



## **Women, Power and Decision Making**

10<sup>th</sup> July 2023

A report from CEDAWinLAW.com

### **Preamble**

**Women are underrepresented in positions of power worldwide. This lack of parity with men impacts not just on the women themselves but on women's wider communities.**

**These briefing notes address these concerns and suggest ways in which the situation could be improved through already existing legal mechanisms Including antidiscrimination legislation and adherence to international law particularly CEDAW (the Convention on the Elimination of all forms of Discrimination against Women). It provides a clear example of ongoing discrimination against a particular cohort of women (women born in the 1950s who came to adulthood at a time women's rights were even more overlooked than today).**

**This example illustrates keenly how overlooking women's right to equal participation in decision-making leads to an ignoring of, and ignorance about, women's economic rights, health and wellbeing. Worse, it shows how the failure to ensure women's participation in decision-making can lead to a wilful failure of government to consider the impact of policy decisions and law-making on women and women's rights generally.**

**Lack of adherence to domestic and international laws has meant that a group of women born in the 1950s and who were not at the decision-making table, nor even consulted, have been adversely affected by decisions made about their pensions.**

**The UN CEDAW committee is aware of this women's rights issue and has supported 1950s women in its recommendations that the Government "Take effective action to ensure that the increase in State pension age from 60 to 66 does not have a discriminatory impact on women born in the 1950s."**

**The Vice -Chair of the Committee, Dr Elgun Safarov, has also given his support providing evidence to the CEDAWinLAW Tribunal held in July 2022.**

**Work continues at the UN to end discrimination against women and in the UK the women born in the 1950s have used Parliamentary mechanisms such as Early Day Motions (EDMs) and petitions to Parliament to highlight their cause. Despite the support of hundreds of cross-party MPs, together with thousands of signatories to the petitions and some indications of support at election time from leaders of the main parties-which have not been honoured-no progress has yet been made.**

**This paper outlines the main issues and suggests recommendations for a way forward.**

### **UN CEDAW General Recommendation 40**

At its 84<sup>th</sup> session held in Geneva on 22 February 2023, the [Committee on the Elimination of Discrimination against Women](#) held a half-day of general discussion on “Equal and inclusive representation of women in decision-making systems”.

Ms. Sarah Hendriks, Director of Programme, Policy and Intergovernmental Division, UN Women stated:

*“It has been over 40 years since the Convention on the Elimination of all Forms of Discrimination Against Women was instituted. But the world is not on track to achieve gender equality by 2030. Gender parity in parliament is projected to be achieved only by 2063 and among Heads of State and Government not before 2150.*

*The new General Recommendation on the equal and inclusive representation of women in decision-making systems brings an opportunity to address the prevailing obstacles to realizing women’s equal political rights worldwide and urges States to meet their commitments.*

*It represents an opportunity to build on previous recommendations of the Committee to encourage widespread adoption and implementation of temporary special measures as underlined in the UN Secretary General’s Call to Action on Human Rights and Our Common Agenda.”*

The use of the temporary special measures (TSMs) mentioned could be a way forward in addressing the issues of discrimination faced by women in the United Kingdom.

The Hon Dr Jocelynn Scutt AO, herself a former Anti- discrimination Commissioner, presented a paper at the UN conference in February on the lack of women in leadership positions and she also chaired two ‘People Tribunals’ which concluded that women in the UK were suffering from direct discrimination in relation to the raising of the pension age. and that CEDAW should be implemented to resolve these issues. The new General Recommendation, GR40, is another useful tool to address the issue of discrimination.

**Others share these views.**

**Volker Türk, UN High Commissioner for Human Rights, stated. On 21<sup>st</sup> June 2023:**

*“Progress on #GenderEquality is far too slow. We can’t afford to wait 155 years for women to have an equal say & seat in all decision-making tables. Our present & future depend on it. It’s time to dismantle the patriarchal structures holding us all back.”*

**Pedro Conceição, head of UNDP’s Human Development Report Office:**

*“Social norms that impair women’s rights are also detrimental to society more broadly. When women exercise freedom and agency, communities at large stand to gain.”*

**Achim Steiner, Administrator for the UN Development Programme on 21<sup>st</sup> June 2023 said:**

*“Women leaders are powerful changemakers. For countries with women leaders in the past decade, changes in gender social norms were nearly 3 times greater than in those without.”*

Gender discrimination doesn’t just harm women. Societies where women have greater rights and opportunities are freer and more prosperous. We must shape a new and richer culture through education, recognition and representation in every sphere of society - one that fully recognizes that half the world’s population is equal to the other.

