

“The Absolute Duty”: The Rhetoric and Reality of Mainstreaming Equality in Post-devolution Wales

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Introduction

Mainstreaming equality has diverse origins that lie in: the 1985 United Nations Third World Conference on Women held in Nairobi, Kenya; the domestic policies of several Northern European countries; and in international development programmes in Asia. Subsequently, it has come to much wider attention following the 1995 United Nations (UN) World Conference on Women held in Beijing. Focusing on ‘institutional mechanisms for the advancement of women’, the Beijing Platform for Action called upon governments to: create or strengthen national machineries and other governmental bodies in order to promote gender equality; integrate gender perspectives in legislation, public policies, programmes and projects; and generate and disseminate gender-disaggregated data and information for planning and evaluating equalities work.¹ As result of such initiatives, mainstreaming has become ‘one of the most rapidly adopted, progressive, social justice-oriented initiatives endorsed by the international community in the modern era’ (Chaney and Rees, 2004:174). By 2004, 165 Member States of the United Nations reported some form of ‘national machinery’ for gender mainstreaming by government (IANWGE, 2005:61) Despite this progress, documents published at the Twenty-Third Special Session of the United Nations General Assembly in March 2005 referred to international attempts at gender mainstreaming in government as being: ‘uneven in their effectiveness; often marginalized in national government structures; frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and lacking support from national political leadership’ (IANWGE, 2005:61). Such a dearth of international examples of the effective operationalisation of mainstreaming by government serves to underline the challenges associated with this approach to equalities. This is a view reinforced by the experience closer to home. For recent research has demonstrated that, in its limited attempt to adopt a mainstreaming approach, the UK government found it ‘difficult to incorporate in practice’ (Squires and Wickham-Jones, 2002:69). UK constitutional reform is a significant development here. The creation in 1999 of an elected national Welsh government body – along with the Scottish Parliament - provided a ‘window of opportunity for gender mainstreaming in the context of devolution’ (Beveridge, 2000:401). Thus, the following discussion is concerned with exploring what has been described as a ‘test-bed for initiatives in gender [and other modes of] equality’ (Rees, 2002:62).

In order to appreciate the opportunities for the promotion of equality presented by constitutional reform in Wales is necessary to look briefly at the immediate historical context. Thus the Welsh Office, the territorial ministry of the UK government that served Wales between 1964 and 1999, consistently failed to provide an adequate government response, one that was capable of

effectively tackling enduring patterns of inequality and discrimination in Welsh society. Male domination of Welsh politics was a key factor that restricted the chances for securing public policy to overcome enduring patterns of discrimination and inequality. In addition, the Welsh Office's capacity to develop distinctive policy of any description was limited; there were: 'very few instances where the Welsh Secretary ... challenged an important [British government] policy presumption or worked out a major policy from basic principles dictated by specifically Welsh patterns of need' (Bogdanor, 1999:160). Thus, by 1996, 'the Welsh Office was responsible for ... the great proportion of identifiable general government expenditure in Wales. Yet there was limited territorial autonomy. The standard view is of a [government] department tightly constrained by the British constitutional framework, engaged for the most part in the humdrum business of implementing policies decided elsewhere' (Rawlings, 1998: 466). Overall, the Welsh Office lacked the capacity for the sustained and coordinated promotion of equality of opportunity on anything like the scale needed to address widespread inequalities and discrimination. Such structural deficiencies in government were compounded by the absence of the necessary political will and effective leadership skills amongst the governing elite equal to the task of tackling prevailing inequality of opportunity and discrimination. This was at once founded on the twin pillars of arrogance and ignorance - as encapsulated by the actions of William Hague, the Secretary of State for Wales. In 1998, he refused to meet the Equal Opportunities Commissioner for Wales stating that: 'there is *nothing* to talk about'.² As a result, as an official report confirmed, the majority of government employees in the Welsh Office, 'ha[d] received *no training or awareness raising at all on equality matters*' (WAG, 2001: para 3.1). This lack of knowledge was compounded by the lack of 'ownership' of equality matters. Earlier research revealed that prior to 1999; enquiries from individuals and NGOs about equality matters were repeatedly bounced back-and-forth between Whitehall Departments and the Welsh Office – with each claiming that it was the others' responsibility (Williams and Chaney, 2001:83).

This paper assesses whether these earlier failings are now being addressed and provides an overview of the approach to equalities in public policy in Wales following the establishment of the Welsh Assembly. Thus a critical evaluation is presented of the institutional reforms that have taken place within the Assembly; measures which are designed to utilise mainstreaming concept in order to deliver policies that promote equality. Initial attention is now placed upon the legal and institutional context presented by elected devolution – as well as the political vision for the promotion of equality offered at the beginning of the Assembly's first term. Subsequent attention is focussed on the progress made in establishing the institutional prerequisites for mainstreaming equality in public policy. This analysis is supported by consideration of the findings of two reports commissioned during the Assembly's first years – studies that explored the effectiveness of the developing mainstreaming 'project'. This discussion concludes with an outline of selected examples of Assembly Government policy and legislation designed to promote equality. Overall, this analysis shows that there have been a number of areas of significant progress and transferable lessons – as well as frustrations and false-starts. Thus, the Welsh experience parallels

many aspects identified in the UN's 2005 international review of mainstreaming by governments. Accordingly, major challenges remain before the Welsh Assembly Government can claim to have fully achieved its aim of mainstreaming equality into Welsh public policy.

Elected Devolution: The Legal and Institutional Context - and Political Vision for Mainstreaming Equality

Whilst much of the legal and constitutional framework for the National Assembly was set out in the Government of Wales Act, extensive subsequent work has taken place in respect of institutional equality reforms designed to develop - what has appositely been described as - the 'enabling context' (Mackay and Bilton, 2000:109) presented by devolution. Thus, by placing a legal duty on the Assembly to promote equality for all people and in the exercise of all its functions, the Assembly's founding statute can be seen as but the starting point of the new equalities agenda; one that sought to "lock" mainstreaming' into the responsibilities of the Welsh government (Rees, 2002:62). However, the post-devolution mainstreaming strategy in Wales has also been strongly influenced by a range of other factors. Political will to promote equality is a prominent example. This is inextricably linked to the increased representation of women as elected national politicians – a development accompanied by a general cross-party determination to 'do politics differently' and move away from the previous exclusive nature of administration that centred on the Welsh Office (see Chaney, Mackay and McAllister, forthcoming 2006). In addition, statutory equality bodies such as the Equal Opportunities Commission Wales have also acted as key drivers of change. This momentum for reform has also been compounded by European Commission equality directives and economic aid programmes (Cf. Rees, 1998; Mazey, 2001; Booth and Bennett, 2002) – as well the UK Government's 'Modernising Government' and 'Better Policy-Making' initiatives (Cabinet Office, 1999; Bullock et al, 2001; Mulgan and Lee, 2001). The latter sought to transform the policy process and make 'inclusiveness' what it called a 'core competency' – meaning that: 'policy makers take account of the impact on and/or meet the needs of all people directly or indirectly affected by the policy; and involve key stakeholders directly in the policy process'. (Cabinet Office, 1999a, Annex A, 5.)

Overall, this combination of legal duties, revised patterns and structures of political representation and governance, formed the backdrop to political vision for the promotion of equality detailed in the strategy presented by Jane Hutt AM³ to the first meeting of the Welsh Assembly's Equality Committee in July 1999. 'The Approach to Equal Opportunities: [A] Paper by the Chair of the Committee on Equality of Opportunity' set out how politics and policy would be different under the new self-government arrangements. It asserted that:

'Assembly [ministers], as the executive, will need to: *take equality of opportunity factors into account in every policy decision. This mainstreaming approach is fundamental* and the Assembly has already endorsed it through the approval of the guidance on "schemes" and the inclusion of equal opportunities in the checklist for all policy proposals' (NAW, 1999: unpaginated, emphasis added).

It is worth dwelling on the terms used in this strategy in order to appreciate the radical nature of the vision being offered. Equality was now to be the Assembly's 'consistent core message' (NAW, 1999, op cit). Subsequently, the Assembly Equality Committee has, defined 'equality' as: 'treating people equally in status, rights and opportunities through a set of policies and actions, with the aim of securing equality of outcome for all' (NAW, 2004:7). Whilst the origins and development of *mainstreaming* approach to equality are beyond the present purpose (see for example, Rees, 1998; UN, 2001; Chaney and Rees, 2004) it is widely accepted as a radical and proactive concept in public administration. Thus, it is a wholly transformative process whereby, for example, 'women not only become part of the mainstream, they also reorient the nature of the mainstream' (Jahan,1995:13). It therefore moves far beyond earlier approaches to gender – and other modes of - equality with their emphases on equal treatment and positive action. The Welsh executive's initial vision – with its unambivalent commitment to putting equality at the heart of its policymaking - can therefore be seen as consistent with the mainstreaming concept. Within the present context mainstreaming has been defined as:

'the integration of respect for diversity and equality of opportunity principles, strategies and practices into the every day work of [government ...] and other public bodies. It means that equality issues should be included from the outset as an integral part of the policy-making and service delivery process and the achievement of equality should inform all aspects of the work of every individual within an organisation. The success of mainstreaming should be measured by evaluating whether inequalities have been reduced' (NAW, 2004:6).

By virtue of it's embracing of the mainstreaming approach to equalities, the Assembly Government's initial 'Approach to Equal Opportunities' paper can be regarded as a landmark document. It put beyond doubt the way that its sponsors intended devolution to affect the promotion of equality in Wales. As the document asserted, the new approach would be one based upon, 'a clearly defined role for all parts of the Assembly in taking the agenda forward'. The strategy was also concerned with securing appropriate institutional procedures so that the new equalities work might develop apace. It stated 'we need to be clear about how each part of the Assembly will contribute, so that a definite dynamic is established' (NAW, 1999, op cit). Building on the Assembly's internal law – or Standing Orders⁴ - it gave to the multi-party Standing Equality Committee a central role in driving forward the equality agenda - whilst at the same time observing the primacy - and ultimate power

of veto - of the executive.⁵ The 'Approach to Equal Opportunities' paper stated that:

'the Equal Opportunities Committee will champion equal opportunities, provide leadership on the issue and be vigilant that it is being properly addressed across the board. However it is equally important that the public and Assembly Members hear a consistent message on this subject from the First Secretary and all Assembly [ministers]. I would also invite members of the Equal Opportunities Committee to endorse the themes of corporate and individual responsibility, increased awareness and genuine dialogue leading to clear priorities and targets for action'.

