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Abstract

The three British Sports Councils are instrumental in developing the policy landscape for sport and physical education (PE). They aspire to equality between the sexes in ‘sport and physical recreation’ (SPR), in keeping with their Royal Charters (SE, 2009; SS, 1996; SW, 1997) and the Equality Act (HM Government, 2010). As public bodies they are committed to eliminating direct and indirect discrimination in provision, and advancing equality. One of their main functions is the distribution of public money, and all collect participation data detailing the different SPR choices of the sexes. These are primary planning tools in the three home countries.

This paper investigates whether equality in relation to sex is considered a ‘first order’ question of distributive justice for the Councils. Consequently, the funding awarded to the top SPR preferences by sex for each Country is presented. Defining SPR determines eligibility for funding and the boundaries of the SPR infrastructure which influences and interfaces with sport, school sport and PE. Consequently, critical feminist political and economic theory is used to evaluate the Councils’ framing of SPR and equality in relation to sex.

Male preferences are disproportionately grant-aided leaving those of females significantly under-funded. Although the remit of the Councils is ‘sport and physical recreation’ this is usually reframed by them as ‘sport’. Equality is generally considered a second order question of justice, and outsourced to national governing bodies of sport. Further dance, one of the most popular female SPR activities for girls, has not, until 2016, been designated as SPR in England and has been ineligible for funding.

These policies suggest indirect discrimination against women and girls who disproportionately prefer physical recreation and dance to competitive sport. Therefore, the Sports Councils and/or over-arching government departments may not be fulfilling their legal requirements under the Equality Act.

Introduction

The Human Rights Act 1998, and the Equality Acts of 2006 and 2010, including the new public sector equality duty, have given us one of the strongest frameworks of protection for equality and human rights in the world (Equality and Human Rights Commission [EHRC], 2012a, p.8).

Given the widely heralded increase in media coverage of elite women's sport, particularly during the 2012 and 2016 Olympics and within traditional male sports, the equalisation of prize money in sports such as tennis, increased professionalization of elite women's sports such as rugby, football and cricket and the increase in women's participation in sport (SE, 2016a), it may appear that gender equality in sport is well on the way to being achieved. However, this narrative could mask the fact that at a more structural level, particularly in relation to participation funding, significant inequalities still exist. Consequently, this paper analyses the grant aiding of sport and physical activity participation by the home country Sports Councils; Sport England, Sport Scotland and Sport Wales, hereafter referred to as SE, SS and SW respectively, in relation to gender equality. This is of fundamental importance given the Councils are instrumental in developing the policy landscape for sport and physical education (PE). For example, SE expenditure on school sport and the school games was £20.6m in 2015/16 (SE, 2016a, p.9) and they also

grant aid governing bodies of sport which train coaches who work in schools both within the curriculum and extended curriculum.

The law in relation to justice and sex in the UK is concerned with equality and comprises the Equality Act and Sex Discrimination (Northern Ireland) Order (HM Government, 2010; 1976). All four home country Sports Councils (SE, SS, SW and Sport Northern Ireland) have policies relating to equality. The equality agenda is shaped by the EU where the concepts of gender equality and gender mainstreaming are in widespread use (Devine, 2015). As the legislation in Northern Ireland is distinct, this paper will focus on Britain and the 2010 Equality Act. The Act requires that Councils in all functions do not directly or indirectly discriminate unless objectively justified, against women or men. All three British Sports Councils are constituted by Royal Charter with the object of '*fostering the knowledge and practice of sport and physical recreation among the public at large ... and the provision of facilities thereto*' (SW, 1997). They are responsible primarily for developing participation in sport and physical recreation (SPR) amongst the general public rather than elite sport which is the remit of UK Sport. The Councils are funded almost exclusively via central government and the National Lottery and one of their most important functions is the distribution of exchequer and lottery funding. Consequently, when awarding grant-aid, it is unlawful to directly or indirectly discriminate unless objectively justified, in relation to sex.

Feminist academics often identify three different approaches to gender equality as 'equality through sameness (equal opportunities or equal treatment), equal valuation of difference (special programmes), or the transformation of gendered practices' (Walby, 2005, p.374). Whereas gender mainstreaming, as defined by the European Commission (<http://210eige.europa.eu/content/activities/gender-mainstreaming-methods-and-tools>) involves

mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women.

Therefore, gender mainstreaming is concerned with the systematic and comprehensive implementation of gender equality throughout the whole workings of a policy, organisation or institution and so theoretically and practically depends on which approach to gender equality is adopted. Consequently, both gender equality and gender mainstreaming are contested concepts.