This sentiment has been uttered time and again by so many, including for example former UN Secretary General Kofi Annan: Kofi Annan, Champion for Women’s Rights | Council on Foreign Relations (cfr.org) (accessed 28 June 2023), and one of his predecessors Boutros Ghali: WomenWatch - International Women’s Day 1993 (<https://www.un.org/en/>) (accessed 28 June 2023). Indeed, it is a truism.

Without doubt, more women are needed at the decision-making table. Make no mistake; women decision-makers in equal numbers are essential.

**Mari Elka Pangestu Managing Director of Development Policy and Minister of Trade in Indonesia. In March 2022 stated:**

*“Women have been hit hard by the pandemic but we have the opportunity to fix the systems, practices& funding for an inclusive recovery, Women’s leadership and participation in decision making is essential.”*

**And Ruth Bader Ginsburg, former Supreme Court Judge, said in a 2009 interview with *USA Today***

*“Women belong in all the places where decisions are made.”*

Depressingly the UN's latest report shows that for over a decade now gender inequality hasn't improved. Inequality has plateaued. Women and girls remain over-burdened, under-valued, subjected to disadvantage, discrimination, violence and, too often, death - whether by deliberate act of direct violence or by stealth, and - in the instant case of pension rights - by the impact of the raising of the pension age directly targeting 1950s women without any mitigation or recognition of the inevitable consequence to their health and wellbeing.

**In an article June 2023, Brianna Boecker states:**

*"It's looking like we are unlikely to meet the UN's goal of gender parity by 2030 without increased investment into women's rights. The research cites cultural biases and pressures as the hindrance to women's empowerment, globally."*

<https://womensagenda.com.au/latest/gender-inequality-has-not-improved-in-a-decade-new-un-report-reveals/>

### **Women's leadership in decision-making systems**

The UN acknowledges the importance of having women in leadership roles.

**At a Security Council open debate in Oct 2022, Deputy Secretary General Amina Mohammed stated:**

*"Including Women in Leadership, decision making engenders peace, benefits everyone".*

**And UN women in their March 2023 report:**

[https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#\\_Women\\_in\\_executive](https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#_Women_in_executive) state:

*"[Women's equal participation and leadership in political and public life](#) are essential to achieving the [Sustainable Development Goals](#) by 2030. However, data show that women are underrepresented at all levels of decision-making worldwide and that achieving gender parity in political life is far off."*

- As of 1 January 2023, there are 31 countries where 34 women serve as Heads of State and/or Government. At the current rate, gender equality in the highest positions of power will not be reached for another 130 years.
- At the current rate of progress, gender parity in national legislative bodies will not be achieved before 2063.'

**The Gates Foundation in their report on women in leadership**

<https://www.gatesfoundation.org/our-work/programs/gender-equality/women-in-leadership> state:

- *"More women in decision-making roles and at leadership levels would begin to break the cycle of inequitable and gender-biased policies".*

- *“When we remove the barriers for women and girls to thrive-when we unlock the potential of half the world’s population-something transformational happens: We ignite more of the world’s talent, energy and creativity for progress that benefits everyone.”*

**Barbara Woodward, UK Permanent Representative to the United Nations:**

*“Good leadership is good leadership. The problem is we don’t have enough women in leadership positions. We really want to see women lean in.”*

Women’s voices and their participation in all aspects of society are more important than ever.

Michelle Bachelet, Executive Director of the UN Entity for Gender Equality and the Empowerment of Women ([UN Women](#)), has called on world leaders to advance women’s involvement in politics and empower them economically.

