019, in 2020 we continued this engagement, led by our young Advisory Council members.

Due to COVID-19, this was carried out entirely online and was aimed at 14-19 year-olds, supported by a youth worker. The young people discussed the same questions as the wider Circle, adapted to make them more accessible, and they explored this through the arts and creative media, resulting in a powerful collective Zine creation.



Over the years this activity has provided the NACWG with lived experience of young people's perspectives on the issue of gender inequality and growing up in Scotland, and provided a valuable insight into our annual topics.

Accountability day

The NACWG held our second Accountability Day in November to check in on the progress of our 2018 Report and Recommendations. This annual event strategically checks in on progress and implementation, acting as a constructive scrutiny channel.

As some of the 2018 recommendation implementation was paused due to COVID-19, the day also provided an opportunity to share what cross-Scottish Government teams have been doing in terms of addressing the response to the pandemic through a gender lens.

Legal Framework, Policy and Gender Equality

Legal framework

Women and girls in Scotland have legal equality with men and boys. The Sex Discrimination Act (1975) and Equal Pay Act (1970) protected women and girls from discrimination in employment – and in access to goods, facilities and services – for decades, until they were consolidated into the Equality Act (2010). These laws, which are underpinned by European law, have given individual women and girls formal redress in the employment tribunal or in the courts if they are directly or indirectly discriminated against. Many workplace norms around maternity leave and pay, recruitment, sexual harassment and flexible working come from cases that individual women have taken.

Although these legal protections are important, they provide remedy when things have gone wrong and employers or service-providers have already discriminated against women and girls. In 1995, the UN World Council on Women in Beijing committed to gender mainstreaming as the best possible tool for states and public authorities to stop discrimination before it starts and build equality in to all of their activities.

In Scotland, the practice of gender mainstreaming has been a live requirement on public bodies since 2007, when the gender equality duty came into force. The obligation on most public authorities in Scotland to proactively reduce gender discrimination and advance gender equality is now contained within the public sector equality duty, which was created by the Equality Act 2010, with the specific duties created by secondary legislation in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 – these aiming to help listed authorities in Scotland meet the needs of the general equality duty.

Although the ambition of the public sector equality duty is for a transformation in equality for women and girls, this has yet

to be realised. The NACWG is keeping a watching brief on the review of the public sector equality duty specific duties that Scottish Government is undertaking.

Policy framework

Scotland does not currently have an overarching gender-equality strategy. The two key gender-equality policy frameworks within Scottish Government are Equally Safe, the violence against women strategy that Government co-owns with the Convention of Scottish Local Authorities (COSLA), and Scotland's first pay-gap action plan.

Each of these represents a step forward in co-ordinated activity across Government and with stakeholders to do ambitious work to bring about equality and rights for women and girls. Together they span a number of policy domains: criminal and civil justice, early years and childcare, pre-16 education, post-16 education and skills, employability, labour market, social security, procurement and economic development. They include women's and girls' human rights, and especially those set out in two international obligations that are binding in Scotland: the UN Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

Outside of these frameworks, gender-equality considerations are unevenly reflected in policy. This includes areas where the rights of disabled women and racialised women are set out in international treaties, including the UN Convention on the Rights of Disabled People and the International Convention on the Elimination of All Forms of Racial Discrimination. Some pieces of policy work, like the child poverty delivery plan, Every Child Every Chance, are extremely well gendered. Others simply do not reflect the huge differences in lived experience between men and women, boys and girls, and those who do not identify, and do not take advantage of the



opportunity to close the gaps in equality of access to resources, power and safety.

The importance of gendered policymaking to how Scottish Government does its work cannot be overstated. NACWG believe there is an opportunity to ensure effective alignment with key policies and activities such as the Fairer Scotland Duty, the Fair Work Delivery Plan and the Fairer Scotland for Disabled People Employment Action Plan, as well as the Enterprise and Skills Strategic Board Strategic Plan.

United Nations Sustainable Development Goals

GOAL 5: ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS

While the world has achieved progress towards gender equality and women's empowerment under the Millennium Development Goals (including equal access to primary education between girls and boys), women and girls continue to suffer discrimination and violence in every part of the world.

Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world.

Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large.