Theoretical context

Feminist political and economic theory critiques the apparently neutral concept of citizenship and argues that ‘behind the cloak of gender-neutrality...there lurks in much of the literature a definitely male citizen, and it is his interests and concerns that have traditionally dictated the agenda’ (Lister, 2003, p.4). Political equality between the sexes is conceptualised variously as ‘property in the person’ (Pateman, 1988), both *status* as membership of a community, and *practice* as political participation or political voice (Lister, 2003), and as three inextricably linked components: *recognition* of cultural differences, *redistribution* of economic resources, and political *representation* (Fraser, 2008). Equal political voice refers to both political participation and representation. It performs the two democratic functions of informing policy makers about the interests and preferences of citizens and placing pressure on policy makers to act on this (Fraser, 2008 p.114; Lehman Schlozman, Verba and Brady, 2013, p.3). Of particular importance is framing or agenda setting at what Fraser calls a ‘first order level’ according to the ‘all-affected’ principle. This means there should be equal political voice at the outset regarding agenda setting and policy

priorities. Equality at a second order level refers to equality within policies already politically agreed. Finally, Walby (2005) argues the feminist political and policy agenda, and concepts of gender equality and mainstreaming, have been adopted by mainstream political and policy actors and legal instruments within the UN, the EU and some nation states. Therefore women's rights have additional legal traction. Although a detailed analysis of feminist political theory and associated concepts is beyond the scope of this paper, Devine (2015) has recently argued that this work facilitates an in-depth comprehensive approach to sex equality and mainstreaming in SPR.

Devine (2015) outlines that for sport policy which aspires to reach the whole population and for compulsory PE, this means all adults and children must have *status* as members of the SPR community, and *practice* in that their voices regarding SPR preferences should be heard. Gender equality involves all three of Fraser's essential components of cultural recognition (of the different SPR preferences of the sexes), economic redistribution (to fund these difference preferences equally) and political representation (of both sexes in SPR), particularly important at a first order, framing or agenda setting level when determining the reach and scope of sport and PE policy.

Political and policy research in relation to sex and gender in SPR has tended to focus on Fraser's *recognition* of cultural differences (Flintoff, 2008; Hargreaves, 2000; Penney, 2002; Scraton and Flintoff, 2002; Smith et al., 2009) and to a lesser extent the *representation* of women in senior high profile positions in sport, for example as coaches and in the media. However, Fraser's third element of justice, *redistribution*, is virtually non-existent as a focus of SPR participation research. Thus, although research reveals that the SPR preferences of girls and women are significantly different from those of boys and men

and Devine (2015) terms this the ‘sexual division of play’, there is very little or no research which looks at the distribution of resources in relation to this.

Aim, methods and objectives

This research therefore uses feminist political and economic theory, in particularly Lister’s and Fraser’s work, to investigate equality between the sexes in relation to the distribution of economic resources by the Sports Councils, that is, grant aid, in the light of the Equality Act. Given it is at a first order level that decisions are made regarding what counts as SPR, the framing of sport and recreation and the extent to which equality is considered as a ‘first order’ question of distributive justice in relation to this frame, is analysed. It is here that direct or indirect discrimination may operate in relation to which activities are deemed eligible for funding. Finally, the research investigates, using the Sports Council’s participation and funding data, whether the SPR choices of females and males are funded equally in proportion to participation; progressively, to reduce inequalities; or regressively, reinforcing existing inequalities.

The Equality Act and Sports Council’s policies are outlined and the analysis is then structured in sections relating to Fraser and Lister’s concepts of Framing, Recognition and Political Voice, and Redistribution.

Equality Act 2010

The Equality Act applies to any individual or organisation, including government departments, providing goods facilities or services to the public. It makes it unlawful to discriminate, directly or indirectly unless objectively justified, on the basis of nine characteristics, one of which is sex. Direct discrimination occurs when an individual or

organisation providing services to the public treats someone less favourably because of their sex. Indirect discrimination is the

use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified (EHRC, 2014a, p.96) .

A provision, criterion or practice can include any formal or informal policies, decisions, rules, practices, arrangements, criteria, conditions, prerequisites or qualifications. Equality law applies not just to services but also to public functions which include ‘making decisions about priorities for services, *such as whether money will be spent in a particular area*’ (EHRC, 2014b, p.16). The term ‘objectively justified’ means that ‘something can be shown to be a proportionate means of achieving a legitimate aim’ (p.55).

In addition, the public sector equality duty (PSED) requires public authorities to go further than avoiding discrimination, and give due regard to the ‘advancement of equality’ (HM Government, 2010, p.96) in relation to its functions. These include

all of their powers and duties, meaning everything that they are required and allowed to do. Examples include: policy decisions, *budgetary decisions*, public appointments, service provision, statutory discretion, individual decisions, employing staff and procurement of goods or services (EHRC, 2014c, 5).

This requires compliance with both the general equality duty (GED) which is the same for England, Scotland and Wales, and specific equality duties (SEDs) designed to contribute to achieving the general GED and determined by each home country. The GED is

intended to accelerate progress towards equality for all, by placing a responsibility on bodies subject to the duty to consider how they can work to tackle systemic discrimination and disadvantage affecting people with particular protected characteristics (EHRC, 2014a, 16).

To comply with the general GED public bodies should collect ‘equality evidence’ which should involve engagement with these groups. It must give

a sufficient understanding of the particular disadvantages, different needs and/or disproportionately low participation experienced by people who share particular protected characteristics’ (p.50). Equality evidence enables public bodies to show due regard in decision making including ‘*decisions concerning overarching policies or budget* (p.54).