In practical terms, as part of 'a four-stage work programme' the 'Approach' paper set out the immediate need for a series of 'baseline audits' in order to assess the current position of the Assembly - (- at that time synonymous with the largely unreconstructed civil service transferred from the Welsh Office) - in relation to gender – and other 'strands' of - equality. Further, it stated that:

'Assembly ministers 'will approve firm action plans for their area of responsibility'; progress will monitored against set targets; action will be needed in 'addressing information gaps'; a democratic, participative approach to mainstreaming will require the direct involvement of groups 'targeted' by equality reforms; and, that the 'Committee on Equality of Opportunity will also consider the reports and the subsequent subject committee discussions [- in respect to all areas of 'devolved' policy-making – from education and health to culture and economic development]' (NAW, 1999, unpaginated).

Overall, if fully implemented, mainstreaming 'requires policy-makers to adopt new perspectives, acquire new expertise and change their established operating procedures' (Pollack and Hafner-Burton, 2000: 450). As if this was not challenge enough, the Assembly undertook to adopt such a radical approach to public policy whilst also simultaneously: undertaking the unprecedented task of implementing the re-cycled and outdated (1978) Welsh Devolution Bill re-packaged as the Government of Wales Act (1998) (Elis Thomas, 2000); attempting to meet public expectations of the swift delivery of a 'new' politics; grappling with the manifest opaqueness and legal uncertainties of the devolution 'settlement' (Cf. Sherlock, 1999, Rawlings, 2003); and - responding to innovative cross-sectoral partnership arrangements and legal imperatives on a range of areas that included equality, human rights and sustainable development. These challenges were compounded after just a few months by a change in the minister responsible for equalities. Yet, perhaps, the foremost barrier to mainstreaming was the transition required of a hitherto, largely conservative and reactive civil service department (the Welsh Office) without a significant increase in its funding or even the grace of a sustained changeover period. In effect it was expected to transmogrify swiftly into a proactive and pioneering bureaucracy serving a modern, regional European legislature.

Establishing the Institutional Prerequisites for Mainstreaming Equality in Public Policy

In this section of the present analysis the institutional prerequisites necessary for mainstreaming will be used as evaluation criteria in order to determine the progress made by the Assembly Government Civil Service – together with the Welsh executive, and opposition parties. This is consonant with the institutional approach to the study of public policy process (Johnson, 1975; Weaver and Rockman, 1993). Here, early work by Barnard (1938) and Simon (1957) emphasised the need to analyse policy making within an organisational context. More recently within the ‘new’ institutionalism paradigm (cf. March and Olsen, 1989; John, 1998), emphasis has been placed on the interrelationship between institutional context and political actions and priorities, such that ‘political democracy depends not only on political and social conditions but also on the design of political institutions’ (March and Olsen, 1984:738). Hall develops this notion and highlights the way in which policy actors’ actions are influenced stating that:

‘Institutional factors play two fundamental roles in this model. On the one hand, the organisation of policy making affects the degree of power that any one set of actors has over policy outcomes ... on the other hand, organisational position also influences an actor’s definition of his [*sic*] own interests, by establishing his institutional responsibilities and relationships to other actors. In this way, organisational factors affect both the degree of pressure an actor can bring to bear on policy and the likely direction of that pressure’ (Hall, 1986:19).

Furthermore, public policy theory asserts that formative evaluation of policy needs to analyse: ‘the extent to which a program is being implemented and *the conditions that promote successful implementation* (Palumbo, 1987:40, emphasis added). Another conceptual viewpoint is also relevant here, namely; ‘framing’. This is part of the ‘interpretive approach’ to public policy and social change (cf. Majone, 1989) one that draws upon the literature of new social movements (cf. Benford and Snow, 2000; McAdam et al, 1996; - and in respect of the present research context, Chaney and Fevre, 2001) and argues that policy issues are not ‘naturally occurring’ - rather they are socially and politically constructed. Thus, for Gray (2003:12), framing is, ‘a process of constructing and representing our interpretations of the world around us’. Informing the present analysis, Schön and Rein (1994:29) emphasis the need to consider institutional factors; they assert that: ‘frames are not free-floating but are grounded in the institutions that sponsor them - and policy controversies are disputes among institutional actors who sponsor conflicting frames’. Thus, by focusing on the institutional development of devolved government, the following analysis will not only focus on structural issues, but

'the key role of agency, and the ability of strategic actors to overcome structural obstacles through a skilful process of strategic framing'. (Hafner-Burton, and Pollack, 2002: 450). Consistent with these various theoretical aspects, the existing equalities literature highlights the way in which certain institutional prerequisites constitute the 'building blocks' necessary to operationalise mainstreaming in government (Mackay and Bilton, 2000; Rees, 2002). These prerequisites include: *appropriate institutional arrangements, awareness raising, training, expertise, appropriate staffing, reporting mechanisms, incentives to 'build ownership', and securing adequate resources* (see i. to vii. – below). In respect of the National Assembly, we now consider the extent to which these institutional prerequisites have been put in place before focusing on the findings of two reports commissioned during the Assembly's first years – studies that explored the effectiveness of the developing Welsh mainstreaming 'project'.

(i). *Appropriate institutional arrangements:* As a result of lobbying by gender equality activists, the Assembly's founding statute, Government of Wales Act (1998) sets out a number of institutional arrangements appropriate to the mainstreaming of equality. As noted earlier, foremost of these are the unique statutory duties requiring that the Assembly 'make appropriate arrangements with a view to securing that its functions [- and its business -] are exercised with due regard to the principle that there should be equality of opportunity for all people'.⁶ In addition, the Assembly's internal law or Standing Orders states that:

'there shall be a Committee on Equality of Opportunity, which shall audit the Assembly's arrangements for promoting in the exercise of its functions and the conduct of its business the principle that there should be equality of opportunity for all people'.⁷

During the Assembly's first years Equality Committee has developed into an unprecedented cross-party forum for equalities work that has been supported by the Equality Policy Unit (EPU) in the Assembly Government Civil Service (- an administrative department with no parallel in the former Welsh Office). Other appropriate institutional arrangements that have emerged include: the formal limits that have been placed upon the institution's working hours in order to promote work-life balance;⁸ the requirement for gender-neutral official titles; and rules on the language permitted in political debate.⁹ Interviewed in 1999, the late Val Feld AM summarised these by saying that: 'I think that we have succeeded in putting in place every structural measure that we could reasonably expect to try to create a new framework and ethos that means equality has a good chance of flourishing in the way that the Assembly carries out its business and in the way that it works internally and externally'.¹⁰

(ii). *Reporting mechanisms:* The aforementioned institutional units - such as the EPU - have been accompanied by new reporting mechanisms on the developing equalities agenda. The latter stem from a statutory requirement placed on the Assembly as a whole,¹¹ one that requires an official annual statement covering the arrangements to promote equality and their

effectiveness. This imperative is reinforced by the Assembly's Standing Orders that oblige the Equality Committee to 'submit an annual report to the Assembly on ... arrangements [to promote equality] and their effectiveness'.¹² Crucially, this reporting mechanism extends beyond assessing the practices of National Assembly to encompass the 'review [of] the Annual Reports submitted to the Assembly by public bodies'. During the Assembly's first years, baseline equality surveys of the Assembly Civil Service formed part of these reports. These aimed to establish: the extent to which gender (- and race and disability) were taken into account in developing Assembly policies; the prevailing equal opportunities objectives and targets in the Civil Service; and the availability of data to monitor the outcomes of policies. Methodologically, the surveys tended to over-generalise issues and concentrate on senior management grades at the expense of gauging the wider equality practices and awareness in the institution as a whole. This led to the conclusion that the 'findings were, of necessity, somewhat subjective'.¹³ Nevertheless, they remain useful and unique indicators of the prevailing situation at the beginning of the Assembly's first term. They contrast with the pre-existing situation when, with the possible exception of very limited and inadequate monitoring in respect of Welsh Language provision (Betts, 1976), scant, if any, attention was paid to monitoring equalities by the Welsh Office. The first post-1999 equality audit confirmed the Assembly's 'low starting point' and referred to 'the position of excellence that the Assembly should aspire to'. The second report showed that, despite a mushrooming of equality initiatives, only modest progress had been made in respect of equality of opportunity outcomes in the Assembly's second year. Overall, the official assessment concluded that:

'the Assembly is making headway in establishing mechanisms and procedures to promote equality but still falls short of functioning with due regard to the principle that there should be equality of opportunity for all people'.¹⁴

The results of the 2003 Assembly staff survey presented a mixed picture. 79 per cent of staff agreed or strongly agreed that their '[Civil service] division demonstrate[d] a commitment to equality in its policies and services',¹⁵ yet the results for members of staff from Asian or mixed backgrounds were less positive, only 63% and 76% respectively agreed or strongly agreed with the statement. When presented with the statement 'the Assembly is committed to valuing the diversity of its employees', just 54% agreed or strongly agreed; 34% neither agreed nor disagreed and 12% disagreed or strongly disagreed' (NAW, 2004:27). In 2005, there was continuing official acknowledgment that the equalities agenda remained in a developmental phase:

'The Assembly Government has taken a cross-cutting approach to promoting equality, taking action across its broad range of policy and operational areas. While this substantial progress and a considerable body of work, the Assembly Government recognises that more can be done to further improve the effectiveness of its work on equal opportunities and is committed to doing so'.¹⁶

(iii.) Awareness Raising. The involvement of experts drawn from outside the civil service has also fostered another dimension integral to a mainstreamed approach, namely, raising awareness of equality issues. This has been achieved through inter-agency and cross-party working as evidenced by the Assembly Government's Close the Pay Gap Campaigns to promote equal pay for work of equal value. With a working group comprised of AMs from all parties, the latter involved co-working between the Equal Opportunities Commission Wales, the Wales TUC and the Assembly Government. This approach to equalities was described a senior participant as one that: 'adds considerable weight to campaigning and removes the sometimes adversarial party politics which can arise over issues' (quoted in Chaney, 2003:136).¹⁷ Between March 2002 and April 2003 the campaign achieved extensive publicity with repeated coverage in the broadcast media, poster campaigns, and 63 articles in print - a mean frequency of over one press article per week (Chaney, 2003:71 Op Cit).