Scottish Government National Performance Framework

In 2007, the Scottish Government launched its first National Performance Framework (NPF), a 10-year vision through which to measure our national wellbeing beyond GDP. The sixteen National Outcomes contained in the framework provided a focus and direction for policy action across the public sector as a whole. Progress towards achieving this vision was measured through a range of economic, health, social and environmental Indicators. Importantly, the NPF transformed the way public services were delivered in Scotland into an outcomes-based approach.

Ten years later, and with the outcomes approach placed in statute through the Community Empowerment Scotland (2015) Act, there was a public review of the National Outcomes for Scotland. The Scottish Government asked the public, practitioners and experts what kind of Scotland they would like to live in, and developed a new set of National Outcomes which reflected this vision.

This completely revised NPF, has been developed together with the people of Scotland to reflect our values as a nation and the aspirations we hold for our future. It has also been formulated to link with and promote our commitment to the United Nation's Sustainable Development Goals which are aimed at improving wellbeing across the world.

Gender Equality: The Current Picture in Scotland

Women do more unpaid care

Unpaid carers, around 60% of whom were women in 2019¹, provide around £10.8bn worth of care per year². This amounts to around a quarter of the 2020-21 Scottish Budget.

Women aged 16-24 in the UK who were providing 20+ hours of care have been found significantly **less likely to be in education** than men providing a similar amount of care³. 27% of women who provided unpaid care said that this had impacted on their **employment** in 2016-19: 7% were unable to take up work, 10% worked fewer hours, and 7% left work altogether or took early retirement.⁴ Over a third of carers who responded to a recent survey indicated that they were struggling to make ends meet financially, while a fifth said that they are in, or have been, in **debt** as a result of caring.⁵

Carers are less likely to report good **general health** and are more likely to have a long-term health problem or disability that limits their day-to-day activities.⁶ Over a third of women who are carers said that they experienced a negative impact on their health and wellbeing in 2017-18, and only 63% said that they had a good balance between caring and other things in their life.⁷

In 2020, women in Scotland spent significantly more time than men on unpaid work overall (an average of 266 and 211 minutes per day respectively) and on housework/cooking specifically (127 minutes per day for women and 75 minutes per day for men).⁸ There were no significant differences between men and women in time spent on household management, developmental childcare or non-developmental childcare. However, it should be noted that this data was collected during the 2020 COVID-19 pandemic, which is likely to have affected the findings. In 2014-15, women on average spent more than

twice as much time as men caring for their own children.⁹

A quarter of mothers of 5 year olds who are looking for work have said that childcare issues are a **barrier to finding work**.¹⁰ In addition, some research suggests there is scope for improvement in ensuring there is sufficient easily-accessible Early Learning and Childcare provision for disabled children.¹¹

Gender stereotypes persist

In 2019, the majority (69%) of people said they would buy a toy truck for a girl without saying anything, while 7% said they would make her put it back and pick a toy more common for girls. A fifth (22%) would buy the truck, but first try to get her to pick a toy more common for girls.¹² People were even less willing to buy a boy a princess doll without saying anything (58%) and around one in eight said that they would make him put it back and pick a toy more common for boys (13%). However, attitudes have shifted and people were less likely to agree with these gender stereotypes in 2019 than they were five years earlier.

Girls are sexually harassed at school

In 2015, three quarters (75%) of girls and young women in the UK who responded to Girlguiding's attitudes survey reported anxiety about experiencing **sexual harassment**, with a quarter (25%) of 11 to 16 year olds saying that it made them consider whether to speak out in class.¹³

A small-scale study conducted in England found that two thirds of Year 11 girls agreed that STEM jobs were male-dominated, and this, along with their experiences of boys' behaviour in the classroom, led to them opting out of Physics and Maths beyond GCSE.¹⁴ However, there seems to have been some improvement in girls in the UK enjoying traditionally male-dominated



subjects like technology and ICT, science and maths since 2009 – although progress is not uniform.¹⁵

Overall, girls do better at school

Two thirds (67%) of girls leave school with at least one qualification at SCQF level 6 or better, compared to just 55% of boys.¹⁶

Women fare worse in the labour market

A lower proportion of women (71.7%) than men (78.0%) aged 16-64 in Scotland were employed in 2019. This represented a **gender employment gap** of 6.3 percentage points:



Women are over-represented amongst people in **part-time** employment: in 2019 women aged 16 and over accounted for three-quarters of part-time employment in Scotland.¹⁸