Finally, the duty to mainstream the GED and eliminate discrimination ‘includes the high-level functions of a public authority such as business planning, *budget allocation*, annual reporting and organisational development (EHRC, 2006, p.16).’ The EHRC advises that ‘these will be particularly important in ensuring that the duty is mainstreamed into the day-to-day workings of the public authority, is not marginalised, and results in changes in the most relevant areas of the authority's work (p.16).’ The SEDs for Scotland and Wales are more extensive than those for England which are to publish equality information and one or more equality objective. However, SEDs do not replace the GED but rather enhance it, so

compliance with specific duties does not negate the requirement to comply with the general duty.

Sport Councils' equality policies

We are committed to increasing the number of women who play sport and exercise regularly (SE, 2015 p.11)

sportscotland believes that all people, regardless of sex, should have the opportunity to participate in sport. sportscotland is committed to fulfilling its duty under the Equality Act 2010 to advance equality of opportunity regardless of sex (sportscotland [SS], 2016a).

Sport Wales is committed to the promotion of equality; our goal is to fully mainstream equality through all of Sport Wales' functions. (SW, 2016 p.16)

The Councils' approaches to gender equality over the last decade have been shaped by the Equality Act, shaped by EU legislation. In contrast to SE, SS and SW have detailed equality webpages and comprehensive strategies and reports (SS, 2016b; SW, 2016). SS produces a biennial Equality Mainstreaming Report available via the Equality Reporting Webpage (SS, 2016c), and SW has a Strategic Equality Plan (SW, 2016a). SE has previously had an Equality Webpage and published a Sport England Equality Scheme however these are no longer available via the website. The Councils have collaborated with Sport Northern Ireland and UK Sport (responsible for developing elite sport) to form the Sports Councils Equality Group (SCEG) with associated Equality in Sport website (SCEG, 2016a) and develop the UK Equality Standard (SCEG, 2016b). These initiatives cover all

groups with ‘protected characteristics’ and given that sex is a ‘protected characteristic’, equality policy in relation to sex is shaped by them. However, it appears that SE, in contrast to SS and SW does not publish an Equality Policy on its website despite the requirements of the Equality Standard for Sport at Foundation level Objective 2 which is that ‘Your organisation has a policy for equality and this has been communicated’ (2016a). Instead, the SE approach appears to be targeted primarily at NGB’s (a ‘second order’ level) and the Council as an employer rather than in relation to its functions including grant aiding.

Framing sport and physical recreation

The English Sports Council (termed SE) was established by Royal Charter in 1997 with a remit ‘of fostering supporting and encouraging the development of sport *and physical recreation* and the achievement of excellence therein *among the public at large*’ (SE, 2009, 2). Similarly, the Royal Charters establishing the Scottish Sports Council in 1971 and the Sports Council for Wales in 1972 outline their role as ‘fostering, supporting and encouraging the development of sport *and physical recreation among the public at large*’ (SS, 1996; SW, 1997). However, the Councils’ websites, state ‘Sport England is responsible for grassroots sport in England’ (SE, 2016b) and that ‘sportscotland is the national agency for sport’ (SS, 2016d). Thus, ‘physical recreation’ and ‘the public at large’ have been dropped, or subsumed within ‘grassroots sport’ and ‘sport’. This reframing of the original objects of the Councils may represent a shift in policy direction unless ‘sport’ is framed broadly. Subjecting these interpretations of the Royal Charters to the requirements of the Equality Act requires evidence that dropping ‘physical activity’ from the stated objectives of the Councils and using ‘sport’ as shorthand for SPR does not result in direct or indirect discrimination in any functions including the distribution of funds to different SPR

activities. Also, according to the PSED, that due regard is given to advancing equality of opportunity between the sexes in all functions including the distribution of funds. In contrast to SE and SS, the SW website explains ‘We are the national organisation responsible for developing and promoting sport *and physical activity* in Wales’. Further, ‘We fully subscribe to the Welsh Government's vision for a physically active and sporting nation, as outlined in their strategies Climbing Higher and Creating an Active Wales’ (SW, 2016b).

Recognition and political voice

Women and Men

SE collects participation evidence (age 14+ and 16+) via the Active People Survey (APS) and some of this data constitutes equality evidence. SE explains Active People is ‘the largest survey of sport and active recreation ever carried out in Europe’ (SE, 2016c) and ‘is central to Sport England’s measurement of its own strategy’ (SE, 2016d). However, the ‘sport’ indicators do not include *dance* as opposed to dance exercise. This is problematic given the Council’s remit of sport *and physical recreation*, and equality evidence (detailed below) in relation to sex. Data on dance participation *is* collected via the APS together with gardening and active transport data on behalf of Public Health England, however this is explicitly not as part of the ‘sport and active recreation’ frame but as part of a ‘broader definition of physical activity that is more aligned to policy objectives which promote *everyday activity for sedentary people*’ (SE, 2014, p.22). The APS questionnaire reinforces the exclusion of dancing from ‘active recreation’ by stating ‘I have already asked you about sports and recreational physical activity. I’d now like to ask if you have done any dancing or any of the following types of gardening’ (p.22). Crucially, since dance is not framed as active or

physical recreation it is ineligible for significant funding from the Sports Councils despite the SPR remit.

