

Equality Impact Assessment:

House of Lords Reform Bill

Parliament and Constitution Division

July 2012

Equality Impact Assessment

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| Constitution Group |
| Parliament and Constitution Division |

Preliminary screening

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|--------------------------|------------|
| Date of Screening | 06/07/2012 |
| Director | Peter Lee |

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| Name of Policy | X | This is new |
| | | This is a change to an existing policy |
| | | This is an existing policy, not previously assessed |

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| Aims, Objectives & Projected Outcomes |
| <p>The House of Lords Reform Bill proposes changes to the membership of the House of Lords.</p> <p>The principle behind the Bill is simple. The Government believes that those who make the laws of the land should be elected by those to whom the laws apply.</p> <p>The projected outcome is to enact a Bill which will bring democratic legitimacy to the House of Lords.</p> |

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| Will the policy have an impact on national or local people/staff? | YES |
| Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy | NO |
| Are there any aspects of the policy that could contribute to equality or inequality? | NO |
| Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations? | NO |
| If this is an amendment of an existing policy, was the original policy impact assessed? | N/A |

Full Impact Assessment

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| Date of Assessment | 06/07/12 |
|---------------------------|----------|

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?
 Please cite any quantitative (e.g, statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this item of work.

| Equality Target Areas | <p>How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts?</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--------------|----------------------|-------|------|------------|-----|---------------------|-----|---------------------|-----|---------|-----|-------|-----|--------------|----------------------|-------|------|------------|-----|---------------------|-----|---------------------|-----|---------|-----|-------|-----|
| Race (consider e.g. nationalities, languages) | <p>Population of the UK The most recent reliable data on the racial composition of the UK resident population is available in the 2001 census.¹ The figures are, however, now out of date. An estimate of the current composition of the population is provided by the Office for National Statistics' 2009 Annual Population Survey.²</p> <p><u>2001 Census Results</u></p> <table border="1"> <thead> <tr> <th>Ethnic Group</th> <th>Total Population (%)</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>92.1</td> </tr> <tr> <td>Mixed Race</td> <td>1.2</td> </tr> <tr> <td>Asian/Asian British</td> <td>4.0</td> </tr> <tr> <td>Black/Black British</td> <td>2.0</td> </tr> <tr> <td>Chinese</td> <td>0.4</td> </tr> <tr> <td>Other</td> <td>0.4</td> </tr> </tbody> </table> <p><small>*Figures may not add up to 100% due to rounding</small></p> <p><u>2009 Annual Population Survey Results</u></p> <table border="1"> <thead> <tr> <th>Ethnic Group</th> <th>Total Population (%)</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>87.9</td> </tr> <tr> <td>Mixed Race</td> <td>1.8</td> </tr> <tr> <td>Asian/Asian British</td> <td>5.9</td> </tr> <tr> <td>Black/Black British</td> <td>2.8</td> </tr> <tr> <td>Chinese</td> <td>0.8</td> </tr> <tr> <td>Other</td> <td>0.8</td> </tr> </tbody> </table> <p><small>*Figures may not add up to 100% due to rounding</small></p> <p>Based on these figures, approximately 88% defined themselves as White British, 2% Mixed Race, 9% Non-White Minority Ethnic (Black, Asian, Chinese) and 1% as Other.</p> | Ethnic Group | Total Population (%) | White | 92.1 | Mixed Race | 1.2 | Asian/Asian British | 4.0 | Black/Black British | 2.0 | Chinese | 0.4 | Other | 0.4 | Ethnic Group | Total Population (%) | White | 87.9 | Mixed Race | 1.8 | Asian/Asian British | 5.9 | Black/Black British | 2.8 | Chinese | 0.8 | Other | 0.8 |
| Ethnic Group | Total Population (%) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| White | 92.1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mixed Race | 1.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Asian/Asian British | 4.0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Black/Black British | 2.0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chinese | 0.4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | 0.4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ethnic Group | Total Population (%) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| White | 87.9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Chinese | 0.8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | 0.8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

¹ <http://www.ons.gov.uk/ons/rel/ethnicity/focus-on-ethnicity-and-identity/focus-on-ethnicity-and-identity-summary-report/index.html>

² <http://www.ons.gov.uk/ons/rel/peeg/population-estimates-by-ethnic-group--experimental-/current-estimates/population-density--change-and-concentration-in-great-britain.pdf>.