(iv.) Resources. Although difficult to quantify (- for equality is not listed as a discrete heading in Assembly Government budget data), it is evident that, when compared to the 'zero base' of administration under the Welsh office, the post-devolution mainstreaming 'project' has been accompanied by a major and significant increase in the resources for the promotion of equality in areas such as policymaking, training, and consultation. Whilst the Assembly Government has recently undertaken to apply gender budgeting techniques to aspects of its spending plans (Baumgardt, 2005),¹⁸ at present there is an absence of disaggregated statistics and a general declaratory approach to promoting equality in the allocation of the National Assembly's £12 billion budget. This is evidenced by the latest WAG document entitled 'A Budget for the Future of Wales: The Assembly Government's Spending Plans 2005-06 to 2007-08'. This fails to set out detailed spending plans to promote equality. Instead it offers the generality that 'equality of opportunity underpins our budget provisions' (WAG, 2005:2).

The institutional prerequisites for a mainstreamed approach considered thus far emphasise structural and procedural factors. However, it is also important to examine the role of agency in the policy process. Accordingly, we now turn to consider appropriate staffing, training, expertise, and building 'ownership' into the Assembly's equality reforms.

(v.) Appropriate staffing arrangements are essential to the effective adoption of mainstreaming, not least in achieving and supporting diversity. This follows for, as Young (1990:24) asserts, 'difference is, a political resource', meaning in this context, that bureaucrats can draw directly upon a diversity of cultural values and life experiences in order to inform their professional work. The burgeoning US literature on representative bureaucracy (cf. Broadnax, 2000) uses notions of social justice to develop the case for diversity in public administration, arguing that, alongside efficiency and economy, equity should be adopted as a third 'pillar' of public administration. This is essential because of the nature of officials' work, for, as Frederickson (2000:20) argues: 'public administrators solve problems,

ameliorate inequalities, exercise judgement in service allocation matters, and use discretion in the application of generalized policy'. As a 1998 government report highlighted (Welsh Office, 1998), the Welsh Office had an exceptionally poor record in respect of staff diversity. Given the scale of the problem to be addressed, during the Assembly's first years, there has been slow progress in increasing the diversity of Assembly Government civil servants. This is most noticeable in respect of ethnic 'minorities' (1.1 per cent of staff in 2003), disabled people (approximately 5 per cent of staff in 2003) and Welsh speakers (approximately 13 per cent of staff in 2003)¹⁹. Furthermore, the WAG bureaucracy is no exception from the vertical gender segregation that exists in the Welsh labour market as a whole (cf. Blackerby, 1999). Thus women constitute an overwhelming majority of those holding junior Civil Service grades (61.3 per cent of grades A, B and C in 2003) yet a minority (28.1 per cent) of those in Senior Civil Service (SCS) posts. During the Assembly's first term there has been evidence of comparatively rapid change in the proportion of women holding middle ranking official posts (between 2000 and 2003, a 13.9 percentage point increase in the number of women in grades D and E.). Yet other grades have seen but a few percentage point increase in the number of women holding posts in the bureaucracy.

(vi). Training: As the results of the Assembly's annual equality audits indicate (see above), training is a key institutional prerequisite for mainstreaming and, given the low starting point of the former Welsh Office Civil Service, it is an area that has needed sustained consideration. In the words of one Assembly report it is: 'a vital part of ...work to promote equality ... [in order that] Assembly officials will have a more thorough understanding of the practical ways of mainstreaming equality effectively'.²⁰ By 2003, mandatory equality awareness training had been delivered to 3,500 Assembly staff. Specialist training was also provided for management grades and personnel staff in the bureaucracy. The rationale for this extensive initiative was set out in the training strategy document. This highlighted the role of statute as driver of equalities reform; it stated that:

'the National Assembly for Wales has a statutory duty to promote equality of opportunity in the discharge of its functions ... to assist the staff of the National Assembly for Wales this Equality Training and Awareness Strategy has been developed to help staff at all levels operate an effective equal opportunities policy'.²¹

Elsewhere, specific policy initiatives have also entailed an equality training component - such as the Assembly Government's Code of Practice for Ministerial Appointments to Public Bodies. In order to reach hitherto under-represented groups this document sets out new requirements for those involved in interviewing for public appointments, and obliges them to undergo training in best practice in candidate selection.²²

(vii.) Expertise: The expertise necessary to drive and inform the new agenda has mostly come from outside the former Welsh Office civil service. At a political level, the professional gender equality experience of several Assembly Members has been of key importance. Individuals such as Jane

Hutt, Helen Mary Jones and Val Feld all held senior management positions in gender equality organisations. Each has strong records in developing organisations such as Welsh Women's Aid and Chwarae Teg²³. Academic expertise has also been forthcoming from individuals such as Professor Teresa Rees in respect of developing mainstreaming techniques. Furthermore, membership of the Assembly's Equality Committee has been expanded to include representatives from the Equal Opportunities Commission Wales, the Disability Rights Commission, Commission for Racial Equality Wales, the Welsh Language Board, and LGB Forum Cymru (latterly Stonewall Cymru). In light of these developments, it is evident that there has been an attempt to combine 'expert-bureaucratic' and 'participative-democratic' approaches to mainstreaming (Nott, 2000). Whereas the former method focuses primarily upon in-house expertise, the use of consultants and technical instruments, the latter emphasises the expertise and involvement of civic actors and groups in the policymaking process. On balance, during the Assembly's first years there has been greater evidence of expert-bureaucratic inputs to further mainstreaming, a point highlighted in the equality Committee's annual reports. One stated that:

'in the past there has been less focus on equality issues in policy making than in employment practice... [there is a] need to promote equality in both policy-making and service delivery...there is still a long way to go in involving and consulting under-represented groups and doing so at a much earlier stage of the process of policy development' (WAG, 2001a:11).

(viii). Ownership. In order to achieve 'ownership' of (– or clearly defined personal professional responsibility -) the Assembly Government's equality reforms, the promotion of equality of opportunity has been introduced into the personal professional performance reviews of Civil Service Heads of Department. Similarly, equality concerns feature in the ministerial remit letters sent to chief executives of Assembly-sponsored public bodies. For example, writing to the chief executive of the schools inspectorate, ESTYN,²⁴ Jane Davidson, Minister for Education and Lifelong Learning, stated: 'I want to ... reinforce the message that ... the Inspectorate's work supports the vision and strategic direction set out by the Assembly ...to promote equality opportunity'.²⁵

In order to further inform the present evaluation, attention is now turned to consider the impact of the foregoing mainstreaming prerequisites by reference to Welsh public policy

Equality Policy and Law in Post-Devolution Wales

In this section attention is focused upon prominent examples of policies and laws introduced by the Welsh Assembly Government following elected devolution in 1999.

Consultative Policy Networks

The Assembly Government has sought to develop the democratic and participatory dimension of mainstreaming predicted by proponents of 'fourth generation' equality laws such as those applying to the Assembly (Cf. Fredman, 2000). This proactive approach to equalities is founded on the dynamic involvement of groups targeted by equality and anti-discrimination initiatives. The Equality Committee - in conjunction with the Civil Service Equality Policy Unit - has developed new networks and extended funding to pre-existing ones.²⁶ These initiatives are part of the wider reframing of Welsh governance introduced in 1999 whereby the aim is to build closer links between national government and civil society in order to deliver more effective policy-making shaped by direct engagement with targeted groups (cf. Chaney and Fevre, 2001; Chaney, Hall and Dicks, 2001). The foremost 'gender equality' example is the umbrella body 'Wales Women's National Coalition' (WWNC) (for a full discussion see Chaney, 2004). Further examples include Minority Ethnic Women's Network (MEWN) Cymru, Disability Wales, and the All Wales Ethnic Minority Association (AWEMA). The latter's self-stated aims are: to promote ethnic minority participation in government and 'act as an effective vehicle for consultation, participation and communication between minority ethnic communities and the National Assembly' (AWEMA, 2001:2). Stonewall Cymru is the first government-funded dedicated consultative forum based on a constituency of interest defined by sexual orientation of its type in the UK. It was formally launched by the chair of the Assembly Equality Committee in August 2001 and has been described by its co-ordinators as, 'a national voice that will articulate the concerns and needs of the community in Wales to the National Assembly' (Jones, 2002:4). The latest network to be created is the National Partnership Forum for Older People in Wales. This is made up of representatives of 200 organisations that meet on a quarterly basis to discuss priorities and develop a strategy for promoting positive change. Reflecting on these developments a manager with one of the Assembly-sponsored consultative networks described the statutory equality duty as, 'highly significant' and a strong 'mechanism for getting equalities work recognized... I think that they've [AMs] done quite a lot of work ... [something] that would otherwise have taken a lot, lot longer'

Public Procurement

'Minority contracting' whereby an established quota of all public works contracts be awarded to 'firms owned by minorities' (Cf. Frederickson, 2000:12) is an established feature of affirmative action to promote equality in the US.²⁷ In contrast: 'the policy of the UK Government over many years, reiterated in Treasury guidance on public procurement of November 1998, has been opposed to using public contracts as a means of pursuing social policy objectives' (House of Commons, 1999: Appendix 4).

[Figure One – about here]

Since 2000 WAG has worked within the legal requirements of the revised European Commission Directive on the award of public supply contracts.

These permit the inclusion 'as a condition of execution of public contracts, compliance with obligations of a social character, aimed, for example, at promoting the employment of women or encouraging the protection of certain disadvantaged groups'.²⁸ Accordingly, and in relation to its annual budget of £12 billion, the Welsh executive has developed contractual terms, or 'contract compliance' in order to promote equality. These reforms have the potential to impact upon two areas: in respect of the goods and services that the Assembly (including all public sector organizations that come under its remit) procures and in the employment practices of those that the legislature does business with. Under these new arrangements, the Assembly executive has launched a voluntary code of equality practice supported by a dedicated website.²⁹ In accordance with EC law, most contracts are still awarded on the basis of open competition, but suppliers who support the new voluntary Code (see Figure One) will be assisted with positive action such as guidance on ways to improve their practices, and constructive feedback on unsuccessful tenders. In this way they will be able to improve their competitive advantage and, it is argued, be better placed to win future Assembly Government contracts.