Women also tend to be concentrated in **lower-paid occupational sectors and the lower grades** within an organisation. Almost half of employed women aged over 16 (46.2%) work in the 'Public Administration and Defence', 'Education', and 'Health and Social Work' sectors, compared to under a fifth of men (17.9%).¹⁹ More women than men who are in employment are in administrative and secretarial occupations (14.5% vs 4.4%) while fewer women than men are in skilled trades occupations (2.2% vs 19.3%).²⁰

In 2020, the **gender pay gap** for full-time employees in Scotland was 3.0%, down from 7.1% in 2019.²¹ When all employees are included, the 2020 gender pay gap rose to 10.9%, since a higher proportion of women are part-time workers, who tend to earn less per hour. 16.4% of employed women aged 18 and over earned less than the real Living Wage (£9.30) in 2020, compared to 13.8% of men.²²

Women are under-represented in positions of power

36% of **Members of the Scottish Parliament** (MSPs) are women.²³ There are no minority ethnic female MSPs.²⁴ In local government, 29% of **councillors** are women.²⁵

In 2020, women held just under a third (32%) of the 3,115 'positions of influence' Engender identified across political institutions, public sector, media and cultural bodies, and corporate world.²⁶ This means that there are 562 women 'missing' from positions of power. Only 19% of CEO positions across Scotland's national sports governing bodies, for example, are held by women.

Women have better cultural participation and sense of community belonging

Women are somewhat more likely than men to say that they have a very strong feeling of **belonging** to their community (36% vs 33%).²⁷ More women (83%) than men (79%) attend **cultural events or places** and more women also take part in **cultural activities** (80% vs 70% of men). More women (28%) than men (24%) **volunteer** for groups or organisations.

Women do less physical activity

Women are significantly less likely than men to meet **physical activity** guidelines: just 61% of women did the recommended amount of activity per week in 2019, compared to 71% of men.²⁷ Women's sport is estimated to receive less than 0.5% of the total value of UK sports sponsorship, with a further 14% going to mixed sports.²⁸

Women commit much less violent crime, and suffer the majority of domestic abuse

Where gender information was recorded, 82% of all incidents of domestic abuse recorded by the Police in 2018-19 had a female victim and a male accused. Men accounted for the vast majority (82%) of all criminal convictions in 2018-19. Women are much less likely to feel safe walking alone in their local area after dark (66% vs 89% of men).



Victim-blaming attitudes endure

Attitudes endure which at least partly blame women for being raped in certain situations. Only 69% of people in 2019 said that a woman is 'not at all to blame' for being raped if she is wearing revealing clothing on a night out or is very drunk. 28% agreed that 'rape results from men being unable to control their need for sex'.³³

Younger people (16-24), and those living in the most deprived areas of Scotland are more likely to report experiencing domestic abuse.³⁴ Data from England and Wales also showed that, in 2018-19, people aged 16-74 in the Mixed ethnic group were more likely than those in the White or Asian ethnic groups to report experiencing domestic abuse, and that disabled adults were more likely than non-disabled adults to do so (13.8% of disabled women and 7.1% of disabled men, compared with 3.3% of non-disabled men and 6.4% of non-disabled women).³⁵

COVID-19 has affected women particularly badly in some ways

Women in Great Britain are more likely than men to say that their wellbeing has been negatively affected by COVID-19 (53% vs 37% at the end of June 2020) and there have been higher levels of psychological distress among women.³⁶ Women have continued to spend more time than men on housework and childcare since the pandemic began, and data collected on behalf of the Fawcett Society suggest that

women of visible minority ethnicities were particularly struggling to balance paid work and childcare and to cope with different demands on their time during lockdown.³⁷

Women also accounted for 80% of health and social care workers in 2019, jobs which may put many at increased risk of contracting the virus.³⁸ At the time of the last census in 2011, particularly high proportions of women of some minority ethnicities worked in human health and social work activities – 44% of women who identified as 'African' and 34% of those identifying as 'Caribbean or Black'.³⁹

COVID has impacted on disabled women's care. A huge strain has been placed on the social care system (a largely female workforce⁴⁰) meaning those with care needs have been forced to be more reliant on family, friends or neighbours.⁴¹ Disabled parents have experienced further and particular impacts of school closures – for example disabled mothers have reported that their children did not have access to the equipment they needed to study at home.⁴²

Many women and girls face further inequality because of intersecting aspects of their identity or their socio-economic status