Present House of Lords

As of 1 March 2012, a House of Commons Library note estimated there to be 42 BME (Black and Minority Ethnic) members of the House of Lords,³ which equates to 5% of the total membership.⁴ Comparable figures are not collected centrally by the House of Lords.⁵

Comparison with the current House of Commons

A comparison with the House of Commons helps provide a benchmark for contrast, although there will be several important differences between the two Houses.

The number of BME MPs is estimated by a House of Commons Library note at 28, which is 4.3% of all 650 MPs.⁶

BME representation in the House of Commons has been gradually increasing since the 1997 general election, rising from 1.4% in 1997 to its present high of 4.3%.⁷

Comparison with the current National Assembly for Wales and Scottish Parliament

A comparison with the National Assembly for Wales and Scottish Parliament may also help to provide an indication of the likely membership profile of an elected House of Lords as both are elected using a voting system with an element of proportional representation (although not the same system proposed for the reformed House of Lords).

Again, no records are kept centrally on the backgrounds of members of the National Assembly for Wales or Scottish Parliament. However, following the 2011 elections, the *Guardian* estimated that the National Assembly for Wales had 3% BME Assembly members, which equates to the estimated 3% of the Welsh population being defined as coming from a BME background.⁸

The *Guardian* estimated that 1.5% of the Scottish Parliament was from a BME background, whilst 4% of the Scottish population define themselves as coming from a BME background.⁹

Potential impacts

Although it is difficult to draw conclusions from the limited existing information, the data above suggests that there is no particular reason to believe that the introduction of elections to the House of Lords will have a negative effect on the

³ www.parliament.uk/briefing-papers/SN01156.pdf

The figure takes account of new appointments to 1 March 2012.

⁴ 816 - The figure (as at 2 July 2012) includes those who are on leave of absence, suspended or disqualified from sitting and voting as MEPs or active members of the judiciary: <http://www.parliament.uk/mps-lords-and-offices/lords/lords-by-type-and-party/>

⁵ This was confirmed in response to an enquiry put to the House of Lords Information Office.

⁶ www.parliament.uk/briefing-papers/SN01156.pdf

⁷ www.parliament.uk/briefing-papers/SN01156.pdf

⁸ <http://www.guardian.co.uk/news/datablog/2011/may/09/scottish-parliament-northern-ireland-welsh-assembly-election-results-diversity#data>

⁹ <http://www.guardian.co.uk/news/datablog/2011/may/09/scottish-parliament-northern-ireland-welsh-assembly-election-results-diversity#data>

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| | <p>ethnic diversity of the House of Lords as a whole, based on the evidence of the House of Commons, National Assembly for Wales and Scottish Parliament. Indeed, part of the purpose of these reforms is to ensure a more representative and diverse House of Lords for the future.</p> <p>Members of the House of Lords will be elected using a proportional voting system. Proportionally representative voting systems tend to have a positive impact on the representation of ethnic groups within the legislature and this view is upheld by the statistics from the National Assembly for Wales membership. In the case of the House of Lords, this might happen because political parties will be unable to nominate the previous incumbent for re-election (either in the initial election or, thanks to the proposal for non-renewable terms, in any subsequent election) and they will be likely to select more than one candidate in each district. Both of these factors combined should reduce the likelihood that parties will pick the “archetypal” candidate put forwards at previous elections.¹⁰ Ultimately, though, it will be the behaviour of the electorate and particularly of political parties in candidate selection that will determine the makeup of the House’s elected members.¹¹</p> <p>Additionally, the Bill provides for a number of appointed members, which is likely to have a positive effect on the level of BME representation in the House, particularly as clause 17 (4) of the Bill requires the Appointments Commission to take whatever steps it considers necessary to ensure that a diverse range of people are considered for recommendation. This would include ethnic diversity. The Bill also states that the Appointments Commission, when selecting people to recommend for appointment, must take into account the desirability of the appointed members collectively reflecting the diversity of the UK population (clause 17 (2)(b)).</p> |
| <p>Disability (consider social access and physical access)</p> | <p>Population of the UK According to figures published by the Department for Work and Pensions, there are currently over ten million people with a limiting long term illness, impairment or disability in the UK.¹²</p> <p>Present House of Lords The number of disabled members of the House of Lords is unknown, as no data is formally collected.</p> <p>Comparison with the House of Commons The numbers of disabled MPs is also unknown. According to evidence provided by the disability charity Radar, numbers of disabled MPs are very low - and this is reflected by the small number who have publicly stated their disability.¹³</p> <p>Key Findings The report of the Speaker’s Conference on Parliamentary Representation in 2010 highlighted continuing concerns around the number of willing disabled</p> |