Public Appointments

As Putnam (1976:39) asserts: 'the pathway into the political elite is blocked by a series of gates, and the gatekeepers may consider candidates' social backgrounds'. For Connell (1987:151) this process has a highly gendered dimension, one based upon a hierarchy of authority underpinned by strongly masculine norms of sociability resulting in women predominating in subordinate positions and supporting male power. In Wales, such analyses had particular salience. Prior to 1999, the limited diversity of those holding public appointments - particularly in regard to quangos - featured prominently in the arguments of the pro-devolution campaigners (Bogdanor, 1999:162). The task now facing reformers is daunting. The figures for early 2000 showed that: 'just over 30 per cent of appointments [we]re held by women and 1 per cent [we]re held by ethnic minorities. [And that] younger candidates [we]re scarce and disabled people [we]re extremely under-represented' (NHS Wales, 2001:2). Attempts to address this issue have seen the interplay of UK and specifically Welsh initiatives and, in accordance with the Assembly's equality imperative, the beginnings of a specifically Welsh equality agenda in this area. The Assembly has begun reforms that build on the work of the Nolan and Neill Committees, as well as the office of the UK Commissioner for Public Appointments. Senior participants have described how the Assembly Government has, 'used the legislation, "to have due regard" - section 120 - as an opportunity for going beyond what is laid down under the Nolan principles in terms of making transparent and open the procedures of making public appointments'. The new Code of Practice for Ministerial Appointments to Public Bodies has resulted in a raft of measures that includes: information dissemination strategies to reach under-represented groups; targeted advertising of posts; training for those in under-represented groups in order that they be suitably skilled for positions in public life; research to examine ways of increasing representation from marginalized groups; training in best practice in candidate selection for those involved in interviewing for public

appointments; and involving independent assessors that are fully trained in equality issues at a much earlier stage in the appointment process than was the case before devolution. Perhaps the most radical step in this area was the decision taken at the end of 2000 to dismiss all the existing independent assessors involved in making public appointments. As a result of this 'equality coup d'état' 55 new assessors were appointed, thereby signalling a clear break with past practices and putting in place assessors with greater equality competencies. Further associated work has centred on changing the remuneration and allowances received by public appointees such that they are reimbursed for receipted childcare or carer costs, and any additional costs incurred by disabled people in respect of all public appointments (WAG, 2002:8). Further reforms were set out in 'Modernising Public Service in Wales' - The National Assembly for Wales' Mainstreaming Equality in Public Appointments Action Plan - approved by the Assembly Government in October 2002. This document set out both short and long-term aims. These included: establishing baseline data on public appointments; building capacity through partnership working across the public, voluntary and local government sectors; and developing appropriate evaluation and monitoring tools. As a WAG minister observed, 'we are breaking new ground'³⁰ in respect of children and young people's role in the public appointments process such as in the case of appointing the Children's Commissioner for Wales.

Notwithstanding the evident determination to drive reform on this issue, reference to the composition of chairs and members of Assembly Sponsored Public Bodies and NHS Wales Bodies as at 1 April 2003 (a total of 350 people) shows that to date these reforms have had a modest impact in terms of outcomes: 34% were women, 2.8% from BME backgrounds, and 1.7% were disabled people (NAW, 2003). Importantly, the current plans for a Welsh Public Appointments Commissioner will further increase capacity for the promotion of equality in this area.

Education Policy

Recent analysis concluded that: 'democratic devolution has created the circumstances in which education policies in Wales have become increasingly distinct from those in England; and in some instances real innovations have been brought about ... it is extremely unlikely that things would have developed this way if the old Welsh Office regime had continued' (Rees, 2004:28; see also: Daugherty, et al, 2000; Phillips and Harper Jones, 2002). From the outset of directly elected devolved government, promoting equality was identified as a core aim in education provision. This can be seen in four areas – strategic leadership, curriculum planning, training, and inspection arrangements. Equality is a central theme in the Assembly Government's 2001 education strategy, entitled: 'A Paving Document: A Comprehensive Education and Lifelong Learning Programme to 2010 in Wales – The Learning Country'. This document was prefaced by the statement that, 'the Government of Wales Act lays a distinct and special responsibility upon the National Assembly over the pursuit of equal opportunities'.³¹ Amongst the strategy's detailed aims was:

‘the need to ‘focus the attention of governing bodies for schools, colleges and universities, upon the importance of adopting an open and inclusive approach to the construction of their own memberships, and tackle gender imbalances within their governing bodies and staff teams.’

Elsewhere, the Assembly Minister for Education and Lifelong Learning states that,

‘Higher education is central to this Assembly Government’s vision for Wales and to my vision of Wales as a Learning Country. We want to see a country where every individual is given equal opportunities to fulfil their potential, maximise their earning potential and contribute fully and effectively to society’.³²

The Welsh executive’s first programme for Government stated the need to: ‘ensure that the curriculum reflects the diversity of our communities, [by] tackling sex and race stereotyping’.³³ Introduced in September 2000, the first Wales-specific National Curriculum was developed with ‘explicit attention to the Assembly’s key policy priorit[y] of promoting equality of opportunity’.³⁴ During the Assembly’s first years an extensive range of initiatives has been introduced to end gender segregation and promote equality in the school curriculum (see Figure 2.) The aim of personal and social education (PSE) education is, *inter alia*, to ‘equip pupils to be personally and socially effective by providing learning experiences in which pupils can develop skills, explore attitudes, values and personal qualities, and acquire, evaluate and apply appropriate knowledge and understanding’ (ACCAC, 2000:4). The inclusion, from September 2003, of (PSE) – and from September 2004 work-related education - as statutory elements within the basic Welsh curriculum for children and young people aged 5-19 has also been a significant development in the promotion equality of opportunity (Cf. ACCAC, 2000, 2001a, 2001b, 2002; Careers Wales, 2002; EALAW, 2003) (see Figure 3.).

[Figures 2 and 3 – about here]

In respect of the regulatory framework for education providers, the Welsh Schools inspectorate, ESTYN, aims to ‘to promote equality opportunity ... including combating racism and other barriers to learning’.³⁵ The inspectorate describes the present situation in Welsh schools as one in which: ‘[education] providers are becoming more aware of the need to look again at all aspects of their planning, teaching and learning to make sure that they meet the needs of all learners’.³⁶ As a result, following elected devolution, equality has become a core feature of school inspection requirements. The current Inspection Framework asserts: ‘throughout the inspection ... inspectors must ensure that the full range of age, gender, ability, special educational need, and ethnic and linguistic background are taken into account’ (see Figure 4).³⁷

[Figure 4 – about here]

Recent measures have also been taken to ensure that equality of opportunity is addressed in assessing teacher training in Wales. Recent guidance to tutors to states:

‘Does the training promote equality of opportunity and actively address issues of gender, race, disability and equality? In judging how well the training promotes equal opportunities, you will need to evaluate the extent to which trainees are stimulated to think critically about tackling social disadvantage, extending entitlement and related issues. You should judge the quality of the training by the extent to which trainees can apply their knowledge and understanding of these issues in their planning and teaching. You should pay particular attention to how trainees are prepared to teach particular groups of pupils.’³⁸

Overall, and reflecting the high level of autonomy in education policy making set out in the revised constitutional arrangements (Cf. Phillips, 2003), the Assembly’s first years have seen extensive measures to promote equality in all stages of state education; from compulsory-age schooling, and lifelong learning, to careers advice; - as well as, in respect of the breadth of education functions; from teaching, and education management to training, and inspection.

Equality and the Regulatory Infrastructure of the State

Developments in the post-devolution state regulatory infrastructure have major – and potentially positive - implications for the promotion of equality. These initiatives originate directly from the National Assembly - or have been shaped by the lobbying at a UK level of the National Assembly and Assembly Government – as well as Welsh organisations. An example of the latter is the Care Standards Bill (2000) that contained 25 UK Government amendments that related specifically to Wales. Most noticeable was the commitment to create a Children’s Commissioner for Wales. The Assembly Health Minister referred to this as, ‘a unique policy, tailored to Welsh circumstances’.³⁹ The role and functions of the Commissioner were influenced by the Assembly’s unique statutory duty to promote equality of opportunity for all persons. The official remit for the Commissioner sets out the need to: ‘provide a directly accessible point of contact for children and young people, whose services are bilingual and promote equal opportunities in recognising other individual needs’.⁴⁰ The emerging evidence shows that this office is acting as an independent check on the Welsh executive. The Commissioner’s annual reports have led the Assembly Government to address a number of priorities. For example, the Commissioner’s first report led to the establishment of the Welsh Child Poverty Task Group tasked with advising on drawing up an anti-child poverty strategy. Subsequent reports highlighted child and adolescent mental health services. This prompted the Assembly Government health minister to state:

‘when the Assembly Government came into office we recognised that mental health services for children and young people had been

neglected for a very long time. Mental health services remain largely hidden from public view, coming to political and media attention only at a time of crisis. I am determined not to continue that pattern of neglect and that is why we have developed a ten-year strategy, *Everybody's Business*'.⁴¹

Deficiencies in the present division of government powers between Cardiff and London stemming from the Assembly's lack of primary law-making powers led to heated debate when an English Children's Commission was proposed, leading an Assembly Minister to assert that: 'the Bill currently passing through Parliament [Children Bill, 2004] will prevent the English commissioner from dealing with any matter within the remit of the Children's Commissioner for Wales, which is important for us to acknowledge and recognise. In addition, it will require the English commissioner to take account of the Children's Commissioner for Wales's views and his work when looking at non-devolved issues'.⁴²

Adams and Robinson (2000, p.iii) assert that 'as the devolution process evolves, it seems increasingly necessary to speak of the UK's national health services rather than of its NHS'. The Care Standards Act (2000) provides substance to back this assertion. It gave additional powers to the National Assembly to establish a new comprehensive social and health care regulator — the Care Standards Inspectorate for Wales (CSIW), a regulatory body that commenced work in April 2002 overseeing 7,000 services in order that they meet the legal regulations as set by the Welsh Assembly.⁴³ Integral to these regulations, the new inspectorate's first annual report asserted that: 'registered persons are required to provide care services which operate equal opportunity policies when selecting staff. [Moreover,] CSIW inspectors are responsible for checking that equal of opportunity principles are applied in respect of all registered care settings in Wales'. The new body is also committed to increasing staff diversity; as the foregoing report noted: 'during 2004/05 CSIW will recruit lay assessors to support our inspection work and will be aiming to increase the diversity of those involved'. (CSIW, 2005:18).