Data for Scotland is collected via the Scottish Household Survey which is the ‘the primary source of information on cultural attendance and sporting participation in Scotland’ (TSG, 2015, p.171). The most recent SPR data comes from Scotland’s People Annual Report: 2014 Scottish Household Survey which frames the ‘sport’ section as ‘sport and exercise’ and the 2014 Questionnaire asks about participation in ‘activities’ and, in contrast to SE, specifically prompts respondents to report on dance (TSG, 2014, p.185).

SW collects data via its biennial Active Adults and its School Sport surveys. Active Adults ‘measures levels of sports participation, club membership and volunteering in addition to lifestyle, health and other sport related behaviours amongst adults in Wales’ (SW, 2014a). SW explicitly recognises the gendered nature of sports and physical activity participation and states ‘Males (62%) are more likely to participate than females (51%)’. The pattern of participation, in terms of which sports are played, differs markedly on a gender basis’ (SW, 2016c). The Welsh Survey does include dance as a SPR activity in contrast to SE. The data demonstrates the usual sexual division of play and SW recognises that ‘higher percentages of males take part in cycling and football, while higher percentages of females take part in swimming and dance’ (SW, 2014, p.11). Finally, SW also asks adults about activities they would like to do more of, termed ‘latent demand’.

Girls and Boys

The sex-disaggregated government data for children’s SPR preferences is extremely limited in England and Scotland. Instead of focussing on children’s ‘voice’ the sources

report on provision in and outside schools (compulsory PE or school clubs). In England, dance is often not included in the sex-disaggregated data for sport and physical or active recreation. In Wales, children's voices are sought and they are asked what they would like more of (latent demand). Further, dance is included in the data.

English data is provided by the Evidence on Physical Education and Sport in Schools (EPESS) (DfE, 2013) which uses the Taking Part Survey (TPS) (DCMS, 2013) and the PE and Sport Survey (Quick, 2010). Both sources provide limited equality evidence in relation to sex for children's preferences or political voices. However, the TPS does report

a gender difference in a number of individual sports. In the top five sports for children ages 11-15 years old, *in all but one there was a significant gender difference*. Significantly more boys had participated in football and basketball, whereas significantly more girls had participated in swimming, diving or lifesaving and gym, gymnastics, trampolining or climbing frame (DCMS, 2015, p.32).

However, despite the fact that dance is a core component of the National Curriculum for Physical Education (NCPE) and extremely popular with girls (Flintoff, 2008; Smith Green and Thurston, 2009), in common with SE, the TPS does not include dance as an eligible 'sport and active recreation' activity (p.46) but instead as a cultural activity, and the EPESS provides very limited dance data. Nevertheless, the TPS reports in the cultural participation section that significantly more girls than boys participated in dance in the past year: 43.3% compared to 12.2% of 5-10 year olds (p.13) and 50.1% compared to 22.5% for 11-15 year

olds (p.16). But since dance is not included in the SPR participation data, this is a lost opportunity to highlight crucial SPR equality evidence as required by the Equality Act.

The partial recognition of the sexual division of SPR play is problematic as incomplete data may be used as an evidence base for policy decisions particularly in PE and SPR funding. The marginalisation of dance and other activities disproportionately favoured by girls within schools is confirmed by OFSTED which found

Traditional team games tended to dominate the curriculum at the expense of aesthetic and athletic activities. For example, it was not unusual for the schools to allocate more than two thirds of the PE programme in Key Stages 3 and 4 to games ... it left only minimal time for activities such as gymnastics, swimming, dance and athletics (OFSTED, 2013, p.38).

Similarly, the TPS documents that football (much more popular with boys, see Flintoff, 2008) is the sport offered most frequently both within curricular and extra-curricular time (pp. 36, 37), whereas the top sport that children would like to do which was not offered was swimming (one of the most popular for girls, see SW 2015a) (p.38).

The Scottish Government report on Children's Participation in Culture and Sport (TSG 2008) provides some data relating to girls and boys participation in 'Sports and Physical Activity' (p.28). Outside of school,

Football is most popular among boys, with nearly half (48%) playing at least once a week. Girls, on the other hand, are most likely to do some type of dancing at least once a week (33%) (p.29). Further ‘Girls are slightly more likely than boys to swim every week (17% vs. 13) (p.30). There are ‘some clear gender differences in club membership: boys are most likely to be a member of a club through which they play football (22%), with membership tending to peak at age 13 (25%). Girls, on the other hand, are much more likely to belong to a club or organisation relating to dance (19%), with 14 year olds most likely to go to some form of dance club (23%) (p.30).

The Report does not provide data relating to children’s SPR preferences inside school.

Nevertheless, it concludes by suggesting that

It will be important to retain a focus on encouraging girls to participate in sporting activities at school, particularly among those aged 14+, *perhaps by investing in opportunities such as dance* which, as this research has illustrated, is attractive to girls (p.44).