For example, the minority ethnic employment gap is much higher for women than for men (22.0 vs 9.5 percentage points in 2020), and disabled women face employment barriers as reflected in the disability employment gap.⁴³ In the UK, disabled female employees were paid on average 10.1% less than non-disabled female employees in 2018.⁴⁴ Women from the most deprived areas are much less likely to meet physical activity guidelines than those in the least deprived areas (51% vs 67% in 2019).⁴⁵

Minority ethnic women, immigrant women, disabled women, LGBT women and women of different religions can experience gendered bigotry, racism, islamophobia, sectarianism, homophobia, xenophobia and disability in a specific way which can expose them to higher levels of or multi-layered violence or abuse.



Our Focus in 2020

Gender inequality is complex and harmful and affects everyone – not just women and girls – and it affects us collectively as a country. The issues that the members of our NACWG Circle raised at our inaugural event on 6 December 2017 were not new – we listened carefully to what our Circle was telling us and designed our initial 3-year strategy to attempt to strategically address these systemic issues.

IT IS CLEAR TO US AND THOSE WHO HAVE ENGAGED WITH US ON OUR ANNUAL TOPIC, THAT THE ISSUE IS WITH OUR SYSTEMS, AND NOT INDIVIDUAL COMMUNITIES – OFTEN THE DECISION MAKERS WITHIN THESE SYSTEMS ARE UNAWARE OF HOW THE INEQUALITY IS PERPETUATED AND THE ROLE THAT THEY (OR THEIR ASPECT OF THE SYSTEM) HAVE IN THAT PROCESS.

Each year we have built on the previous. Attitude and culture change has been a common thread throughout all of our work, the same with policy coherence, and we have applied an intersectional lens to all aspects of our work over these initial 3-years. Over the course of 2020 we have concentrated on the gender architecture in Scotland – the structure that has been designed to support women's equality – and we have looked at this through an intersectional lens.

“...BEING AWARE OF YOUR OWN PRIVILEGES AND TO THAT

EXTENT POSSIBLY USE THEM TO CHALLENGE THE STATUS QUO... AND THINKING HOW YOU'RE PERSONALLY CONTRIBUTING TO TRANSFORMATIVE CHANGE... IT'S NOT ONLY ABOUT NOT DISCRIMINATING BUT ALSO ACTIVELY CHALLENGING DISCRIMINATION AND THOSE THAT DISCRIMINATE... IT'S NOT ENOUGH TO BE NOT BEING RACIST, IT'S ABOUT BEING ANTI-RACIST... YOU NEED TO BE ANTI-COLONIAL, AND SO FORTH AND SO ON.”

Dr Marianna Leite

We have heard how people from all cross-sections of society, from grassroots, third sector, public sector and business, are seeking to break down barriers and realise gender equality, but more often than not there are barriers. In many cases, the very fact that intersectionality isn't hardwired into the fabric of our systems renders it unacknowledged in the face of our day-to-day processes – unless you make a deliberate step to include it. To do that you need to see the need for it in the first place.

Disabled women emphasise the need for disabled women to be represented and in positions of power and stated that there is also a class element, with visible representation often portraying middle class, academic women who have not faced the same barriers as poorer disabled women. Disabled women want

to see real participation by ‘people like us’ (GDA Event , Oct 2020).

Social care has a huge role to play here in supporting women’s safety and independence, both as unpaid carers and as disabled women disproportionately dependent on relatives. There are abundant example of Social care users having to fight or forced to disclose past trauma in order to ensure their choice is respected, to have personal care provided by women only, (Glasgow Disability Alliance, Sisters of Frida 2020). This is a compelling example of where ‘intersectional gender architecture’ needs to relate to service provision on the ground, as well as policy.

We didn’t meet any resistance to the need for action. However, it was crystal clear how the general lack of awareness of intersecting inequalities and multiple oppressions perpetuates the inequality across society.

“...WE CAN THEN TEACH THE NEXT GENERATION AND THEY CAN FEEL EMPOWERED WITH US AS GOOD ROLE MODELS AND TO MAKE SURE THEY DON’T GO THROUGH WHAT WE HAVE.”

deafscotland

The NACWG’s priority from the beginning has been to listen and throughout 2020 we have heard from cross-sections of society and learned that, in order to make real, sustainable change and ensure a gender architecture that works for all women and girls, we must reform and strengthen it. The NACWG understands that the gender architecture does not work for all women and girls – the systems in place that are there to support women and girls and equality fall short in many places because the intersections are ignored. Women and girls have been homogenised.