**And a report from the International Monetary fund states:**

*“Empowering women is smart economics”*

FINANCE & DEVELOPMENT, March 2012, Vol. 49, No. 1

<https://www.imf.org/external/pubs/ft/fandd/2012/03/revenga.htm> (accessed 28<sup>th</sup> June 23)

The latest report (Jan 2023) from the Fawcett society highlights the issues of underrepresentation

[A House For Everyone: The Case for Modernising Parliament \(fawcettsociety.org.uk\)](https://fawcettsociety.org.uk/A-House-For-Everyone-The-Case-for-Modernising-Parliament)

Without urgent action, Fawcett believes these issues will further exacerbate the under-representation of women, particularly Black, minoritised and disabled women, in Westminster. And amongst other suggestions they are calling for Political parties to introduce quotas to increase women’s representation and ensure women, especially disabled women and women from Black and minoritised backgrounds, are being selected in winnable seats.

Notably, of a Parliament comprising 650 MPs only 225 are women (House of Commons, March 2023) with 225 out of 776 members of the House of Lords.

**This male bias is constant and continuing. For the House of Lords, statistics of 2020 appointments indicate:**

**Key points:**

Of the 17 new peers announced in December 2020, eight are Conservatives, five are Labour and four are Crossbenchers. Five are women (29%) and four are former MPs (24%). Of the 79 new peers Boris Johnson has appointed since becoming prime minister, 25 (32%) are women and 30 (38%) are former MPs. The graph below shows the party and group affiliation of the 79 peers. New Lords appointments:

December 2020

<https://lordslibrary.parliament.uk/new-lords-appointments-december-2020/> (accessed 28 June 2023).

More recently, appointments in the retiring lists of former Prime Minister Johnson and former Prime Minister Truss show a similar bias. PM Johnson's retirement list included seven (7) peerages of which six (6) went to men, one to a woman (that she is billed as the youngest person elevated to the peerage hardly neutralises this extreme bias): [Key allies rewarded in Johnson resignation honours list - BBC News](#) (accessed 6 July 2023).

[Boris Johnson's resignation honours list in full | The Independent](#) (accessed 6 July 2023).

Boris Johnson's list in full:

<https://www.independent.co.uk/news/uk/politics/boris-johnson-honours-list-full-b2355141.html>

Former PM Truss' list is reported as four (4) peerages, three (3) men; one woman. Liz Truss Resignation Honours List:

[Liz Truss resignation honours list revealed: Major donor and Trussonomics guru awarded peerages \(inews.co.uk\)](#) (accessed 6 July 2023).

The House of Commons is doing no better. Of five by-elections to be held shortly, the Labour Party has nominated five 'white' male candidates; and while the Conservative Party and Liberal Democrats are running women as candidates in one of these by-elections, the record does not indicate there will be bias toward women as candidates in the other seats: [Tories select councillor to run in byelection after Warburton resignation | Conservatives | The Guardian](#) (accessed 6 July 2023)

**The Fabian Society similarly recognises the vital importance of women in politics:**

[Leading the way | Fabian Society](#)

**Rosie Campbell (18<sup>th</sup> Jan 2022)**

*"One unequivocal finding is that women political leaders have and continue to reshape the nature of politics and international relations by bringing issues previously perceived as 'non-priorities,' such as gender-based violence and reproductive health, to the fore.*

*Furthermore, as policy makers, women more often prioritise issues that benefit the most vulnerable in society through healthcare, welfare and education. As such, more women leaders seem to make for more equal and caring societies. And crucially states where women hold more political power are less likely to go to war and less likely to commit human rights abuses. The research therefore demonstrates that greater representation of women in politics is associated with positive outcomes for women and society in general."*

The Government needs to listen to these organisations, and to the voices of women, and take action immediately. There is no excuse for delay.

### **1950's Women's participation**

The acknowledgement that women must have a voice in decision-making requires implementation to ensure resolution of the wrong done to 1950s-born women by direct discrimination in the rise of the pension age. ALL 1950s born women must be consulted prior to any settlement of the issue regarding the impact of the implementation of State Pension Age changes. Their involvement is essential, right and proper.

1950s Women want Alternative Dispute Resolution (ADR) settlement talks that take full account of the direct discrimination, on grounds of both age and sex, clearly identified and evidenced by the CEDAWinLAW [Judge's report](#), in addition to ongoing maladministration. These talks must involve representatives of all 50s Women's groups and include the Hon Dr Jocelynne Scutt.