The most valuable data regarding *children’s* voices comes from SW. The SW ‘sportsupdate’ (2009) investigated the SPR choices of children and documented that ‘Football (47%) remains the most popular club activity for boys by a considerable margin, followed by rugby (32%)’. In contrast, ‘Dance and swimming are the most popular activities for secondary school girls’ (p.18). Further, ‘[i]n the focus groups, girls of all age groups almost unanimously cited dance as their most favoured sport or activity and would like to do

more dance in the curriculum. Swimming was another popular activity. However, activities that were disliked were hockey, running and athletics, although both hockey and athletics are more prevalent in the curriculum than dance' (p.9). In comparison, the activity that boys would most like to do more of was football.

SW now collects data via the School Sport Survey which it describes as 'Canvassing the opinions of 110,000 Welsh schoolchildren from almost 1000 schools', 'the largest survey of any kind of young people in the UK, and 'thought to be the largest survey of its kind in the world' (SW, 2015c). SW explicitly states 'The School Sport Survey is an effective way of *giving pupils a voice*, as well as allowing us to identify gaps in sports participation in Wales' and 'It ensures our sports policies locally and nationally deliver for our children and young people. Listening to their views and opinions is of paramount importance (SW, 2013e p.3 & p.5)'. It provides a wealth of equality evidence in relation to the SPR choices of girls and boys and documents the extent to which the 2009 findings have been acted on. Crucially, dance is included as a SPR activity rather than excluded, as in England's TPS. As the data shows, this is most important in relation to the recognition of the different SPR activity choices of girls and boys.

Table 1

Table 2

The top five SPR rankings for secondary school girls and boys for: curricular PE, 'latent demand' (sports they wanted to do more of), extracurricular sport and club sport is presented in Tables 1 and 2. Curricular PE is compulsory and therefore not the choice of children. However, latent demand and club sport represent the voices of children. For girls swimming, dance and trampolining are the top five ranked SPR activities in the latent demand and club

Table 1

Secondary top five rankings for girls: curricular PE, latent demand, extracurricular sport and club sport (SW, 2015a)

Rank	Curricular PE	%	Latent demand	%	Extracurricular sport	%	Club sport	%
1	Netball	88	Swimming	42	Netball	86	Swimming	26
2	Rounders	82	Netball	40	Health and Fitness	63	Running or jogging	24
3	Circuit Training	76	Trampolining	38	Football	58	Dance	24
4	Athletics	59	Dance	36	Hockey	48	Fitness classes	22
5	Hockey	52	Running or jogging	35	Rugby	42	Netball	19

Table 2

Secondary top five rankings for boys: curricular PE, latent demand, extracurricular sport and club sport (SW, 2015a)

Rank	Curricular PE	%	Latent demand	%	Extracurricular sport	%	Club sport	%
1	Football	92	Football	50	Rugby	77	Football	48
2	Rugby	83	Dodgeball	39	Football	67	Rugby	31
3	Circuit Training	81	Rugby	38	Cricket	35	Running or jogging	21
4	Athletics	64	Tennis	37	Health and Fitness	31	Swimming	21
5	Basketball	61	Basketball	35	Basketball	28	Tennis	14

sport categories which are not integrated into the top five activities provided by schools. It is of concern that despite this data and the findings of the 2009 research reporting that dance was the favourite SPR activity for secondary school girls and they would like more of it in the curriculum, swimming and dance are absent from the top five rankings for curricular and extended-curricular PE at secondary school. Despite SW giving girls a voice and recognising their SPR preferences as being different from those of boys, but this does not follow through into secondary school provision.

(Re)distribution: grant-aid

All three Sports Councils are funded primarily by the Exchequer and the National Lottery.

Sport England

Sport England's Youth and Community Sport Strategy 2012–17 will see an investment of around £300m a year (£324.9m in 2014/15) from the National Lottery players and tax payers in programmes designed to increase the number of people playing sport for at least 30 minutes once a week, every week. Sport is defined widely to include a broad range of physical activity from going to the gym, doing an exercise class and going for a jog to playing a formal game of football, cricket or tennis (SE, 2015b, p.4).

Over the last five years total funding has increased as a result of additional National Lottery funding whilst that provided by the Exchequer has continued to drop in both real terms and in proportion from 51% to 25%. The total budget over the 2012-2017 period is around £1

billion, around half of which (£493m) is invested through national governing bodies of sport (NGBs) (SE, 2016e). Much of the remaining funding, not disaggregated by sport, is also directed to NGBs or traditional sports via, for example, the Facilities, Youth Programmes, County Sports Partnerships, and School Sport and School Games budgets. There is a dedicated budget of £10.3m for 2014/15 for ‘This Girl Can’; however, this is relatively modest as compared with the core NGB budgets of £46m for the same period (SE, 2015b p.6).

The funding awarded to NGBs for 2013-17 (SE, 2016e) can be used to calculate the proportion of public funding awarded to the top five SPR women’s choices (excluding dance), as compared to men’s. This indicates 23% of funding to the top five ranked SPR activities for women and men goes to female preferences and 77% to male (Table 3). Using population figures for England for mid-2014 (Office for National Statistics, 2015), this equates to £4.2 per female and £11.9 per male participant. Table 4 shows the ‘sex profile’, that is the proportion of female and male participants in each sport (no dance data). Spend per participant decreases as the proportion of females increases. The largest sexual division of play occurs in football which is 94% male and funded at £38.57 per participant; and exercise/movement/dance which is 97% female with £4.66 per participant.