Launched for consultation in March 2005, the Commissioner for Older People (Wales) Bill sets out legislative proposals for an Older People's Commissioner for Wales. The key principles that underpin the WAG Strategy for Older People in Wales are: to celebrate longer life as an achievement and an opportunity; to move away from a model that sees old age as a problem and a burden to a model of engagement and citizenship for all older people; to address age stereotyping and age discrimination and promote positive images of ageing. The Strategy asserts that: 'wherever older people live in Wales or whatever their circumstances, they must get a fair deal and be able to contribute to society as equal citizens. (WAG, 2003:15). Work on the WAG Strategy for Older People provides evidence of emerging intersectionality in equalities work. At the time of writing the Assembly Government was the process of implementing research on the needs of lesbian, gay, bi-sexual and transsexual older people, as well as the needs and experiences of black and minority ethnic older people in Wales.⁴⁴

Also, at the time of writing, the planned Public Audit (Wales) Bill (2005) will unify the office of the Audit Commission in Wales with that of the National Audit Office in Wales under the new office of the Auditor General in Wales (AGW) simultaneously creating the Wales Audit Office (WAO). The WAO will be statutorily responsible for the audit of over £19 billion of annual public expenditure at all levels of administration in Wales, from Local Health Boards to the Welsh Assembly Government. The new institution will have a key role in evaluating the promotion of equality as it assumes the existing role of the Audit Commission in Wales (ACW). Under the title 'The Context for Change', ACW's Strategic Plan 2004-07 sets out the following objectives in relation to equality and diversity:

'The Assembly policy framework: The people and communities of Wales now look to the Assembly to shape the policies and the approaches that will create a successful, healthier, and wealthier Wales, and that will improve the quality of life and the prospects for individuals, families and communities. There is a strong emphasis on partnership with local government, business and the voluntary sector, and a strong emphasis on core values of equality and sustainability. In the key policy document of the new administration, *Wales: A Better Country*, the Assembly set out its priorities around the themes of social justice, improving health, and spreading prosperity. These will be key themes for the Assembly, the public services generally and for us as regulators... Communities are becoming more diverse and public services need to respond better. We will increase our focus on equality of access, information and employment in public services and on how the needs of diverse communities are met. Our assessments will incorporate the statutory requirements on language, race, age, sexual orientation, gender, disability and religion' (Audit Commission in Wales, 2004:5).

This new Welsh regulatory framework is highlighted in the Assembly Government's 2004 strategy document 'Making the Connections: Delivering Better Services for Wales - The Welsh Assembly Government Vision for Public Services'. This asserts that public service delivery in Wales is founded on four principles: citizenship; equality and social justice; working together; value for money. It proceeds to state that: 'excellent public services are essential to a prosperous, sustainable, bilingual, healthier and better-educated Wales. Joint working is vital to deliver public services of top quality: they must be ... driven by a commitment to equality and social justice' (WAG, 2004:10). The Welsh public sector strategy concludes: 'in the longer term, the Government will work to align the performance frameworks of the different sectors more closely. The establishment of the Wales Audit Office from April 2005 will also enhance the accountability of public services' (2004:24). Whilst this strategy for public services makes a clear commitment to the promotion of equality it is troubling that it has dedicated chapters for each stated core principle except that of equality and social justice.

The Equality Bill (2005) set out the UK government's proposals for a new Commission for Equality and Human Rights (CEHR). With the exception of the Welsh Language Board, the CEHR will takeover the roles of the existing (British) statutory equality commissions - as well as acting in relation to additional equalities work - including in respect of sexual orientation and age. The UK government's 'Formal Response to the White Paper Consultations' acknowledged the post - devolution framework of governance by referring to: 'clear, extensive powers for the Scotland and Wales Committees' (UK Government, 2004:2). It continued: 'we have responded to the strong calls for the CEHR in Scotland and Wales to have autonomy to set their own priorities. Statutory committees in Scotland and Wales will have responsibility for a wide range of activities, in particular for the CEHR's promotional work, and will be able to determine how these activities should be delivered...' (UK Government, 2004:25). *Inter alia*, the draft Equality Bill sets out the following proposed functions and provisions for the statutory Wales Committee of the CEHR: 'the Wales Committee shall advise the Commission about the exercise of its functions in so far as they affect Wales; before exercising a function in a manner which in the opinion of the Commission is likely to affect persons in Wales, the Commission shall consult the Wales Committee; the Commission shall send a copy of each [of its own] annual report[s] to the National Assembly for Wales; in allocating its resources the Commission shall ensure that the Wales Committee receives a share sufficient to enable it to exercise its functions; and, the Commission shall monitor the effectiveness of the equality and human rights enactments ... and may advise ...devolved government about the effect of an enactment.⁴⁵ Accordingly, the new Commission is likely to result in improved *de facto* monitoring of the promotion of equality in Wales.

Welsh Legislation

Whilst the sixteenth century Acts of 'Union' swept away most aspects of the pre-existing body of indigenous Welsh law (although the last vestiges of a Welsh court system that administered original common law and criminal jurisdiction endured until 1830),⁴⁶ as recent analysis concludes, elected devolution has led 'to the rebirth of Welsh legal history... after centuries of slumber ... One reason why the rise of legal Wales is so striking - and significant - is the comparatively low base or starting point' (Rawlings, 2003: 15, and 462). The division of law making powers between Cardiff and Westminster is highly complex - and, to many observers, opaque (Cf. Lambert, 1999, Sherlock, 2000; Rawlings, 2003; Williams, 2004). The National Assembly presently lacks primary legislative powers instead it passes secondary legislation across the broad range of 'devolved' policy areas, yet the reality is that the difference between primary and secondary instruments is becoming increasingly blurred - both classes of legislation impose duties within set procedures for redress - and sanctions in the event of non-compliance. Early legal analysis of the devolution 'settlement' (Livingstone, 2001:5) asserted that the foremost limitation on the devolved UK administrations' future scope for action would be the fact that equality is a

reserved power of the UK parliament. As a result the new legislatures in Wales and Scotland are unable to initiate primary equality legislation. Moreover, according to this account, further constraints may operate because Westminster retains control over issues that are highly relevant to equality matters such as immigration policy, and the UK government ultimately has financial control and determines the overall budget from which funds are drawn for the promotion of equality by the devolved administrations. The post-1999 experience shows these concerns to be unfounded. As in the case of Scottish legislation, post-devolution Welsh legislation has had the effect of broadening the scope of equality law in the devolved territory, leading to increasing divergence from legal equality requirements applying in England. Thus, examination of the hundreds of pieces of distinct Wales-only legislation passed by the National Assembly each year⁴⁷ shows that a significant number are concerned with the promotion of gender – and other modes of equality (see Table Two).

[TABLE TWO ABOUT HERE]

The latter cover the breadth of policy areas from health, and education to transport. Their scope is as follows: to offer greater regulatory protection for specified groups;⁴⁸ enable certain groups through the provision of public grants;⁴⁹ impose duties on public bodies to set out detailed equality policies in publications aimed at service users;⁵⁰ to ‘normalise’ childcare considerations in public sector employment practice;⁵¹ impose general equality duties on public sector agencies;⁵² place legal duties on public bodies to eliminate unlawful discrimination and promote good relations between persons of different racial groups, and between males and females;⁵³ require that designated public bodies make their publications available in community languages - and formats for disabled people;⁵⁴ increase emergency support for victims of domestic violence;⁵⁵ incorporate equality as a public sector performance indicator;⁵⁶ and, to impose new ethical framework for local government and public authorities in Wales – such that employees of relevant authorities must comply with policies relating to equality issues.⁵⁷

The Rhetoric and Reality of Mainstreaming Equality in Post-devolution Wales

Overall, the foregoing developments show that, when evaluated against the institutional prerequisites for mainstreaming gender equality into the work of government, it can be seen that there has been a major change in the *capacity* of national government in Wales to promote equality. This stems from the shift from a government department that did not regard equality as its responsibility to a government body that has actively built upon its legal obligations in this area in order to design institutional mechanisms and procedures consistent with the mainstreaming ethos. In addition, the selected examples of policy and law outlined here further illustrate this point and demonstrate that equality is beginning to be mainstreamed into aspects of policymaking. Despite this progress, amongst participants and non-

governmental organisations, there continues to be varying levels of frustration with the progress being made when measured in terms of equality *outcomes* - namely, tangible improvements in the lives of targeted groups. According to members of the Assembly's cross-party Equality Committee, this is the key test of effectiveness for equality measures for they state that: 'the success of mainstreaming should be measured by evaluating whether inequalities have been reduced' (NAW, 2004:6).

This uneven progress in WAG's adoption of mainstreaming has been highlighted in two principal reviews published during the first years of the Assembly. These studies can inform the present analysis of post-devolution equality reforms in two respects. First, as the body of 'historical institutionalist' literature (cf. Steinmo and Longstreth, 1992) emphasises, there is a need to employ longitudinal analysis in order to understand the *evolution* of public policy. Second, the newness of post-elected-devolution policy-making largely precludes summative policy evaluation, - or, 'seeking to measure how the policy/ programme has actually impacted upon the problems to which it was addressed' (Parsons, 1995:547). Rather, in assessing the extent to which: equality policy is designed to meet the needs of target groups; the nature of the design, aims and delivery of services; and the resource implications of reform - the two reports considered below provide useful evidence by meeting the principal criteria of formative policy evaluation (Rossi and Freeman, 1993:163).

The first study published in 2002, was commissioned by the Equal Opportunities Commission Wales, the Commission for Racial Equality in Wales, and the Disability Rights Commission in Wales. This focused on the impact of the Assembly's statutory equality duty as set out in the Government of Wales Act (Chaney and Fevre, 2002, Chaney, 2004, 2004a). It found that, between 1999 and 2002, the new legislature's equality duties had directly led to a reprioritisation of equality in the process of government such that equality of opportunity was beginning to be addressed systematically at an all-Wales level of government for the first time. The report continued:

'the level of political will and expertise that key politicians and officials have invested in promoting equality in the process of government is unprecedented. The initial actions of the Welsh executive and opposition parties suggest a clear intention to be proactive in some areas, go beyond the equality measures thus far seen at Westminster' (Chaney and Fevre, 2002:86).

Importantly, the report highlighted how the Assembly's equality duty allowed specific equality needs to be addressed in a way that contrasts with the situation prior to 1999, when, as note above, government policies and practices were largely driven by an 'England and Wales', Britain or UK-based assessment of priorities'. Research interviews with participants in the post-devolution reforms, together with the evidence of Assembly policy documents, revealed that: the statutory duty had initiated equality reforms that would either not have taken place, or would have taken much longer to be implemented; and that Welsh equality law had been used to overcome

resistance or obstruction to change in a way that was not generally possible under the pre-existing legal framework. Furthermore, the report referred to interviewees working in the public sector who spoke of their earlier feelings of isolation in attempting to carry forward equality reforms in often hostile or resistant institutional settings. They cited the National Assembly's clear remit and initial actions on equality as a significant departure and a boost to their work. In sum, as the Permanent Secretary to the WAG Civil Service put it: 'the statutory duty coupled with the Assembly Equal Opportunities Committee – is a very, very powerful motivator and driver of change' (Chaney and Fevre, 2002: 19).