### **The Judge's Report 2022**

#### **The Judge's Report concludes:**

The Law is on the side of 1950s born women. Full Restitution is the only proper legal, ethical and moral outcome and must be honoured.

A failure to acknowledge women's rights under the Equality Act 2010 is undermining domestic law and flouts international law 'CEDAW.'

The Secretary of State for Work and Pensions is aware that such talks have been requested, having been written to twice by Rt Hon Sir George Howarth MP, representing a cross-party group of MPs, calling for these talks

[https://drive.google.com/file/d/14zVb0MRKH9NI2DJHn8uqOYoH\\_W\\_vuJgi/view?usp=drive\\_link](https://drive.google.com/file/d/14zVb0MRKH9NI2DJHn8uqOYoH_W_vuJgi/view?usp=drive_link)

In his second letter Sir George states that decisions made by the High Court, Court of Appeal and Supreme Court do not absolve Government of its responsibility; and that the decision of the Supreme Court to deny BackTo60 even a hearing has been quashed by Dr Scutt. Sir George also points out that by signing and ratifying CEDAW, the Government is obliged to provide full restitution to all 1950s born women.

[https://drive.google.com/file/d/1Ugl2rSGQEwPUjLJxmZgMaAHHEzvFBXGj/view?usp=drive\\_link](https://drive.google.com/file/d/1Ugl2rSGQEwPUjLJxmZgMaAHHEzvFBXGj/view?usp=drive_link)

1950s Women also call for the Government to act on the findings of the CEDAW People's Tribunal [President's Report](#), presided over by Hon Dr Jocelynne Scutt, consistent with its International obligations, having ratified CEDAW in 1986, to introduce a Women's Bill of Rights in the UK.

## **UNITED KINGDOM'S INTERNATIONAL STANDING AND OBLIGATIONS and breaches of UK and international law**

Consistent with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, the United Kingdom has committed to take the following steps and undertaken to introduce the following measures in regard to discrimination against women, namely to address, 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field': (Article 1, CEDAW).

The proposal made by the CEDAW People's Tribunal that the United Kingdom seize the opportunity now presented to it and introduce a Women's Bill of Rights into the United Kingdom Parliament provides a real opportunity to do this - create a climate where women's rights are truly recognised as human rights, and human rights as women's rights - with the United Kingdom taking the lead.

Dr Scutt attended the UN launch of General Recommendation 40 in Geneva, on Women's Leadership in Decision-Making, in February and provided a paper to the Committee.

[https://docs.google.com/document/d/1\\_W3wUv4eb50NHsprgi9KoeMca3hXjpBJRP3ku5tYF5M/edit?usp=drive\\_link](https://docs.google.com/document/d/1_W3wUv4eb50NHsprgi9KoeMca3hXjpBJRP3ku5tYF5M/edit?usp=drive_link)

She has also chaired three "Women's Parliaments", which call for the full implementation of CEDAW into domestic law and for a Women's Bill of Rights.

### **Alternative Dispute Resolution: Settlement Talks & Mediation**

#### **Women's Parliament 2022**

The Women's Parliament is concerned that all matters brought to attention by CEDAW People's Tribunal 2021 and incorporated into The 'President's Report', and by CEDAWinLaw People's Tribunal 2022 incorporated into The 'Judge's Report', be addressed by UK govt.

**Hon Dr Jocelyne Scutt AO, President**

<https://www.cedawinlaw.com/women-s-parliament-motion>

#### **Blackstone Chambers**

Blackstone Chamber's Arbitration expertise and Hon Sir George Howarth MP's call for settlement talks to Rt Hon Mel Stride MP provide a unique opportunity therein (to resolve long outstanding righteous claims for a remedy, in a transparent and inclusive manner, in the best interests of all concerned that also brings everybody

along - to replace a secretly hand-picked few beneficiaries) and accept a negotiated deal.

### **PHSO (Parliamentary Health and Service Ombudsman)**

In anticipation of any unapproved Waspi/PHSO financial settlement (not known to 1950's Women victims because they have not been consulted nor their consent sought) we record our objection on behalf of 1950's women victims to being excluded from secret negotiations and a settlement.