Table 3

Table 4

Sport Scotland

Table 3

Top 5 sports by sex 2015: APS9 (SE, 2016f) 1 x week 16+ with 4 year spend (SE, 2016f)

Rank	Activity: Women	Women % & (nos.)	SE Funding ^a £	Rank	Activity: Men	Men % & (nos)	SE Funding ^a £
1	Keep fit and gym ^c	16 (3 858 068)	-	1	Keep fit and gym ^c	14.9 (3 452 703)	-
2	Swimming	7.11 (1 714 429)	14 760 159	2	Football	8.01 (1 856 118)	65 578 947 ^b
3	Athletics	4.56 (1 099 549)	9 446 328	3	Cycling	6.91 (1 601 220)	23 623 932
4	Cycling	2.45 (590 766)	8 376 068	4	Athletics	6.06 (1 404 254)	12 553 672
5	Exercise Movement Dance ^c	1.75 (421 976)	9 669	5	Swimming	4.21 (975 562)	8 739 841
	Totals	7 684 788	32 592 224 23%			9 289 857	110 496 392 77%

^aNGB/ sport specific funding x proportion of women or men participating

^bIncludes £40m funding to the Football Foundation

^cExercise Movement and Dance funding not broken down between these 2 categories

Table 4

Sex profile of all 7 sports in the top 5 rankings for females and males: ASP9 (SE, 2016f), with total participants, total 4 year spend (SE, 2016e) and spend per participant.

Sport	% male	% female	Total participants	Total spend (£m)	Spend per participant (£)
Football	94	6	1 815 000	70 ²	38.57
Cycling	74	26	2 035 500	32	15.72
Athletics	57	43	2 326 200	22	9.46
Keep fit and gym	42	58	-	1.9 ³	-
Swimming	37	63	2 505 700	23.5	9.38
Exercise Movement Dance	3	97	407 800	1.9 ³	4.66

²Includes £40m funding to the Football Foundation

³Exercise Movement and Dance funding not broken down between these 2 categories

SS awarded £52.8m in grants in 2014/15, £33.7m of Exchequer and £19.1m of Lottery funding (Grant Thornton 2015, p.25), of which £13.8m was awarded directly to SGB's (SS, 2015, p.71). Much of the remaining funding, not disaggregated by sport, is also directed to NGBs or traditional sports via other programmes such as school sport. There is some targeted female specific funding via for example Active Girls, but as with SE this is modest as compared with core NGB budgets.

The 2014 data for Scotland (TSG, 2015) shows that excluding walking, of the eight 'sports' in the top six rankings for women and men, two are competitive team sports, both in the top six for men only. The Scottish Government acknowledges 'women participated more than men in keep fit/aerobics (17% compared to 9%), dancing (10% compared to 4%), and swimming (19% compared to 16%) (p.196)' Table 5 shows these top 6 sports with SS investment per annum (SS 2016e). This indicates 25% of funding to the top six ranked sports for women and men goes to female preferences and 75% to male. The largest sexual division of play occurs in dance, and keep fit/ aerobics, much preferred by women (SS funding £4 500); and football and golf, much preferred by men (SS funding £2.6m). Table 6 shows the 'sex profile' of these sports and that the spend per participant decreases as the proportion of females increases. The largest sexual division of play occurs between football which is 93% male and funded at £3.5 per participant and golf which is 85% male and funded at £4 per participant; and keep fit/aerobics which is 65% female with £0 per participant and dancing which is 71% female with £0.01 per participant. However, Creative Scotland's, 'Get Scotland Dancing' project aims to 'encourage more people to get active and participate in dance' and 'raise the profile of dance as a creative, participative and physical art form' (CS, 2015). It has invested £1.5m over four years which equates to £0.83 per dance participant.

Table 5

Table 5

Participation in sport in the last four weeks by sex 2014 (TSG, 2015, 196) with SS investment p.a. (SS, 2016e)

	Activity: Women	Women % & (nos)	SS Funding ¹ £ p.a.	Rank	Activity: Men	Men % & (nos)	SS Funding ¹ £ p.a.
	Walking	64				65	
1	Swimming	19 (464 959)	680 200	=1	Multigym use/ weight training	16 (364 440)	0
2	Keep fit/ aerobics	17 (416 016)	0	=1	Swimming	16 (364 440)	572 800
3 =	Dancing	10 (244 715)	3 214	=1	Cycling	16 (364 440)	599 652
3=	Running/ jogging	10 (244 715)	391 666	=4	Running/ jogging	14 (318 885)	548 333
5	Multigym use/ weight training	9 (220 243)	0	4	Football	14 (318 885)	1 236 667
6	Cycling	7 (171 301)	262 348	6	Golf	11 (250 553)	1 078 846
		1 517 234 £0.81 pp	£1 339 428 25%			1 981 643 £1.83 pp	£ 4 036 298 75%

¹NGB funding x proportion of women or men participating

Table 6

Sport Wales

SW awarded £20.8m in grants in 2014/15, of which £6.9m, 33%, was awarded directly to NGB's (SW, 2015b, p.34). There was an additional significant spend of £3.3m for free swimming which has been included in this analysis. Much of the remaining funding, not disaggregated by sport, is also directed to NGBs or traditional sports via other programmes such as PE and school sport, and the coaching plan. There is some targeted female specific funding via for example the Women and Leadership programme, but in common with SE and SS this is modest as compared with core sport specific and NGB budgets.