¹⁰ http://www.psa.ac.uk/journals/pdf/5/2012/695_260.pdf
¹¹ <http://www.official-documents.gov.uk/document/cm73/7304/7304.pdf>
¹² Family Resources Survey, 2009/10. http://research.dwp.gov.uk/asd/frs/2009_10/chapter5.pdf
¹³ <http://www.publications.parliament.uk/pa/spconf/167/167we04.htm>

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| | <p>candidates to stand for elections. The report also highlighted the logistical barriers in the parliamentary environment, which needed to be addressed for members to carry out their roles effectively.¹⁴</p> <p>Potential Impacts</p> <p>Although it is difficult to draw conclusions from the limited existing information, there is no reason to believe that the introduction of elections to the House of Lords will have a negative effect on the profile of disabled members within the House of Lords, and there are some reasons why representation of disabled people may increase (detailed below). Indeed, part of the purpose of these reforms is to ensure a more representative and diverse House of Lords for the future.</p> <p>The Government has already consulted on steps to encourage more disabled people to become involved in politics, and will be launching the Access to Elected Office Fund this summer to offer additional financial support for disabled candidates.¹⁵ The financial support on offer is due to be evaluated at the end of March 2014 and the Government will consider any further use of the fund in the light of that evaluation and wider spending pressures.</p> <p>In addition, disabled members of the House of Lords are currently entitled to recover additional expenses required as a result of their disability. We would anticipate (based on the evidence of the House of Commons) that a similar arrangement would continue in a reformed House of Lords.</p> <p>The report of the Speaker's Conference also highlighted the positive and ongoing work to make the parliamentary environment a more amenable place for disabled members,¹⁶ including fitting induction loops into the committee rooms, increasing the amount of disabled parking and improving wheelchair access.</p> <p>Additionally, the Bill provides for a number of appointed members, which is likely to have a positive effect on the level of disabled representation in the House, particularly as clause 17 (4) of the Bill requires the Appointments Commission to take whatever steps it considers necessary to ensure that a diverse range of people are considered for recommendation. This would include disabled people. The Bill also states that the Appointments Commission, when they select people to recommend for appointment, must take into account the desirability of the appointed members collectively reflecting the diversity of the UK population (clause 17 (2)(b)).</p> |
| Gender | <p>Population of the UK</p> <p>The population of the UK is made up of approximately 51% women, compared to 49% men.¹⁷</p> |

¹⁴ <http://www.publications.parliament.uk/pa/spconf/239/23911.htm#a57>
¹⁵ <http://www.homeoffice.gov.uk/publications/equalities/public-political-equality/access-response/consultation?view=Binary>
¹⁶ <http://www.publications.parliament.uk/pa/spconf/239/23911.htm#a57>
¹⁷ Office for National Statistics figures for UK population in mid-2007 were 31.0 million women of 29.9 million men. <http://www.statistics.gov.uk/cci/nugget.asp?id=1651>

Present House of Lords

According to the Houses of Parliament website, the proportion of female members of the House of Lords is 22%.¹⁸ Significant variations exist in the gender balance between different categories of peer; background to these variations is explained below.

Gender by type of peerage as at 2 July 2012:

UK Parliament: House of Lords

| | Male | | Female | | Total No. |
|---|------------|------------|------------|------------|------------|
| | No. | % | No. | % | |
| Archbishops and bishops | 26 | 100 | 0 | 0 | 26 |
| Peers under the House of Lords Act 1999 | 90 | 98 | 2 | 2 | 92 |
| Life Peers under the Appellate Jurisdiction Act 1876 | 22 | 96 | 1 | 4 | 23 |
| Life Peers under the Life Peerages Act 1958 | 498 | 74 | 177 | 26 | 675 |
| TOTAL | 636 | 78% | 180 | 22% | 816 |

Source: Parliament Website¹⁹

Analysis

- The Church of England is currently exempt from equality laws relating to gender discrimination in the appointment of bishops. Its legislation bars women from being ordained as bishops or archbishops.
- Most hereditary peerages pass through the male line only, though in the case of Scottish peerages, the eldest daughter may inherit where there is no male heir.
- On 1 December 1998, only 16 of the 759 hereditary peers in the House of Lords were women.²⁰ The House of Lords Act 1999 subsequently removed the right of all but two hereditary office holders and 90 hereditary peers to sit and vote in the House of Lords.
- The low level of representation of women among holders of peerages under the Appellate Jurisdiction Act 1876 reflects historic inequalities of opportunity and difficulties of career progression for women in the legal field. The first female Lord of Appeal in Ordinary was appointed only as recently as 2004.²¹ Peers under the 1876 Act are disqualified from sitting and voting in the House of Lords unless retired as active judges. As at 2 July 2012 the disqualification applies to 13 of their number.²²