### **Statutory Obligations**

All stakeholders have been made aware the statutory obligations under UK and International Laws as outlined in 'The Judge's Report' below which affirm the rights of 1950's Women and the expectations therein for those Laws to be adhered to.

<https://www.cedawinlaw.com/post/the-judge-s-report-2022>

### **Cabinet**

As advised to Secretary of State for Work & Pensions, settlement talks recognising the collective responsibility of the Cabinet are sought and the invitation remains on the table.

### **Chartered Institute of Arbitrators**

We propose that Ciarb's professional services are engaged by parties' representatives, by agreement, to remedy matters in hand

<https://www.ciarb.org/>

### **Temporary Special Measures Statutory Instruments**

As underlined in the UN Secretary General's 'Call to Action on Human Rights and Our Common Agenda', we encourage the adoption and implementation of **temporary special measures** to redress inequality and discrimination against women and, in particular for 1950's women and their legal entitlement to full restitution.

Henry VIII powers are currently used extensively via Statutory Instruments to amend primary legislation via the Executive.

**Statutory Instruments** have been used successfully to trigger CEDAW Temporary Special Measures which is an Erskine May proof Parliamentary Mechanism to provide, in this case, Full Restitution to all 1950's Women.

### **Full Restitution**

*“Government and Parliament have a responsibility to face up to and acknowledge the grave wrong done. There is no room for obfuscation or quibbling. Historical discrimination requires relief. There is a moral imperative to right this wrong. The*

*law on the side of 1950's born women. 1950's women alone are the group targeted. This is a debt of law and honour. Full restitution is the only proper legal, moral and ethical outcome. Full restitution must be honoured.” (Hon Dr Jocelyne Scutt AO).*

*“The fundamental principles of equal treatment cannot depend upon how much money happens to be in the public coffers at any one time ... that argument would not avail a private employer and should not avail the State.”*  
(Lady Hale Former President UK Supreme Court).

## **Remedy**

- An initial lump sum for victims and additional payments atop of State Pension payments, paid over a 5-year period, for those victims whose National Insurance Contributions entitle them to compensation equal to their sums deferred.
- No Tax payable.
- Benefits not affected.
- Free Dental/Optician and prescriptions.
- Named benefactor(s) in the event of death

## **Note:**

### ***Lilley Ledbetter Fair Pay Act 2009***

***USA Supreme Court insisted the Lilly Ledbetter Discrimination case was 'out of time' and she was to go to Congress in order to seek relief.***

***President Obama's first piece of legislation overturned the US Supreme Court's 'out of time' decision with a Fair Pay Act.***

## **Quotations**

*“We concluded our inspiring Global Leadership Retreat. I'm grateful to all my UN Women colleagues for their engagement and contributions. Together we will continue our unwavering support to women's voices, agency and leadership.”*  
(Sima Bahous, Executive Director UN Women, June 2023)

*“Women have played a critical role in the history of the United Nations, but their contributions have often been overlooked.”*

*On 'Women In Diplomacy Day', I salute their leadership and expertise, and renew my commitment to reach gender parity across all levels of our Organisation.”*  
(Antonio Guterres, Secretary General United Nations, June 2023)

## **Volker Türk UN High Commissioner for Human Rights :**

*“Solidarity must be our guiding principle to dismantle [#patriarchy](#) & all structures that perpetuate gender inequality. By forging alliances w/Govt's, civil society & equality movements. By engaging men & boys as allies. By mobilising resources & protecting those on the frontlines.” (June 23, 2023)*