“DISABLED WOMEN HAVE BEEN PARTICULARLY CONCERNED DURING COVID-19 REGARDING ACCESS TO HEALTHCARE, SOCIAL CARE AND CHILDCARE, AND HAVE EXPERIENCED EXTREME SOCIAL ISOLATION. THIS HAS BEEN EXACERBATED BY HIGH LEVELS OF DIGITAL EXCLUSION. MENTAL HEALTH IMPACTS OF SHIELDING OR BEING GENERALLY ISOLATED HAVE COMPOUNDED PRE-EXISTING MENTAL HEALTH SUPPORT NEEDS AND CREATED NEW MENTAL HEALTH PROBLEMS FOR THOSE WHO DIDN’T HAVE THESE ISSUES BEFORE. ACCESS TO VITAL SERVICES WAS CURTAILED DURING COVID-19 AND DISABLED WOMEN’S NEEDS PUSHED TO THE BOTTOM OF THE PILE WITH OUR VOICES BEING HEARD EVEN LESS THAN BEFORE.”

GDA Focus Group, October 2020



Our Recommendations

The NACWG's focus has always been to concentrate at a systemic level on what needs to change to help pave the way for intersectional gender equality.

Our initial 3-year strategy was a package of actions to kick start gender equality. Attitudes and culture change can happen, if supported by systems and structures. Our Circle members and those we have targeted wider all tell us that they struggle to do their bit within the systems and processes that exist, because the wider and structural architecture is far removed from them and often falls short of the ambition.

We also carefully considered how the system of our policy development in Scotland can be improved. The final year of our initial 3-year strategy has focused on the wider gender architecture – those systems in place that support gender equality – and how we can reform the gender architecture.

Our 2020 recommendations are as follows:

Leadership

- 1. We call for Scottish Government to advocate for the full devolution of equality legislation and policy-making to the Scottish Parliament.**

Equality is not fully devolved. We believe that if Scotland is serious about radically progressing gender equality, the Scottish Government must dedicate **considerable effort** to the devolution of equality through existing inter-governmental mechanisms.

Full devolution would support the creation of a systemic intersectional gender architecture by placing the power to legislate and regulate around equality, including both anti-discrimination protections and the requirement to take steps to affirmatively advance equality. Distinct equality law in Scotland would enable us to tackle entrenched inequality in new ways, for example by establishing our own effective equality regulator and

by requiring that public bodies involve the communities their decisions affect. This would benefit all women and girls in Scotland.

- 2. We call on the Scottish Government to integrate intersectional gender budget analysis into the Scottish Budget process, and to give this a statutory footing.**

This would support the creation of a systemic intersectional gender architecture by ensuring that revenue raising and spending meets the needs of all groups of women and girls, and that the Scottish Budget proactively advances equality between women and men and realises women's rights.

Accountability

- 3. We call for an Equality Focused Review Body to be established in the Scottish Parliament.**

When considering the architecture within a nation, accountability is integral and takes on a role which is beyond the implementation of a strategy or a law – rather it is the **accountability of the governing structures themselves**, beyond the colour of the Government of the time.

To this end, our discussions led us to explore the parliamentary and decision making system of Scotland. We recognise that to date the reliance has been on the Equality and Human Rights Committee (EHRC) of the Scottish Parliament to provide a critical eye and evidence base on equalities and human rights implications of Bills, frameworks and strategies. The EHRC is not mandated or resourced to do all of the equality work of the Scottish Parliament, and as a consequence, much of the legislative scrutiny and inquiry work that Committees carry out does not include an intersectional gendered approach.

We call for an **Equality Focused Review Body** to be established within

the Scottish Parliament that will provide an **equality-focused accountability mechanism** which has an **independent authority** to scrutinise and analyse Parliament's business. This includes proposed Bills, amendments, Committee enquiries and the Scottish Budget, integrating equality processes, and realising equality outcomes. This independent equality-focused review body needs to be sufficiently resourced with competence built in and extra commissioned when needed, to provide high-quality research, evidence gathering and evaluate the impact of all proposals and debates being progressed through all Committees.