¹⁸ Out of a total of 816 members as at 2 July 2012: <http://www.parliament.uk/mps-lords-and-offices/lords/lords-by-type-and-party/>

¹⁹ <http://www.parliament.uk/mps-lords-and-offices/lords/lords-by-type-and-party/>

²⁰ www.parliament.uk/briefing-papers/RP98-104.pdf

²¹ Baroness Hale of Richmond

²² <http://www.parliament.uk/mps-lords-and-offices/lords/lords-by-type-and-party/>

Life peerages – further analysis

Figures below show an upward trend in the proportion of female life peerages created under the tenures of recent Prime Ministers. The highest proportion, 31%, has been created under the present Prime Minister, David Cameron (although recommendations for appointment are made by all party leaders, whether or not in government, as well as by the independent House of Lords Appointments Commission).

Life peerage creations by gender and by PM in office at time of announcement:

UK Parliament: House of Lords

| Prime Minister | Female | Male | Total |
|----------------|--------|------|-------|
| Macmillan | 7 | 83 | 90 |
| Douglas-Home | 2 | 27 | 29 |
| Wilson | 14 | 129 | 143 |
| Heath | 8 | 40 | 48 |
| Wilson | 11 | 72 | 83 |
| Callaghan | 5 | 55 | 60 |
| Thatcher | 27 | 189 | 216 |
| Major | 29 | 142 | 171 |
| Blair | 89 | 297 | 386 |
| Brown | 10 | 26 | 36 |
| Cameron | 37 | 83 | 120 |
| Total | 239 | 1143 | 1382 |

Source: House of Lords Library note²³

Comparison to the House of Commons

The proportion of women in the House of Commons may provide some indication of the effect on gender balance of a mainly or wholly elected House of Lords, although there will be several important differences between the two Houses.

The House of Commons has demonstrated a steady upwards trend of female representation (see table below) - reaching 22% following the 2010 election.²⁴

Proportion of female MPs at the start of each parliament since 1997²⁵

| | Men (No.) | Women (No.) | Proportion of women (%) |
|------|-----------|-------------|-------------------------|
| 1997 | 539 | 120 | 18 |
| 2001 | 541 | 118 | 18 |
| 2005 | 518 | 128 | 20 |
| 2010 | 507 | 143 | 22 |

²³ <http://www.parliament.uk/briefing-papers/LLN-2012-005>

²⁴ http://news.bbc.co.uk/1/hi/uk_politics/8689818.stm

²⁵ www.parliament.uk/briefing-papers/SN01528.pdf

Comparison to the National Assembly for Wales and Scottish Parliament

A comparison with the National Assembly for Wales and Scottish Parliament may provide some indication of the likely membership profile of an elected House of Lords using a voting system with an element of proportional representation (although not the same system proposed for the reformed House of Lords).

According to a paper on Women in Parliament produced earlier this year, the National Assembly for Wales demonstrates the highest proportion of female representation, with women making up 40% of its membership. The same paper identified 35% of the Scottish Parliament's members are women.²⁶

Key observations

- There is an upward trend in the proportion of MPs who are women at the beginning of each parliament.
- Most recently, at the beginning of the 2010 parliament, the proportion of female MPs reached its highest level, 22%.
- The percentage of female MPs and female members of the House of Lords is significantly below the percentage in the Scottish Parliament and National Assembly for Wales.

Potential impacts

The figures suggest that there are no particular reasons to believe that the introduction of elections to the House of Lords will have a negative effect on the gender balance of the House of Lords as a whole, and there are some reasons why representation of women may increase (detailed below). Indeed, part of the purpose of these reforms is to ensure a more representative and diverse House of Lords for the future. Both chambers already demonstrate an upwards trend of female membership, which we anticipate would continue following any changes in membership brought about by the Bill.