Table 7 shows the top 5 sports for adults by sex for 2014 (SW, 2014) together with SW investment for 2012/13 or 2013/14 (SW, 2015c). This indicates 43% of funding awarded to the top five ranked sports for women and men goes to female preferences and 57% to male. This much more equal distribution of grant aid is due in no small part to the free swimming initiative. The most obvious sexual division of play occurs between dance, much preferred by women (SW funding £1000); and football, much preferred by men (SW funding £1.032m). Usefully, SW compile data on 'latent demand' for activities and this is presented in Table 8. This reveals the latent demand for swimming is high and that for dance is the same as that for football, at 9%.

Table 7

Table 8

Discussion: The Equality Act revisited

Table 6

Sex profile of all 8 sports in the top 6 rankings for females and males (TSG, 2015) with total participants, annual spend (SS, 2016d) and spend per participant.

Sport	% male	% female	Total participants	Total spend (£)	Spend per participant (£)
Football	93	7	374 332	1 325 000	3.5
Golf	85	15	320 856	1,275,000	4.0
Cycling	70	30	588 236	862 000	1.5
Multigym use	64	36	641 712	0	0
Running/jogging	58	42	641 712	940 000	1.5
Swimming	46	54	962 568	1 253 000	1.3
Keep fit/aerobics	35	65	695 188	0	0
Dancing	29	71	374 332	4,500	0.01

Table 7

Active adults 2014: Any participation in sport and physical recreation in the previous four weeks: most prevalent activities (SW, 2014, p.12) with SW investment for 2012/13 or 2013/14 (SW, 2015c).

Rank	Women Sport & PR	% Women	SW Funding ¹ £	Rank	Men Sport & PR	% Men	SW Funding ¹ £
	Walking (over 2 miles)	48			Walking	46	
1	Exercise and fitness (and in brackets, including exercise machines)	17 (21)		1	Exercise and fitness (and in brackets, including exercise machines)	17 (21)	
2	Swimming	17	2 361 629 ²	2	Cycling	17	567 800
3	Athletics/ running	12	430 929	3	Athletics/ running	16	574 571
4	Cycling	6	200 400	4	Football	15	910 852
5	Dance	2	1000	5	Swimming	14	1 944 871 ²
	6 992 052		2 993 958 43%				3 998 094 57%

¹NGB/sport specific funding x proportion of women or men participating

²Includes free swimming

Table 8

Percentage of adults reporting a latent demand for sports and activities (SW, 2014).

Males	% indicating a demand	Females	% indicating a demand
Cycling (any type)	16	Exercise and Fitness	26
Swimming	16	Swimming	25
Exercise and Fitness	14	Cycling (any type)	10
Canoeing/ Kayaking	9	Athletics (running)	9
Football	9	Dance (any type)	9
Fishing/ Angling	9	Walking 2 or more miles	8

Public bodies are best placed to know their own business and, in principle, to select those equality issues on which to concentrate. But we think that regulation 3 (in England, which requires public bodies to prioritise working towards ‘one or more’ equality outcome) makes it possible for a public body to ignore the most serious inequalities in selecting its objectives. In the Commission’s view this would indicate a failure to meet the general duty (EHRC, 2011, p.15).

The Equality Act requires public authorities to avoid direct and indirect discrimination and give due regard to ‘advancement of equality’ (HM Government, 2010, p.96) in all functions. Feminist political and economic theory conceptualises the mainstreaming of equality as requiring equal status as membership of a community and also equal political participation and voice (Lister, 2003). Policy must be informed by the interests and preferences of all affected citizens and framed around these at Fraser’s first order level (2008). All three inextricably linked components of cultural recognition, political voice or representation, and economic redistribution, should be addressed.

Recognition and political voice

For the Sports Councils, recognition of female political voices at a first order agenda setting level requires engagement with the extensive evidence regarding the gendered nature of SPR preferences. The sexual division of play is most apparent between dance, and exercise movement and dance, much preferred by females; and football, (and in Scotland golf), much preferred by males. Despite this, dance is not considered to be a SPR activity by SE. SW and SS are more transparent and therefore accountable than SE in analysing equality evidence by disaggregating SPR preference data by sex. However, SE and SS reframe the

SPR purpose outlined in their Royal Charters as sport, with only SW retaining the SPR purpose on its website. For SE, and to a lesser and much lesser extent SS and SW, sport is rhetorically framed as the ‘sport for all’ of the Council of Europe⁴ but interpreted in a much narrower fashion as competitive team or performance sport. This discourse appears hegemonic particularly for SE and SS, despite the Royal Charters, the scope of the recognition policy, and the empirical data regarding female preferences for SPR activities *including* dance. Consequently, the recognition of female political voices regarding preferred SPR forms is evident for SW, limited for SS and for SE is largely absent.