We believe this body should be complementary to the EHRiC – raising the ambition of a Parliament with equality and human rights at its core. This independent authority would be part of the parliamentary process, with its role built into the progression of Bills ahead of them being presented to Scottish Parliament to be voted on. It would provide much-needed expertise and equality-focused oversight of Bills being pursued, and committee activities, to enable gender mainstreaming within the outputs of the Scottish Parliament (and by extension, the Scottish Government).

The NACWG appreciate that this is a radical change to the architecture in Scotland and as part of its development, we also call for the Scottish Parliament to carry out a rigorous gender audit of its processes and identify action to increase its own gender competence.

The NACWG will write to the Scottish Parliament's Presiding Officer and request that this is considered as part of the Scottish Parliament's ambition to continuously review plans and build in improvements, following the Commission on Parliamentary Reform that the Presiding Officer reported on in June 2017.

We believe this will support systemic intersectional gender architecture, as it will scale-up the Scottish Parliament's competence and capacity to mainstream

intersectional gender equality within its functions.

In addition we call on this recommendation to be considered by COSLA regarding potential related Local Governance arrangements.

4. We call on the Scottish Government as part of the current review of the Public Sector Equality Duty (PSED) regulations in Scotland to place additional specific duties on listed Public Bodies to:

- Gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women;
- Integrate intersectional gender budget analysis into their budget setting procedures.

We believe this recommendation would support the creation of a systemic intersectional gender architecture by enhancing the gender mainstreaming impact of the PSED with all public bodies in Scotland.

We also call on COSLA to consider its role in relation to this recommendation and how it might constructively facilitate deeper engagement across all spheres of government and local policymaking relating to the scrutiny of ensuring that the rights of all women and girls in Scotland are realised. Local implementation and the necessary conditions are vital to deliver increased equality for diverse women, e.g. disabled women and those in social care.

Creating conditions

5. We call on the Scottish Human Rights Commission (SHRC) to appoint a Commissioner tasked specifically with promotion and protection of Women's Rights. This Commissioner would lead work to realise rights for all women and girls as set out in CEDAW, the Istanbul Convention and other international instruments.



- We also call for the expansion of the mandate of the Scottish Human Rights Commission, with sufficient resourcing, to allow it to take on cases on behalf of individuals.

We will also write to the Parliament over this recommendation.

Beyond the SHRC, **we also call on the Scottish Government** to ensure that the mandates of all Scottish regulators, ombudspersons and oversight bodies are required to advance equality and rights. We also call on all public authorities covered by PSED and the Scotland-specific duties under the Equality Act to consider their role in relation to this recommendation and how they can go further to champion and progress the rights of women and girls. Achieving equality for diverse women and girls is a collective responsibility and is essential to the success of every public body.

We believe this recommendation would support the creation of a systemic intersectional gender architecture because it would build into the legal scrutiny mechanism in Scotland a clear understanding and framework for budget scrutiny and analysis including decisions on how money is spent.

And finally

Over the course of 2020 the NACWG held roundtables with gender-equality experts, business representatives and representatives from Minority Ethnic communities on our topic of creating an intersectional gender architecture. Although structured differently the outputs were considered in line with all the other engagement and listening sessions we did over 2020. In these conversations the key issue of gathering and using meaningful intersectional gender data was highlighted – a persistent theme across all of our reports. We covered this extensively in our 2019 Report and note with interest the commitment in the latest Scottish Government “Programme for Government” September 2020, regarding the initial advice and recommendations from the independent Expert Reference Group on COVID-19 and Ethnicity, and encourage that work to proceed with urgency and ambition.

We are also mindful of the key role of the Third Sector and Business in supporting Scotland’s ambitions around gender equality. Whilst this report and recommendations specifically focuses on gender architecture, we would encourage them to consider how they might play their part in the delivery of these recommendations if accepted.

Next Steps

This report builds on our previous two sets of recommendations relating to Attitudes and Culture Change and Policy Coherence, and should be taken collectively to tackle, at a systemic level, gender inequality in Scotland. The NACWG firmly believe that by taking forward the recommendations within this report, as well as the previous two, Scotland will put in place the levers to be transformed with robust accountability and will reflect the world-leading feminist, gender-equal society which Scotland deserves.