Research suggests that the choice of a proportional representation voting system (PR) should help facilitate the election of women, as illustrated by the statistics from the Scottish Parliament and the National Assembly for Wales. Evidence across the world suggests that women are less likely to be elected to the legislature under plurality/majority systems than under PR ones. The Inter-Parliamentary Union's study of Women in Parliament found that, as at June 2004, on average 15.6% of the representatives in lower houses of legislatures were women.²⁷ Comparing established democracies in 2004, those using FPTP (first past the post) averaged 14.4 per cent women in the legislature, but the figure was almost double that —27.6 per cent— in those countries that use some form of PR. This may be because political parties may take the opportunity to actively promote a more diverse range of candidates, as they seek to offer a more "balanced" view of themselves to the electorate.²⁸

Another possible boost to female representation within a reformed House of

²⁶ www.parliament.uk/briefing-papers/SN01250.pdf

²⁷ <http://www.idea.int/publications/esd/>

²⁸ <http://www.ucl.ac.uk/spp/publications/unit-publications/109.pdf>

Lords is that political parties will be unable to nominate the previous incumbent for re-election (either in the initial election or, thanks to the proposal for non-renewable terms, in any subsequent election). Both of these factors combined should reduce the likelihood that parties will pick the “archetypal” candidate put forwards at previous elections.²⁹ Ultimately, though, it will be the behaviour of the electorate and particularly of political parties in candidate selection that will determine the makeup of the House’s elected members.³⁰

Also relevant is that members will not necessarily be expected to attend every sitting day of the House. The Bill requires IPSA (the Independent Parliamentary Standards Authority) to link members’ pay to their participation, with the intention that members are able to maintain other outside occupations and interests. The report of the Speaker’s Conference on Parliamentary Representation in 2010 suggested that the long working hours in Parliament may act as a disincentive for women wanting to seek election, as they may struggle to fit their other working and family commitments around them.³¹ The Government therefore considers that the degree of flexibility around levels of attendance should help to encourage more women to put themselves forward for election or appointment.

Additionally, the Bill provides for a number of appointed members, which is likely to help to increase the number of female members in the House, particularly as clause 17 (4) of the Bill requires the Appointments Commission to take whatever steps it considers necessary to ensure that a diverse range of people are considered for recommendation. This would include gender diversity. The Bill also states that the Appointments Commission, when selecting people to recommend for appointment, must take into account the desirability of the appointed members collectively reflecting the diversity of the UK population (clause 17 (2)(b)).

Removing reserved places for hereditary peers will also help to improve the overall percentage of female representation in a reformed House of Lords, as all except one are male. The slight reduction in the proportion of the House who are Lords Spiritual will also have an effect, as these are all male. Additionally, the low female representation created by a historically greater number of male appointments will also lessen over each transition phase as the numbers of life peers decrease.

The Government considers the overall effect is likely to be positive for a more balanced representation of gender in a reformed House of Lords.

²⁹http://www.psa.ac.uk/journals/pdf/5/2012/695_260.pdf

³⁰ <http://www.official-documents.gov.uk/document/cm73/7304/7304.pdf>

³¹ <http://www.publications.parliament.uk/pa/spconf/239/23909.htm#a19>

Gender Identity

The Government does not hold specific data relating to the membership of the House of Lords and gender reassignment. However, transgender is included in the LGBT (Lesbian, Gay, Bisexual, and Transgender) data below.

Religion or Belief

Population of the UK
Following the 2001 Census, the religious breakdown of the UK population was as follows:

| Religion (most detailed categories) | All people |
|-------------------------------------|------------|
| Christian | 37,046,500 |
| Buddhist | 144,453 |
| Hindu | 552,421 |
| Muslim (Islam) | 1,546,626 |
| Sikh | 329,358 |
| Jewish | 259,927 |
| Other | 434,977 |
| None | 7,274,290 |

Whilst these figures are not up to date, they provide a fair indication of the religious diversity of the nation.

Present House of Lords

Within the existing House of Lords, there are currently 26 places reserved for the Lords Spiritual - 24 Bishops and 2 Archbishops of the Church of England. Whilst there are other peers who are vocal about their religious beliefs, there are no specific places reserved for members of other faiths (or of no faith at all).

Specific statistics on the religious affiliation of the current members of the House of Lords are not collected. With no specific statistics, it is difficult to judge the extent to which different faiths are represented among the members of the House of Lords.

Comparison with the House of Commons

The House of Commons also does not collect information about the religious affiliation of its members.

Key Observations

As no formal data is collected, it is difficult to determine the religious affiliation of the current members of the House of Lords- unless they hold a formal religious office. The seats reserved for the Lords Spiritual identifies a clear religious group within the House of Lords. The present House of Lords Appointment Commission may also from time to time recommend the appointment of other faiths to the House of Lords (such as the present Chief Rabbi, Lord Sacks).