Notwithstanding the positive effect of the new legal equalities framework, the 2002 review highlighted a number of key failings in the post-devolution equality agenda; in short, these centred on a failure to fully implement a mainstreamed approach. In particular, amongst the shortcomings identified were:

'that the National Assembly's policy- scrutinising subject committees were generally failing to mainstream equality into their policy-making; policy consultations were under-resourced, lacking in transparency, and often last-minute; the majority of policies exhibited a 'declaratory' approach to equalities - meaning that they declared the need to for change but were frequently vague on the means to achieve reform; in the majority of cases, policies lacked specific and measurable equality targets linked to a prescribed timeframe; policies failed to specify the individuals/ organizations responsible for implementing reforms; and, financial and human resource implications were ignored or not addressed comprehensively' (Chaney and Fevre, 2002).

In January 2003, a (- former Welsh Office) senior civil servant presented to the Equality Committee, the Assembly Government Civil Service's response to these recommendations. These were generally vague and non-committal in nature and lent credence to the observation made by a leading opposition Assembly Member when, presciently, she referred to: 'the way that cultures within organizations can unconsciously protect themselves against change ... and this has got "*unconscious resistance*" written through it like a stick of Brighton rock'. The upshot was that few of the measures - tellingly listed under the title '*Possible Method[s] of Implementation*' (NAW, 2003, italics added) were executed. Competing pressures on the bureaucracy – not least in creating a new legislature, as well as general politicking - saw that it was not until the beginning of the Assembly's second term before the Equality Committee returned to 'consider how equality can be mainstreamed into the work of the Assembly and the Assembly Government'. (NAW, 2004:5). Within a UK government context, this marked a pioneering step, for it saw the commencement of a systematic, cross-party review of equality mainstreaming in government. The *2003-04 Mainstreaming Review* was organised around four key themes: *strategy and leadership; people; practical action, levers, guidance and advice; and, monitoring and evaluation*. In respect of strategy and leadership, - and reflecting the way in which the earlier (c.1999) 'The Approach to Equal Opportunities' paper endorsed by the Equality Committee

had, apparently, been sidelined or forgotten - the Review's conclusion was an indictment of the incumbent equalities minister. Using stark language, it concluded that: 'currently the Assembly does not have an overall equality strategy, and in our view there is no doubt that this is hampering the Assembly's efforts in relation to mainstreaming equality'. It continued, '... there is a lot of positive activity is going on but with *little strategic direction* ...there [is] a high level of variation across the organisation' (NAW, 2004:31-2). In response, and echoing the earlier 2002 report (Cf. Chaney and Fevre, 2002:91), it was recommended that all Assembly Government Ministers should ensure that action is taken within their portfolios to ensure that equality is mainstreamed in all the policy areas for which they are responsible.

The Review also highlighted the need for an ongoing programme of equality training that moved beyond the initial equality awareness training given to all Assembly staff. The importance of central institutional equality units in driving forward reform was also highlighted, as was the need for clarity about the role of the Equality Policy Unit (EPU) in the Assembly Government Civil Service. The latter has been an ongoing area of critical concern during the Assembly's first years because of the way in which the EPU suffered consistently high staff turnover rates, staffing shortages and claims of ministerial interference in staffing issues. According to at least one press report, official Assembly documents released under the Data Protection Act 'indicated that [the WAG Equalities minister] Mrs Hart had put pressure on senior civil servants to remove [the head of the EPU] from his job and replace him with an individual of her nomination'.⁵⁸ Away from such controversy, the *Mainstreaming Review* also called for improvements in order to address existing shortcomings in the Assembly Civil Service's capacity to offer advice and guidance - both to internal Assembly Government Civil Service divisions - and to external public bodies. Furthermore, the recommendation was made that: 'that the Assembly's consultation guidance is reviewed to ensure that it is firmly based on equality of opportunity principles and addresses the need to engage the diversity of the public in Wales' (NAW, 2003: 64). Calls were also made for the future use of gender needs assessments and gender budgeting to assess the level of equity in financial allocations. In respect of the monitoring and evaluation of equality initiatives, the Review criticised the existing Annual Equality Reports and Equality Audits as being: 'process focused; [and not able to] report on a coherent set of objectives; [moreover, they] contained great variation between different parts of the Assembly and provided little sense of development year on year (NAW, 2003:73). In response, it was recommended that independent equality audits be undertaken of the Assembly by an external body. Lastly, and again echoing the 2002 report on the Assembly's work (cf. Chaney and Fevre, 2002:92), the 2004 Mainstreaming review recommended that the Equality of Opportunity Committee have a strategic and monitoring role over other Assembly committees' work programmes to ensure that they comply with the Assembly's statutory equality duty. At the time of writing, following a commitment from the WAG Equalities minister to 'developing and implementing a Mainstreaming Equalities Strategy' (NAW, 2005:1), the majority of the *2003-04 Mainstreaming Review's* recommendations were in the early stages of being addressed.

Conclusion

Viewed against an international backdrop of numerous attempts by governments to adopt a mainstreaming approach to equalities, the Welsh example stands out as a particularly challenging case. This assertion is based both upon the scale of the reforms necessary to operationalise such a radical approach to public policy – and, the often adverse nature of the social and political context in Wales. Prior to 1999, during the period of administrative devolution – or ‘colonial’ mode of governance (cf. Aaron and Williams, 2005), the Welsh Office had consistently failed to provide policy solutions to – and, in some cases even acknowledge the existence of – longstanding patterns of discrimination and inequality. This was, in part, linked to the near absence of a national Welsh policy making (cf. Rawlings, 2003). As a result, since 1999, policymakers have confronted the twin tasks of developing, from almost a ‘zero base’, a national policy making capacity whilst simultaneously addressing patterns of discrimination and equality that are often more pronounced than those found in other European countries. To compound this daunting agenda, the chosen solution – mainstreaming – is a radical and transformative approach to policy that is still in a developmental phase. Key elements of the concept remain contested, wide variations exist in the extent and manner in which it has been adopted around the world, and few – if any – international examples exist of its thorough-going effective implementation across all functions of national government. Moreover, the denial of primary law-making powers to the National Assembly has presented a further encumbrance to policy-makers. Despite such a seemingly unpropitious combination of factors, the present formative assessment of the Assembly’s first years reveals that, in respect of the promotion of gender and other modes of equality in public policy, elected devolution has resulted in a significant and far-reaching shift in the *approach* to equality whereby it has been *re-prioritised as a core political aim*. However, thus far, this political commitment to mainstreaming has not been accompanied by the necessary level of resources, institutional capacity and expertise. As a result, there is a litany of shortcomings and failings that apply to the Assembly Government’s attempt to operationalise mainstreaming. Specifically, there has been: a dearth of equality impact assessments; few measurable equality targets; almost nil usage of gender budgeting techniques; very limited and unsystematic intersectionality in policymaking (- or policy that addresses inequality associated with ‘multiple identities’); opaque lines of accountability in respect of the success or failure of equality policies; limited use of policy evaluations; evidence of institutional resistance to reform; little co-ordination in the promotion of equality between departments in the Assembly Government bureaucracy; and poor co-ordination between the Assembly Government and Westminster in the promotion of equality in areas of shared competency. As a result, there is scant evidence to suggest that mainstreaming equality has become ‘normalised’ in the work of the Welsh Assembly Government; too often it is seen by officials as the sole preserve of the Equality Policy Unit in

the bureaucracy and the cross-party Standing Committee on Equality of Opportunity. Overall, the foregoing factors determine that the Welsh mainstreaming 'project' owes more to the 'incrementalist' (cf. Lindblom, 1960; Gregory, 1989) than 'strategic-rational' 'school' of policy theory (cf. Simon, 1947, 1957). Sometimes faltering ministerial leadership, coupled with failings within the bureaucracy, have meant that, only at the time of writing in 2005, is there concerted action to implement the recommendations contained in two detailed reports; documents that highlighted the need to apply mainstreaming practices *across the breadth* of devolved policy making – and to back them by appropriate monitoring, strategic leadership and resources. Whilst the present assessment does not condone earlier failings, the ambitious nature of the concept, particularly when applied to such a challenging political and social context, means that achieving a mainstreaming approach to equalities is likely to be neither swift nor trouble-free. Nevertheless, the present evidence shows that the Welsh executive is far from achieving its self-stated aim (c. July 1999) of 'tak[ing] equality of opportunity factors into account in every policy decision' – such that - as a ministerial paper put it - a 'mainstreaming approach is *fundamental*'.

Despite the foregoing failings and frustrations, some progress has been made. Of greatest significance has been the post-1999 adaptation of the 'enabling framework' provided by the institutional design of the Assembly in order to put in place a raft of *institutional prerequisites*; the building blocks of future capacity to promote equality in national Welsh policy making. Notwithstanding the newness of the Assembly, the selected examples of emerging equality policies and laws discussed in this paper evidence a determination to innovate and use the nascent mainstreaming processes in order to produce equality policy and law that is tailored to the needs of Welsh society. A final, crucial factor to consider in this preliminary evaluation of the post-devolution equality policy agenda is the robustness of the new equalities framework and its potential resilience in the face of future 'attack' – or undermining – from either political hostility or ambivalence – such that the promotion of equality in public policy is either downgraded or sidelined. Here, again, there is scope for cautious and qualified optimism. This assertion is based upon: the way in which equality policies in Wales are underpinned by UK and Welsh law; supported by a growing number of institutional mechanisms and procedures in government; and, to an increasing extent, are monitored by a new and extensive state regulatory framework in Wales; one that includes the CEHR Wales Committee, the Wales Audit Office, the Care Standards Inspectorate for Wales, as well as offices of the Welsh statutory Commissioners for Children, and Older People. Overall, whether the equality reforms of the Assembly's first years mark a transitional – or transformative - phase in Welsh policy and politics depends upon the reforms reported on here translating into future public policy *outcomes* that impact directly on targeted groups thereby reducing and eliminating discrimination and inequality throughout Welsh society.