This third report completes our initial three-year strategy and at the time of writing this report we are now working on our proposed next steps. Although we understand our three sets of recommendations combine to create powerful change, we do not for a minute think that the job is done. Given our approach to support the wider work being undertaken in Scotland by focusing systemically on this issue – we understand that our recommendations need time to bed in and the effects – including unintended consequences – be realised.

We are engaging with our Circle on their thoughts for next steps, and we will also be holding an inclusive participative event in Spring 2021 to highlight the potential of creative engagement models to “host” challenging conversations about power and policy-making. We will continue to ensure we are as accessible and open to as many people as possible. We are also clear that we want to take a collaborative approach to ensure the momentum generated through the NACWG and our Circle is maintained.



Acknowledgements

This year has been very different from previous years: 2020 has brought on challenges that no one anticipated due to the COVID-19 health and economic crisis. However the role of the NACWG Circle and Community in contributing to and developing this movement despite these challenges cannot be underestimated. The dedication we have seen from our allies, members and supporters has been incredible as we all find ourselves in a storm but in vastly different circumstances. We wish to thank each individual member of our supportive Circle, those who engage in our digital Community and those who have embraced working with the NACWG while we have adapted to change. A particular mention must go to all the individuals who have supported us by working with us on our digital events this year, which have been of such a high standard.

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Together, we are
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Appendix 1:

NACWG Recommendations from Previous Years

NACWG Recommendations 2018

Leadership

Create a “What Works?” Institute to develop and test robust, evidence-led inclusive and representative approaches to changing public attitudes in Scotland to girls and women’s equality and rights.

Legislate for local and national candidate quotas for all parties by the 2021 election.

Carry out a thematic gender review of the new National Performance Framework as a catalyst for system analysis and change.

Accountability

Create a “Gender Beacon Collaborative” – made up of Scottish Government, a Local Authority, a public body, a third-sector agency and a business to take a holistic and systemic approach to gender equality and work.

Improve access to justice for women and girls experiencing men’s violence by:

- Creating a world-leading process for complainants of sexual violence.
- Criminalise serious misogynistic harassment, filling gaps in existing laws.
- Create a consistent and inclusive model to ensure that women experiencing domestic abuse have sufficient access to expert legal advice and legal aid.
- Create a resourced media body in Scotland to hold the media to account and provide guidance on gender equality.

Creating Conditions

Incorporate the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) into Scots Law.

Create a Commission on Gender Equality in Education and Learning, covering Early Years, Primary and Secondary Education and Learning, tasked with providing bold and far-reaching recommendations on how gender equality can be embedded in all aspects of learning (from teacher training, to school behaviours/cultures, to the curriculum and CLD practice).

Provide 50 hours per week of funded, good quality and flexible education and childcare for all children between six months and five years old.

Create two “Daddy months” of use-it-or-lose-it paid paternity leave in Scotland, using existing and additional powers transferred by UK Government.

Embed gender-sensitive approaches in all work relating to programmes developed through the new Scottish Government “Scottish Approach to Service Design” model.



NACWG Recommendations 2019

Leadership

1. Creating a culture of gender-equality policy-making in the Scottish Government:

- 1.1 The creation of a standalone Equalities Directorate along with the establishment of “Centres of Expertise” created in all Scottish Government Directorates, on intersectional gender competence.
- 1.2 The creation of a senior officials and leaders group.
- 1.3 The creation of “Policy-makers National Standards” to support quality standards and accountability on intersectional gender competence in policy-making, with a requirement that all policy and analytical staff will adhere to it.

We call on Convention of Scottish Local Authorities, Scottish Council for Voluntary Organisations and key business member organisations to consider the above and how these might be shared, adapted or mirrored in their own settings.

Accountability

2. Scrutiny of gender-competent policy-making:

- 2.1 We recommend Scottish Ministers deliver an Annual Statement, followed by a debate, on Gender Policy Coherence to the Scottish Parliament.

Creating Conditions

3. People powered policy-making:

- 3.1 The Scottish Government, Local Government and Public Bodies should build on existing work already underway (Scottish Approach to Service Design) to create a genuine effort in co-production of policymaking with evidence of lived experience at its heart.
- 3.2 Audit Scotland and the Accounts Commission consider producing a set of scrutiny principles to support this methodology/approach for public bodies, similar to their recent “Principles for Community Empowerment” (linked to the Policymakers National Standards).
- 3.3 We recommend adequate resourcing to enable the collection and analysis of robust intersectional data.

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