Following the publication of the Government’s draft Bill in May 2011, the subject

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| | <p>of religious representation in the House of Lords provoked a large amount of correspondence to ministers. The responses varied strongly in their opinions on the proposals. A large number of respondents disagreed with religious representation of any kind in a reformed House of Lords, or at least with reserved places for the Church of England.</p> <p>However, many others supported the retention of the Lords Spiritual, some of whom also supported some form of formal representation for those from other faiths.</p> <p>Potential Impacts</p> <p>Although it is difficult to draw conclusions from the limited existing information, there is no reason to believe that the introduction of elections to the House of Lords will have any particular effect on the balance of religious representation within the House of Lords other than reducing the number of reserved places for the Church of England.</p> <p>In a mainly elected reformed House of Lords, there would still be a significant religious element made up of the 12 places reserved for Church of England Archbishops and Bishops. Whilst this is a reduction from their present numbers, it is a reduction which is broadly in line with the overall decrease in the size of the House.</p> <p>There would be no reserved places for representatives of other faiths. However, the Bill requires the Appointments Commission to take whatever steps it considers necessary to ensure a diverse range of people are considered for recommendation for appointment. The Bill also states that the Appointments Commission, when selecting people to recommend for appointment, must take into account the desirability of the appointed members collectively reflecting the diversity of the UK population (clause 17 (2)(b)).</p> <p>The Joint Committee also recommended that the Bill should include “the inclusion of the major faiths” as one of the statutory factors to which the Appointments Commission must have regard. However, the Government does not believe it is necessary for the Bill to make explicit reference to the “inclusion of the major faiths”, as this would raise unnecessary debate about what constitutes such a faith. The Appointments Commission would be required to consider the adequate representation of faith groups, and of people of no faith, by the requirement upon it to have regard to the desirability of the appointed members collectively reflecting the diversity of the population of the UK.</p> |
| <p>Sexual Orientation</p> | <p>Population of the UK</p> <p>In 2005, 1 in 17 people (6%) in the population of Britain were estimated to be homosexual but more recent figures for 2011 state that the figure is 1 in 100, and that 1 in 200 people are bisexual.^{32 33}</p> |

³² Figures compiled by the Government Actuary Department in 2005:
http://www.opsi.gov.uk/si/si2005/draft/em/uksidem_0110730216_en.pdf

³³ <http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/april-2010-to-march-2011/stb---integrated-household-survey-april-2010-to-march-2011.html#tab-Sexual-Identity>

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|-----|---|
| | <p>Present House of Lords There are no statistics around the sexual orientation of the members of the House of Lords, as members are not obliged to declare this at any stage. The same is also true for MPs.</p> <p>Key Data No statistics are collected on sexual orientation and, as a result, any evidence that could be provided is unreliable. The lack of any reliable data makes it difficult to judge how representative both chambers are.</p> <p>Potential impacts There is nothing in the draft Bill that is likely to have any measurable impact on LGBT representation.</p> |
| Age | <p>Population of the UK The average age in the UK is currently 40 years old and 17.2% of the population are currently over 65.^{34 35}</p> <p>Present House of Lords The national statistics provide a sharp contrast with the composition of the House of Lords, where the average age is 69 (as at 12 October 2011) and working from written evidence produced based on members' expenses claims in 2011, 83% of the House is over 60.^{36 37}</p> <p>Comparison with the House of Commons The age profile of the House of Commons may provide some indication of the effect on the age profile of a mainly or wholly elected House of Lords. The average age in the House of Commons is 50 and working from statistics gathered for a House of Commons Library note in 2011, 18% of the House is over 60.^{38 39}</p> <p>Comparison with the Scottish Parliament Comparatively, statistics from the Scottish Parliament may provide an indication of the likely membership profile of an elected House of Lords using a proportional voting system. Following the 2011 elections, the average age of a Member of the Scottish Parliament was 50 and 19% of members were over 60 at the time of the 2011 elections.^{40 41} No data is available on the ages of the members of the National Assembly for Wales.</p> <p>Key Data There is a marked contrast between the ages of those in the House of Commons and Scottish Parliament compared to the House of Lords. The</p> |

³⁴ http://www.direct.gov.uk/en/governmentcitizensandrights/livingintheuk/dg_10012517

³⁵ <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-248389>

³⁶ <http://www.parliament.uk/about/faqs/house-of-lords-faqs/lords-members/>

³⁷ <http://www.publications.parliament.uk/pa/jt201012/jtselect/jtdraftref/284/284ii05.htm>

