

Briefing on Enacting Section 106 of the Equality Act

What is Section 106?

Section 106 is a provision in the Equality Act 2010 which has yet to be brought into force. When enacted, it would require political parties to publish data on the protected characteristics of candidates standing for elections to the House of Commons, Scottish Parliament, and Senedd. There is a Ministerial commitment to commence the provision.

Why commence Section 106 and why now?

While significant progress has been made in women's representation, it is by no means guaranteed this will continue, and there is a very real danger of going backwards. We believe that Section 106 is a vital tool for helping to move the dial on diversity of representation by bringing greater transparency and shining a spotlight on the selection of women candidates.

The next general election will be a key moment and it is essential that Section 106 is in place as soon as possible so that candidate data can be collected ready for publication after the election. This election will likely occur close to the centenary of equal franchise in 2028, bringing heightened scrutiny on progress towards equal representation. Marking this historic milestone with real progress on women's representation means the Government must act now. We are asking for your support to make that happen.

Parliament does not reflect the diversity of the UK population. Women only make up 41% of MPs and only 10 MPs have declared a disability, compared with one in five working-age adults being disabled. It was only at the last general election that Parliament finally came close to reflecting the ethnic diversity of the population.

Candidate selection is crucial to improving diversity in elected representatives. In 2024, only 31% of candidates were women, 50 constituencies had all-male candidate lists, and none had all-female slates.

Section 106 would improve transparency, accountability, and consistency in how parties collect and publish candidate diversity data. It would highlight disparities, enable greater scrutiny of selection processes, support targeted action to improve representation, celebrate progress, and hold parties accountable for advancing diversity.

How it could be done:

Commencement of Section 106

- A Statutory Instrument (SI) would be laid before Parliament using the affirmative procedure.
- Regulations would need to be created covering what data is published, the format and timing of publication and which parties are covered.

Questionnaire Development

- An independent body (e.g. Electoral Commission or EHRC) would develop a questionnaire for candidates with a list of questions on protected characteristics.
- Best practice for collecting data on protected characteristics should be followed, such as the ONS

harmonised standards.

- The questionnaire would collect data on all protected characteristics apart from those explicitly excluded. Whilst some data categories may be too small to publish, including all protected characteristics ensures Section 106 reflects the full diversity of candidates and helps to future proof it.
- However, given the sensitivities around collecting data on some characteristics, any consultation on Section 106 should consider which protected characteristics are to be included.
- Parties may choose to collect additional data for internal use (for example, on caring responsibilities or Welsh language skills), separate from the standard questionnaire.

Who is covered by Section 106?

- Regulations will define which political parties Section 106 applies to and what candidate data should be collected.
- Applying the duty to parties standing in 30 or more constituencies would address concerns around placing a disproportionate administrative burden on smaller parties, while ensuring datasets are large enough to maintain anonymity. This threshold would still include smaller national parties, such as Plaid Cymru and the SNP.
- Stage one - data is collected and published from selected and elected candidates. Stage two - expansion of the provision to include unsuccessful applicants.

Administering the Questionnaire

- All prospective candidates should be invited to complete the Section 106 questionnaire as part of the application process. Participation would be voluntary.
- Clear information should explain why data is collected and how it will be used as well as how it will be stored and kept anonymous.

Data Protection

- Candidate equality data must be secure, confidential, and used only for monitoring purposes.
- Data should be stored separately from application and selection materials, with no access for those involved in candidate selection.

Data collection and publication

- A standard publication template should be used to ensure consistency and comparability (provided by an independent body e.g. EHRC or Electoral Commission).
- Data should be published on a dedicated page on party websites.
- Parties should also submit data to an independent body (e.g. Electoral Commission or EHRC) to be published centrally.
- Parties should be provided with guidance on how to publish data whilst ensuring candidates can't be identified. More detailed data may be collected but published using broader categories. For example: collect detailed ethnicity data but publish under broader categories.
- Publishing individual characteristics would be the simplest approach as intersectional data requires extra caution.
- For maximum impact publication should be within a set timeframe on a specified date.

A more detailed briefing, developed by Centenary Action and Electoral Reform Society, is also available. To receive a copy of for more information contact: **Liz Speight (speight@careinternational.org)**