## Recommendations

1. That the Government, which ratified CEDAW in 1986, upholds its obligations under international law and addresses the CEDAW committee's recommendations of 2019 to address the issue of the pensions of 1950s women:  
<https://www.ohchr.org/en/documents/concluding-observations/cedawcgbrc08-c-oncluding-observations-eighth-periodic-report> (accessed 23rd June 23).
2. That the Government incorporate CEDAW into domestic law to ensure that all issues of discrimination against women are dealt with under a legal framework
3. The widely recognised injustice done to 1950s born women clearly confirms that gender-neutral policies do not result in equal outcomes. This highlights the need for women's voices to be heard equally at decision-making tables and makes the point that impact assessments of legislation must be viewed through a gender-sensitive lens drawing upon the articles and general recommendations of CEDAW, which must be fully implemented into domestic law without further delay.
4. Government and Parliament must, as a matter of great urgency, address the injustices done to 1950s born women. They must recognise the historical inequalities that afflicted this cohort of women and apply the equalities principles embodied by ratified CEDAW to address both proven direct discrimination and ongoing maladministration, as I identified and evidenced by the CEDAWinLAW Judge's Report.
5. It is recommended that Secretary of State for Work & Pensions acknowledges the Hon Dr Jocelyne Scutt AO's findings in 'The Judge's Report', namely Direct Discrimination and Maladministration against 1950's Women.
6. In line with Sima Bahous, Executive Director, UN Women, and Antonio Guterres, Secretary General, United Nations, above calls for women's leadership, it is recommended that the UK's stated statutory obligations are met via settlement talks between Secretary of State for Work & Pensions and 1950's Women's representatives, facilitated by Ciarb's Arbitration Services.  
<https://www.ciarb.org/> (accessed 28th June 23).

## Conclusions

GR40 calls for the equal and inclusive representation of women in decision making systems.

As Barbara Woodward, UK permanent Representative to the UN has said:  
*"We want to see every girl have an education, be able to voice an opinion and decide her own future".*

To date UK women have not been present in equal numbers at the decision-making tables, and too often not at all, and decisions have been made for them by men, or they have been ignored entirely as if women's rights and circumstances based in and arising out of being women do not exist.

## **Volker Türk UN High Commissioner for Human Rights :**

*“We can’t afford to wait 155 years for women to have an equal say and seat in all decision-making tables”.*

1950s born women are a prime example of why it is vitally important for women to have more say in these decisions.

The UN CEDAW committee has called upon the UK Government to address this issue not least in respect of the pensions of the 1950s women. This paper shows that there are remedies available.

The government must agree to settlement talks via Ciarb appointed mediator. Margaret Satterthwaite, UN Special Rapporteur in the independence of judges and lawyers, speaking at the Human Rights Council on 26<sup>th</sup> June 2033 said: *‘The independence of judges and lawyers is a bedrock foundation on which the protection of all other human rights rest’.*

### **Acknowledgements**

CEDAWinLAW invited over 100 organisations to make submissions for this briefing and they have used those submissions which best represented the topic discussed. They are also grateful to the Right Hon Sir George Howarth MP for his support in this matter.

CEDAWinLAW acknowledge the support of  
The Hon. Dr Jocelynn Scutt  
Dr Elgun Safarov and the CEDAW Committee  
The Fawcett Society  
The Civil Society Alliance

### **CEDAWinLAW: ONE-DAY COMMISSION Civil Society Alliance message of Support**

The Civil Society Alliance is a coalition of civil society organisations from across the UK established to scrutinise and influence constitutional, administrative, and legal changes in the complex, multidimensional regulatory landscape following the UK’s withdrawal from the European Union.

Our aims are:

- Open and accountable law-making that respects democratic processes.
- A high standards UK, in which constitutional or legislative changes do not weaken standards or diminish rights.
- A strong, active civil society voice.

We are one of a group of projects funded by the Legal Education Foundation to promote the principles of justice and fairness. Our members include CEDAW in Law, Engender, Equally Ours, Just Fair, Northern Ireland Rural Women’s Network,

Pregnant then Screwed, and the Women's Platform – established and respected civil society organisations who campaign tirelessly for equality and inclusion across all sectors of our society.

It is against this background that we are happy to support the new General Recommendation on the equal and inclusive representation of women in decision-making systems. We welcome the opportunity to work collaboratively across our network to address prevailing obstacles to the realisation of women's equal political rights. We recognise the importance and urgency, particularly for younger women; of being properly involved in decision-making systems at all levels. This is essential for the promotion and protection of rights, freedoms and the rule of law.

We look forward to working with CEDAWinLaw and our partners for due recognition across the political spectrum of the knowledge and expertise civil society has to offer in bringing about positive change.

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Hon Dr Jocelynn Scutt AO

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