³⁸ <http://www.parliament.uk/about/faqs/house-of-commons-faqs/members-faq-page2/>

³⁹ <http://www.parliament.uk/briefing-papers/SN01528>

⁴⁰ [http://www.scottish.parliament.uk/Annualreportsandaccounts/LG_\(2011\)_Paper_046_-_Scottish_Parliament_S4_Demographics.pdf](http://www.scottish.parliament.uk/Annualreportsandaccounts/LG_(2011)_Paper_046_-_Scottish_Parliament_S4_Demographics.pdf)

⁴¹ Calculation based on a membership of 129, with 25 members over 60.

percentage of MPs and MSPs over 60 is much more in line with the national spread of ages and the average age of MPs is slightly higher (although this is only to be expected as the average national age includes those of non-working age). Comparatively, the House of Lords membership is significantly older. The large difference in age can be attributed to the life-long nature of membership of the House of Lords.

Potential Impacts

The figures suggest that the introduction of elections would be likely to have an impact on the age profile within a reformed House of Lords, although given the importance of expertise in fulfilling the House's functions, those put forwards for election or appointment may still be older on average than MPs or MSPs. Nonetheless, the Government anticipates that the proposals will help align the age profile of the House somewhat more closely with the age profile across the UK population. Whilst there would continue to be no upper age limit for members, the proposal to replace life-long membership with 15 year terms is almost certain to reduce the average age as members would no longer remain in the House indefinitely.

The minimum age requirement for members of the reformed House of Lords will also be reduced. Currently Standing Orders of the House of Lords provide that no person under the age of 21 years may sit in the House. The Bill provides that any person who has not reached the age of 18 either on the day on which they are nominated for election, or the day on which are selected as any other type of member, is disqualified from membership. This is unlikely to have any major impact on the House of Lords' membership.

What research have you considered commissioning to fill any data gaps?

For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy.

We have considered requesting information from the House of Lords, where the relevant information is not available (for example statistics around sexual orientation and religion or beliefs). However, it was deemed that the difficulty and complexity of such a request would not offer any significant benefit.

Following the 12 January backbench debate on the recommendations in the report of the Speaker's Conference, a motion was passed calling on the political parties to publish anonymised data on the diversity of their candidates. The Government is working with the larger political parties on a voluntary system to do this. The publication of such data should, over time, help to incentivise greater diversity.

Apart from the information that is available in the public domain, we have also provided the opportunity for stakeholders to provide their views and any relevant information through writing to the Joint Committee on the draft Bill.

Who are the stakeholders, community groups, staff or customers for this policy area?

Arguably the stakeholder group extends to the voting population of the UK. Whilst the proposed reforms will not have a direct impact on the voters, the by-product of these reforms may be changes in the ethnic, sexual, gender and religious diversity of the House of Lords.

However, there are no specific community groups, staff or customers impacted by these policy proposals.

What are the overall trends and patterns in this qualitative & quantitative data?

Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.

The written evidence to the Joint Committee demonstrated strong interests from the public around the level of representation of women and faiths (including people of no faith) within the reformed House of Lords.

Please list the specific equality issues that may need to be addressed through consultation (and further research)?

No consultation will be required.

Gathering evidence through community engagement

Internal stakeholder engagement: Consulting & involving Other Government Departments, Staff, Agencies and NDPBs

| Does this policy affect the experiences of staff? How? What are their concerns? | |
|--|-----|
| Staff | N/A |
| Staff networks and associations | N/A |
| Trade Unions | N/A |

| How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other policies and services? |
|--|
| The direct impact of this proposal on other policies and services is unlikely to be significant from a diversity perspective. |

| What positive and adverse impacts were identified by your internal consultees? Did they provide any examples? |
|--|
| N/A |

External consultation and involvement

| How did your engagement exercise highlight positive and negative impacts on different groups / communities? | |
|--|---|
| Voluntary Organisations | The Joint Committee's report did not highlight any specific negative or positive impacts for voluntary organisations. A reformed House of Lords would be governed by the same rules around parliamentary access and lobbying as before (although it would have capacity to amend those rules). |
| Race | The Joint Committee's report, following consultation, did not identify any significant likely effects for particular groups as a result of the proposed reforms. |
| Faith | A number of respondents to the Joint Committee indicated that any potential reform of the House of Lords would cause some impact to themselves or their membership. Specifically, the Committee received comments from humanist/non-religious groups, who indicated their disapproval of the perceived privileged status of the Church of England. Against this, some respondents welcomed the continued guaranteed presence of members able to represent a faith perspective. There were also some requests for greater representation of members from other faiths or of no faith in a reformed House. |
| Disability Rights | The Joint Committee's report, following consultation, did not identify any significant likely effects for any particular group as a result of the proposed reforms. |
| Gender | A number of respondents to the Joint Committee highlighted the need to continue to promote greater representation of women - whatever the eventual choices made around reform. They were particularly supportive of the move towards a more proportionally representative form of voting as statistically this was thought to increase the number of female members. |
| Gender Identity | The Joint Committee's report, following consultation, did not identify any significant likely effects for any particular group as a result of the proposed reforms. |
| Sexual Orientation | The Joint Committee's report, following consultation, did not identify any significant likely effects for any particular group as a result of the proposed reforms. |