INSTITUTIONAL MAINSTREAMING PREREQUISITES	INDICATIVE WELSH DEVELOPMENTS
Appropriate institutional arrangements	Statutory equality duty; National Assembly for Wales (NAW) equality committee; role of Assembly Administration Ombudsman in compliance with equality duties; equality policy unit in the Assembly Government (EPU); equality duty compliance pro forma for policy makers; annual equality audits; creation and funding of women's consultative policy network Wales Women's National Coalition (WWNC); Cabinet Minister with responsibility for equalities issues; limits on Assembly working hours in order to promote a work-life balance; gender-neutral official titles; and rules on the language permitted in political debate
Resources	Steady increase in staffing and resources for (EPU) and for consultative channels e.g. sponsorship of WWNC and Stonewall Cymru; funded equalities research; funding for extensive staff equality training
Training	Mandatory equality training for 3,500 Assembly Government civil servants; ongoing mandatory equality awareness raising; Equality Committee recommendation of equality training for Assembly Members
Expertise	Gender equality experience of key AMs that held senior management positions in gender equality organisations; engagement with academic expertise; commissioning equalities research (review of the statutory equality duty, 2002; Mainstreaming Review, 2004); involvement of experts from statutory equality commissions as standing advisors to Equality Committee
Reporting Mechanisms	Annual Equalities reports from Equality Committee; Annual plenary debate (and vote) on Annual Equalities reports; development of dedicated equality units in NHS Wales, and the Welsh Local Government Association. New monitoring mechanisms in the public sector (e.g. Pupil Level Annual School Census (PLASC) introduced in August 2003.
Incentives to 'build ownership'	Cabinet Minister with responsibility for equalities; 'equality' part of personal performance review of division managers in Civil Service; annual ministerial remit letters to chief executives of Welsh public sector bodies
Awareness Raising	Successive Close the Pay Gap campaigns; promotion of the Equality Standard for Welsh unitary authorities

TABLE ONE. POST-1999 PROGRESS TOWARDS ESTABLISHING MAINSTREAMING PREREQUISITES IN THE WELSH ASSEMBLY⁵⁹

POLICY AREA	SCOPE OF NEW LEGAL EQUALITY REQUIREMENTS	DETAILS OF WELSH LEGISLATION
Education	<p>Provision of grants to teachers of personal and social education to fulfil curriculum requirements relating to education on equal opportunities</p> <p>A new requirement that equal opportunities information must be included in the school prospectuses</p> <p>Greater consideration of maternity leave, ordinary adoption leave (as well as parental leave or paternity leave) in respect of the induction arrangements for school teachers</p> <p>Imposition of duties on the National Council for Education and Training for Wales to have due regard to the promotion of equality of opportunity</p> <p>'To enable persons to undertake courses of further or higher education designated for the purposes of that Scheme, by providing financial assistance in or towards meeting the cost of books, equipment, travel or childcare incurred in consequence of their attending such a course'</p> <p>Places legal duties on governing bodies and head teachers to exercise their respective functions with due regard to the need - (a) to eliminate unlawful discrimination on grounds of race or sex; and (b) to promote equal opportunities and good relations - (i) between persons of different racial groups, and (ii) between males and females'</p>	<p>Approval of the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations (2002), 18.07.2002</p> <p>Welsh Statutory Instrument 2001 No. 1111 (W. 55) The Education (School Information) (Wales) (Amendment) Regulations 2001</p> <p>Welsh Statutory Instrument 2004 No. 872 (W.87) The Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004</p> <p>Statutory Instrument 2000 No. 3230 (W. 213) (C. 103) The Learning and Skills Act 2000 (Commencement No. 2) (Wales) Order 2000</p> <p>2002 No. 2814 (W.271) The Education (Assembly Learning Grant Scheme) (Wales) (Amendment) Regulations 2002</p> <p>School Government (Terms of Reference) (Wales) Regulations (2000), 09.11.2000</p>
Health	<p>Provision of comprehensive Cervical screening by contractors to NHS Wales</p> <p>Greater regulatory protection for women having an abortion</p>	<p>Welsh Statutory Instrument 2004 No. 478 (W.48) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004</p> <p>Abortion (Amendment) (Wales) Regulations (2002), 19.11.2002</p> <p>Welsh Statutory Instrument 2002 No. 325 (W.38) Private and Voluntary Health Care (Wales) Regulations 2002</p>

Disability	Responsible bodies shall set out their Health and Well Being Strategies languages and formats for disabled people	Welsh Statutory Instrument 2003 No. 154 (W.24) The Health, Social Care and Well-being Strategies (Wales) Regulations 2003
Local Govt. / Public sector	Enhanced disability premiums in means tests for determining the amount of housing renovation grant and disabled facilities grant	Welsh Statutory Instrument 2001 No. 2073 (W.145) The Housing Renewal Grants (Amendment) (Wales) Regulations 2001
	A new ethical framework for local government and public authorities in Wales – employees of relevant authorities must comply with policies relating to equality issues	Welsh Statutory Instrument 2001 No. 2280 (W.170) The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001
	Incorporating equality as a public sector performance indicator	Welsh Statutory Instrument 2001 No. 1337 (W.83) The Local Government (Best Value Performance Indicators) (Wales) Order 2001
Housing	The number of domestic violence refuge places per 10,000 population which are provided or supported by the best value authority	Welsh Statutory Instrument 2001 No. 1337 (W.83) The Local Government (Best Value Performance Indicators) (Wales) Order 2001
	<i>Inter alia</i> , adds to those Persons with priority need for accommodation: ‘a person fleeing domestic violence or threatened domestic violence - A person without dependant children who has been subject to domestic violence or is at risk of such violence, or if he or she returns home is at risk of domestic violence’.	Homeless Persons (Priority Need) Wales Order (2001), 16.04.2002
Childcare	‘Payment to a member of the authority who is a councillor of an allowance (“care allowance”) in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that member’s duties as a member’.	Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations (2002), 18.07.2002
	Duty on local authorities to broaden nursery education and prepare and submit childcare plans to the National Assembly for approval	2003 No. 893 (W.113), Education, Wales, The Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003
Transport	‘Concessions to be provided by operators of eligible services (at present local bus services) to certain classes of passenger, including those who are elderly or disabled’.	Mandatory Travel Concessions (Reimbursement Arrangements)(Wales) Regulations (2001) and the Travel Concessions (Extension of Entitlement)(Wales) Order (2001), 22.11.2001

Table Two. The promotion of equality in selected examples of Welsh Legislation

Equal Opportunities

The Assembly seeks to promote equality of opportunity in the way it procures buildings, goods and services

We do this by:

- developing our value for money criteria to take the equality of opportunity policies and practices of suppliers into account;
- clearly specifying the information we want from prospective suppliers, in order that we can apply those criteria fairly– these should include practical, measurable demonstrations of their commitment to equality in terms of their working practices, recruitment policy, equal opportunity plan and their contractual arrangements with others ;
- inviting prospective suppliers to describe their equality of opportunity policies and credentials to us, whilst taking care not to impose unnecessary barriers to entry to public sector markets; and
- Working with suppliers to identify how their employment and other policies and practices can reflect the code of practice.

Figure 1. The Assembly Government's Policy on the use of Contract Compliance to Promote Equality

In **Welsh**, pupils in Key Stage 2 should read a range of material including 'work by traditional/classical authors and poets'. In Key Stage 3 the range of literary material should include material that reflects the 'variety of literary heritage and the contemporary modern world'.

In **English** in Key Stages 1, 2 and 3, pupils should read and discuss texts from a range of cultures and traditions ... defined as those 'that represent their distinctive voices and forms, and offer varied perspectives and subject matter'. In addition, pupils are required to read novels and short stories that 'offer perspectives on society and community and their impact on the lives of individuals'.

Similar requirements exist in **modern foreign languages** (MFL) where in Key Stage 3, pupils should 'develop their knowledge and understanding of other countries and cultures in a variety of ways including through knowledge of the experiences and perspectives of people in these countries and communities' (i.e. where the target language is spoken).

In the Order for **mathematics** pupils in Key Stage 2 are required to 'consider a wide range of patterns, including some drawn from different cultural traditions'. The **geography** Order requires pupils to develop their understanding of people, places and environments in Wales and the wider world. In Key Stage 1, pupils study a locality that contrasts with their own and are given opportunities to 'reach a better understanding of their own local area and community and become aware of the wider world'. They build on this in Key Stage 2 in studying 'two contrasting localities, one from a less economically developed country'. In Key Stage 3 they study Wales and two other countries and should be taught to recognise that the countries are 'set within a broader global context and how they are interdependent with other countries'.

In **history**, the Order requires a growing understanding of how particular events, and political, economic, social and cultural features in the past have influenced current thinking and attitudes. At Key Stage 1, pupils should learn about the past, through stories from different periods and cultures. At Key Stage 2, they should have opportunities to develop an awareness of the characteristics of different periods in the past, to identify the causes and consequences of some events and changes, and to identify the different ways in which the past is represented and interpreted.

At Key Stage 3, the field of study widens to include aspects of world history and pupils 'should be taught about the diversity of people's experience, have opportunities to study aspects of the past in depth and the spiritual and moral values of the periods studied. They should consider how and why some events, people and changes have been interpreted differently, and apply their historical knowledge to analyse and evaluate interpretations'.

The Order for **art** requires pupils at Key Stages 1, 2 and 3, to explore diverse kinds of art, craft and design from different cultures and periods. In **music**, the repertoire chosen for performing and listening should comprise a range of music including, at Key Stages 2 and 3, music from other musical traditions and cultures. At Key Stage 3, pupils should be given opportunities to listen attentively to and analyse music critically, relating the style, where appropriate, to its social, historical and/or cultural background. Similarly, in the Order for **physical education**, pupils should be given opportunities to perform and develop an appreciation of dances from different traditions, times and places at Key Stages 2 and 3.

Figure 2. Promoting Equality in the School Curriculum: WAG National Curriculum Orders⁶⁰

Published policy initiatives have identified the challenges schools face in a diverse developing society and changing democratic framework. The National Assembly for Wales recognises the role of PSE in empowering pupils to be active, informed and responsible citizens aware of their rights and committed to the practices of participative democracy and the challenges of being a citizen of Wales and the world. In particular, PSE will help schools to promote: progress toward concern and action for equal opportunities, social justice and sustainable development at local to global scales.

Key Components of the PSE Framework; Attitudes and Values:

Pupils' attitudes to the knowledge they have acquired and the issues they are discussing often determine the way they behave. Our attitudes derive from personal values and PSE can either promote or enable pupils to clarify those attitudes and values. Some examples of attitudes and values incorporated in the framework are listed below ... equality of opportunity and acceptance of others regardless of race, religion, gender, sexuality, age or disability

KEY STAGE 1 Learning Outcomes; Attitudes and Values PSE provision should enable pupils to:

- Recognise and value cultural differences and diversity.

