

Equalities, Human Rights and Civil Justice Committee  
Tuesday 19 November 2024  
25th Meeting, 2024 (Session 6)

## Report of the Scottish Parliament's Gender Sensitive Audit

### Introduction

1. In May 2023, as part of its future work programme discussion the Committee agreed to take forward one of the two recommendations in the report [A Parliament For All: Report of the Scottish Parliament's Gender Sensitive Audit](#) namely Recommendation 6 that:

“The Equalities Human Rights and Civil Justice Committee consider holding an evidence session on MSP candidate diversity. Such a session could be with the party leader and/or individual(s) who have responsibility for selection procedures for each party, and take place following an election, mid-session, and one year prior to an election.

The evidence session could:

- Detail and account for the diversity of its candidates and elected MSPs; (NB. Diversity here refers to protected characteristics under the 2010 Equality Act. Parties are strongly encouraged to also include data referring to Parental Status (motherhood and fatherhood))
  - Detail the formal rules of party recruitment/selection procedures for elected office and internal party positions;
  - Outline a plan of action to improve the representativeness of both candidates and MSPs at the subsequent election.”
2. Members agreed it would be most helpful to consider this item closer to the Holyrood elections in 2026 and to invite officials to give evidence with a view to exploring with them further their policy commitments on gender equality and diversity.

### Background

3. In February 2022, the Presiding Officer commissioned a Gender Sensitive Audit to look at how structures, operations and policies within the Scottish Parliament can help promote women's equality in representation and participation.
4. The Presiding Officer set up a Board comprising Members from each party in the Parliament, external experts and senior parliamentary officials to consider its findings. [A Parliament For All: Report of the Scottish Parliament's Gender Sensitive Audit](#) was published in March 2023 and made a number of recommendations for action, including the provision of this guide.
5. A key aspect of the gender sensitive parliament is achieving an equal balance of men and women as elected representatives. Political parties will therefore need

to take a proactive role in promoting equal representation. However, parliaments are also places of work so equality must be mainstreamed through its internal processes and scrutiny.

6. The report also makes clear that having a 'gender sensitive parliament' is about more than making sure there is gender equality in the Parliament. It is about making sure there is equal participation, and that gender equality is mainstreamed into the work of the Parliament.
7. The next Scottish Parliament election is expected to be held in May 2026.

## **What can political parties do to increase the number of women candidates?**

8. It is well established now that it is important to have a diverse parliament that represents Scotland's diverse population and there are a number of steps that political parties can take to improve this.

### **Equality Act 2010**

9. The EHRC (Equality and Human Rights Commission) has published [guidance on the Equality Act 2010 and political parties](#). It sets out the steps that parties can take to improve the diversity of their candidates.
  - **Positive action**  
[Section 104 of the Equality Act](#) allows political parties to take 'positive action' in the selection of candidates in order to address under-representation. This can be applied to address under-representation in terms of race, sex, disability, sexual orientation and gender reassignment.
  - **Reserved places on shortlists**  
[Section 104\(6\) of the Equality Act](#) allows parties to reserve a fixed number of places on their candidate shortlists for people from an under-represented group.
  - **All-women shortlists**  
Under [section 104\(7\)](#) parties can reserve all of the places on their shortlist for one sex if this will help reduce unequal representation. Shortlists of one sex, ie all-women shortlists, will be allowed until 31 December 2030. The party does not have to show that all-women shortlists are proportionate.
  - **Disability**  
Parties can restrict shortlists to disabled candidates. This is because it is not discrimination to treat disabled people more favourably than someone who is not disabled.
  - **General provisions on positive action**  
[Section 158 of the Equality Act](#) allows parties to address disadvantage and under-representation in their membership and party structures.
  - **Diversity data**  
[Section 106 of the Equality Act](#) is **not in force**. It provides for UK Ministers to make regulations requiring parties to publish diversity data on candidates standing for elections to the House of Commons, Scottish Parliament and Welsh Assembly. Any such data would be published anonymously, and candidates would be able to refuse disclosure of any or all the information

requested by the party. Although this is not in force, there is nothing to stop parties collecting and publishing this information to be more transparent in their diversity.

## **Evidence session**

10. At today's meeting, the Committee will hear evidence from two panels, firstly from organisations who motivate, support and equip women to stand for leadership roles. It will hear from:

- Lindsey Millen, Head of Policy and Development, Close the Gap
- Cat Murphy, Executive Director, Engender
- Dr Rebecca Mason, Research and Policy Lead, The Young Women's Movement
- Talat Yaqoob, Consultant and Co-Founder, Women 50:50

Thereafter it will hear from representatives who will provide information on political parties' selection processes:

- James Tweedie, Director, Scottish Conservative and Unionist Party
- Ann McGuinness, Co-Convener, Women's Network, Scottish Green Party
- Sarah Boyack MSP, Scottish Labour Party
- Cailyn McMahon, Local Government Officer, Scottish National Party

## **Format**

11. The evidence session will be held in person and broadcast on [Scottish Parliament TV](#).

## **Topics**

12. This session will provide an opportunity for the Committee to explore topics including:

- Why it is important to have equal representation.
- What barriers women face and how these can be removed.
- Positive action being taken by political parties.
- What support structures parties have in place, for example complaints mechanisms and codes of conduct.
- Why data on diversity is important.
- What methods political parties are using to increase diversity.
- What can be done more broadly to improve diversity.

## **Next steps**

13. The Committee will consider the evidence it has heard at today's session in private and agree on next steps.

**Clerks to the Committee**  
**November 2024**