| | |
|------------|---|
| Age | The Joint Committee's report, following consultation, did not identify any significant likely effects for any particular group as a result of the proposed reforms. |
|------------|---|

Assessment and analysis

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

No, it would be highly unlikely that these proposals would have a major differential impact on any group.

The existing research and commentary around the impact of a proportionally representative voting system indicates that the diversity of the House may improve under proposals for an elected House. However, the type of voting system alone will be unlikely to foster huge improvements if it is not underpinned with a more diverse range of candidates presented for election. For this reason, the Government hopes the political parties will use the reform of the House of Lords as an opportunity to consider how to increase the participation of women in Parliament. The Joint Committee has also asked political parties to be mindful of improving the overall diversity of their candidate lists.

The opportunity for the public to vote on a completely new set of candidates may also serve to encourage a more diverse set of candidates compared to the existing House of Lords or Commons.

Finally, the Bill makes specific provision for the House of Lords Appointments Commission to take whatever steps it considers necessary to ensure a diverse range of people are considered for recommendation (clause 17 (4)). The Bill also provides that the Appointments Commission, when selecting people to recommend for appointment, must take into account the desirability of the appointed members collectively reflecting the diversity of the UK population (clause 17 (2)(b)). These two clauses should translate to a group of appointed members who better reflect the diversity of the population of the UK.

What were the main findings of the engagement exercise and what weight should they carry?

The main finding of the engagement exercise was a specific interest in the religious representation in the House. There was also some concern expressed over gender diversity. These concerns have been acknowledged and reflected in the Bill and they will continue to help inform debate moving forwards. However, the engagement exercise has not highlighted any concerns which are sufficiently weighty to prevent further progress.

Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

There would be no specific circumstances arising from the policy which would allow unlawful direct or indirect discrimination.

How does the policy promote equality of opportunity?

The proposal for a mainly elected House offers greater opportunity (simply by virtue of opening up more space through an election) for those from a minority background to seek a position in Parliament. As a process of selection, election is more transparent than the current system whereby most appointees are selected by party leaders. According to some research, a proportional form of voting also enables more candidates from minority backgrounds to be elected.

In relation to appointed members, the Bill provides a statutory guarantee of fair and open competition as well as requiring the Appointments Commission to take whatever steps it considers necessary to ensure a diverse range of people are considered for recommendation and take account of diversity when selecting candidates.

How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?

By opening up the House of Lords to the electoral process, the proposals potentially provide more opportunities for those from under-represented backgrounds to get involved in politics and also offers another opportunity to vote on those who make the laws.

How can the policy be revised or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

In theory it might be possible to place statutory requirements on political parties or the Appointments Commission to ensure that certain proportions of candidates for election/appointed members were from particular groups, but this would be inappropriate in practice. The Government does not in any case believe that there is significant risk of adverse impact.

Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.

No. All concerns that have been raised through the various consultation phases have been acknowledged and they have guided and instructed the eventual policy proposed.

Ensuring access to information

How can you ensure that information used for this EIA is readily available in the future?

We have used information which is already available in the public domain to inform our statistics around the diversity of representation within the existing House of Lords. Please see the reference citations for further information.

The information gathered as part of the Joint Committee consultation is already freely available on the following website: <http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-house-of-lords-reform-bill/publications/>

We will also publish this EIA on the Cabinet Office website.

How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

We will continue to offer the opportunity to comment on the proposals as they progress through the House.

How will you monitor this policy to ensure that the policy delivers the equality commitments required?

The policies involved will be reflected in the membership seen within a reformed House of Lords. It will be up to the reformed House to commission any detailed analysis.

The House of Lords Appointment Commission will also need to keep under review the diversity of the appointed membership of the House in order to assist their judgements on future appointees.

Director approval:

Peter Lee

Date: 06/07/2012