KEY STAGE 2 Learning Outcomes; Attitudes and Values PSE provision should enable pupils to:

- Respect others and their property, value their achievements and their uniqueness and recognise the importance of equality of opportunity
- Value and celebrate cultural difference and diversity

KEY STAGE 3 Learning Outcomes; Knowledge and Understanding- Pupils Should:

- Value cultural diversity and equal opportunity and respect the dignity of all.
- Know that each person is different but understand that all are equal in value.
- Understand that people have different preferences, views and beliefs
- Understand the nature of local, national and international communities with reference to cultural diversity, justice, law and order and interdependence.

KEY STAGE 4 Learning Outcomes; Attitudes and Values - PSE provision should enable pupils to:

- Value cultural diversity and equal opportunity and respect the dignity of all
- Know how to form supportive and respectful same sex and opposite sex relationships
- Recognise and know how to challenge expressions of prejudice and stereotyping.

Figure 3. Promoting Equality in the School Curriculum: The Mandatory Personal and Social Education (PSE) Component.⁶¹

STANDARDS. Key question. 1: How well do learners achieve?

In making their judgements, inspectors should consider, where applicable, the extent to which learners: 1.15 demonstrate an awareness of equal opportunities issues and a respect for diversity within society. You should evaluate and report on the standards achieved by pupils including: the extent to which pupils: 1.15.1 recognise, understand and respect the diversity of beliefs, attitudes and social and cultural traditions.

THE QUALITY OF EDUCATION AND TRAINING

Inspectors should evaluate and report on: 2.6. Do teachers promote equality of opportunity and actively address issues of gender, race and disability equality? You should evaluate how well teachers: 2.6.1 promote equal opportunities and challenge stereotypical images and views; and 2.6.2 treat all pupils equally, irrespective of their race, gender or disability.

Key question 4: How well are learners cared for, guided and supported?

Inspectors should evaluate and report on: The quality of provision for equal opportunities. In making their judgements, inspectors should consider, where applicable, the extent to which providers:

- 4.13 support and guide learners appropriately, taking account of their social, educational, ethnic or linguistic background;
- 4.14 promote gender equality and challenge stereotypes in learners' choices and expectations;
- 4.15 promote good race relations across all areas of activity;
- 4.16 have effective measures to eliminate oppressive behaviour, including racial discrimination, bullying and all forms of harassment;
- 4.17 secure equal treatment of disabled learners and make reasonable adjustments to avoid putting them at substantial disadvantage; and
- 4.18 recognise and respect diversity.

You will evaluate and report on: The quality of provision for equal opportunities

4.13 Does the school support and guide pupils appropriately taking account of their social, educational, ethnic or linguistic background? You should evaluate: 4.13.1 the extent to which the school recognises the diversity of pupils' backgrounds; and 4.13.2 whether the school acts appropriately and effectively on this information.

4.14 Does the school promote gender equality and challenge stereotypes in pupils' choices and expectations? You should evaluate: 4.14.1 whether policies and practices actively promote gender equality; and 4.14.2 how effective the school is in challenging stereotypes in pupils' choices and expectations. (Further guidance The Sex Discrimination Act 1975 places a duty on all schools to treat girls and boys equally. It has produced major changes in the practices of schools, in particular in providing equal access to the main curriculum, curriculum options and extra-curricular activities. Despite this progress, there are still issues in the equal opportunities and relative performance of boys and girls. Boys as a group underachieve compared with girls. Girls tend to leave school with low career aspirations. Girls and boys often make stereotypical choices of options and subjects at all stages).

Figure 4. Promoting Equality: Extracts from 'Guidance on the Inspection of Secondary Schools', (ESTYN, September 2004).

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¹ United Nations (1995) Beijing Declaration, Section H.

² Interview with Professor Teresa Rees, 2004.

³ Assembly Member

⁴ Cf. Standing Order 14.

⁵ Welsh Labour – and later Labour and Welsh Liberal-Democrat coalition. ‘The *executive*, will also need: to take equality of opportunity factors into account in every policy decision’ ... ‘Subject committees will also wish to contribute to debate and discussion of equal opportunities examine the extent to which *the executive* is taking equal opportunities into account’.

⁶ Government of Wales Act (1998) S.48 and S.120

⁷ Standing Order 14.1

⁸ See National Assembly Standing Orders 5.2 (2002) ‘Motions under paragraph 5.1 shall be Tabled having regard to any advice offered by the Business Committee under paragraph 13.1(i). Wherever possible, motions shall be framed having regard to the family and constituency or electoral region responsibilities of Members, and their likely travel arrangements; and in any event shall seek to avoid programming business before 9.00am or after 5.30pm on any working day’.

⁹ Office of the Presiding Officer of the National Assembly for Wales (1999) Protocol on Conduct in the Chamber/Presiding Officer’s Protocol on Conduct in Chamber/Rules of Debate, Key Principles.

¹⁰ Interview with author

¹¹ Government of Wales Act (1998) S.120, clause 2.

¹² Standing Order 14.2

¹³ Minutes of the Assembly Equality Committee, 13.04.2000, Agenda Item 2.4

¹⁴ National Assembly for Wales Second Annual Equality Report (2001) p.4

¹⁵ 17% neither agreed nor disagreed and 5% disagreed (NAW, 2003, ‘Mainstreaming Review’, p.27).

¹⁶ NAW (2005) Report on Welsh Assembly Government Work To Promote Equality 2003 – 2004, p.2.

¹⁷ Interview with Felicity Williams General Secretary, Wales TUC.

¹⁸ The Council of Europe Informal group of experts on gender budgeting has defined gender budgeting as: ‘an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality.’ (Council of Europe Informal Group of experts on gender budgeting 2002)

¹⁹ Sample 1,520 staff, excludes staff employed in the Presiding Office.

²⁰ National Assembly for Wales Second Annual Equality Report (2001) p.11.

²¹ National Assembly for Wales (2001) Equality Training and Raising Awareness Strategy - ETAARS, para. 1.3

²² Morgan, W. (2000) Report for the National Assembly for Wales Equal Opportunities Committee on Public Appointments to Assembly sponsored Public Bodies.

²³ Trans. ‘Fair Play’ – an organisation to promote women’s participation in the labour market.

²⁴ Her Majesty’s Inspectorate of Education and Training in Wales

²⁵ Jane Davidson AM, Minister for Education and Lifelong Learning, The Remit For The Chief Inspector Of Education And Training In Wales For The Financial Year 2002- 03, unpaginated.

²⁶ The pre-existing networks ‘inherited’ from the Welsh Office relate to disability and were founded upon the Welsh Office’s adherence to the medical – rather than the social model of disability. Following devolution, and to varying extents, these networks have become associated with the WAG equality agenda.

²⁷ As set out in the US. 1977 Public Works Employment Act

²⁸ European Commission Directive on the co-ordination of procedures for the award of public supply contracts, public service contracts and public works contracts, 21471 10345/00 COM(00) 275 (c.2000)

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- ²⁹ www.winningourbusiness.wales.gov.uk
- ³⁰ Jane Hutt AM, Official Record, 07.11.2000
- ³¹ Government of the National Assembly for Wales (2001) 'A Paving Document: A Comprehensive Education and Lifelong Learning Programme to 2010 in Wales – The Learning Country', p.40.
- ³² Reaching Higher – Higher Education and the Learning Country: A Strategy for the Higher Education Sector in Wales' (c. March 2002),
- ³³ National Assembly for Wales (2000) Better Wales, p.27
- ³⁴ Assembly's Second Assembly Annual Equality Report, (2001), p.25, para 47.
- ³⁵ Jane Davidson AM, Minister for Education and Lifelong Learning, The Remit For The Chief Inspector Of Education And Training In Wales For The Financial Year 2002- 03, unpaginated.
- ³⁶ ESTYN (2002) The Annual Report of ESTYN (Her Majesty's Chief Inspector of Education and Training in Wales) 2000-2001, p.62.
- ³⁷ ESTYN (2002) Framework for the Inspection of Schools, Section 15, page 5.
- ³⁸ ESTYN (Her Majesty's Chief Inspector of Education and Training in Wales) (2002) Guidance on the Inspection of Initial Teacher Training, Cardiff, ESTYN, p.28.
- ³⁹ Jane Hutt, AM, Plenary Debate on the Children's Commissioner, The Official Record, 07.06.2000
- ⁴⁰ National Assembly for Wales (2000b) Papers of the Assembly Health and Social Services Committee, A Children's Commissioner for Wales: The Report of the Health and Social Services Committee
- ⁴¹ Welsh Assembly Government (2001) Assembly Government Health Minister Press Statement 05.11.2001.
- ⁴² Jane Hutt AM, Official Record, 10.11.2004
- ⁴³ See for e.g. Welsh Statutory Instrument No. 781 (W.92) - or the - The Residential Family Centres (Wales) Regulations 2003.
- ⁴⁴ Stephen Milsom, Welsh Assembly Government, presentation to Cardiff University Inclusive Governance MSc course, 11.03.05
- ⁴⁵ UK government, Equality Bill (2005) sections 24-31.
- ⁴⁶ Rawlings (2003:461)
- ⁴⁷ See http://www.wales-legislation.hms.gov.uk/legislation/wales/wales_legislation.htm
- ⁴⁸ Abortion (Amendment) (Wales) Regulations (2002), 19.11.2002; Welsh Statutory Instrument 2002 No. 325 (W.38) Private and Voluntary Health Care (Wales) Regulations 2002
- ⁴⁹ Approval of the Special Educational Needs and Disability Tribunal (General Provisions and Disability Claims Procedure) Regulations (2002), 18.07.2002
- ⁵⁰ Welsh Statutory Instrument 2001 No. 1111 (W. 55) The Education (School Information) (Wales) (Amendment) Regulations 2001
- ⁵¹ Welsh Statutory Instrument 2004 No. 872 (W.87) The Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004
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- ⁵⁵ Homeless Persons (Priority Need) Wales Order (2001), 16.04.2002
- ⁵⁶ Welsh Statutory Instrument 2001 No. 1337 (W.83) The Local Government (Best Value Performance Indicators) (Wales) Order 2001
- ⁵⁷ Welsh Statutory Instrument 2001 No. 2280 (W.170) The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001
- ⁵⁸ Martin Shipton, 'AMs to investigate if Hart broke the rules', Jan 22 2004, *The Western Mail*
- ⁵⁹ Adapted from Chaney, P. and Mackay, (2003) 'Mainstreaming Equality - A Comparative Analysis Of Contemporary Developments In Scotland And Wales', A paper Presented to the Gender Research Forum, cabinet Office, 01.11.2003
- ⁶⁰ Equal opportunities and diversity in the school curriculum in Wales
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