(Re)distribution

Given grant-aiding is a primary function of the Councils, mainstreaming equality requires an equal distribution of lottery and exchequer funding in relation to the protected characteristic of sex. SW has by far the most equal distribution between the sexes primarily due to the free swimming initiative. However, the public funds distributed to the top SPR preferences of males are significantly greater than to those of females especially for SS and SE. This is perhaps inevitable given the missed opportunity, particularly for SE, to recognise the political voices of females at the first order agenda setting level as outlined above. The Councils devote 23-43% of SPR specific funding to the most popular activities for females and 57-77% to those of males. In particular, football is significantly over-funded, and exercise movement and dance significantly under-funded. This regressive economic distribution, far from mainstreaming equality, reinforces existing inequalities in participation between the sexes. The relatively modest female specific initiatives, whilst welcome, cannot make up this short fall in core funding allocation at a first order level. This therefore may constitute indirect discrimination against girls and women in one of the primary functions of the Councils, unless the distribution can be ‘objectively justified’ as a

way of meeting a legitimate aim. However, according to the Royal Charters, the overarching aim of the Councils relates to ‘sport *and physical recreation*’ not ‘*sport*’ and in any case the COE⁴ definition of sport is broad. This suggests the decisions made about priorities for grant-aiding may contravene the requirements of the Equality Act.

Further, although both SS and SW rhetorically recognise the political voices of girls and women and the importance of dance as SPR, only in Scotland is there a modest dedicated budget for dance participation via Creative Scotland. In Wales £1.9m went to dance in 2014/15 via the Arts Council for Wales but this was primarily for professional dance (Arts Council of Wales, 2015, p.66). Of even more concern is that SE does not recognise girls’ political voices even rhetorically and dance is not included in the SPR frame. This would matter less if dance was eligible for funding from other government sources, even if viewed as ‘culture’ rather than ‘active recreation’. However, public funding for dance *participation* is minimal, with most grant aid from the Arts Councils for England and Wales going to artistic (professional performance) rather than participation budgets (Arts Council England, 2016). Therefore, girls and women, despite having fewer financial resources than men, rely mainly on the private sector to access this form of active recreation. Their political voices have either not been recognised or recognised with minimal follow through to redistribution so that one of the most popular SPR preferences is either minimally funded or not funded at all.

In contrast, activities which are recognised by the UK Sports Councils as sport and are therefore eligible for public funding include: aero model flying, angling, arm wrestling, baton twirling, billiards, ballooning, hovercraft racing, mine exploration, motor cruising, pool, quoits, skipping, skittles and snooker (SE, 2016g). For those aged 65 and over, additional ‘light intensity activities’ are included in the participation indicators ‘in

recognition that for people of this age, they can be considered moderate intensity' (SE, 2016h). These are yoga, pilates, indoor and outdoor bowls, archery and croquet, but not dance.

Framing

Notwithstanding the political voices of girls and women, the equality evidence, the SPR remit of the Royal Charters and the CoE definition of sport adopted by the Councils, the hegemonic frame evident in grant-aiding decisions particularly for SS and SE appears to be 'sport' narrowly defined, rather than SPR. This is equality as sameness (necessary but not sufficient), rather than the mainstreaming of equality through the first order core function of grant aiding as required by the Equality Act. The equality agenda for the protected characteristic of sex, appears to be outsourced to second order 'sport' organisations (NGBs) which, perhaps understandably interpret sex equality in relation to competitive team or performance sport and foundational 'grassroots sport'. This is particularly evident in the funding decisions made by SE as compared with SS and particularly SW. Consequently, particularly for SS and SE, girls and women do not enjoy equal SPR citizenship given they have nominal status as members of the SPR community but little or no political participation or voice regarding preferences.

In England, despite the disproportionate amount of time devoted to competitive team sport at the expense of dance and other activities as evidenced by OFSTED (2013), the 2010 Schools White Paper stated

[w]e will provide new support to encourage a much wider take up of competitive team sports. With only one child in five regularly taking part in competitive activities against another school, we need a new

approach to help entrench the character building qualities of team sport
(Department for Education, 2010, p.45).

This political position was eloquently illustrated during the London 2012 Olympics by the Prime Minister who said,

The trouble we have had with targets up to now, which was two hours a week, is that a lot of schools were meeting that by doing things like Indian dance or whatever, that *you and I* probably wouldn't think of as sport' and 'what we really need is a change in culture in our schools and in society that says sport is good, competitive sport is good, schools games are good (Press Association, 2012).

Consequently, conflating the success of the London 2012 Olympics, an elite spectator sport 'mega-event', with the physical education of children, the Prime Minister announced 'Competitive team sports will be made compulsory for all primary school children in England' (BBC, 2012). Further, a new curriculum 'would require participation in sports such as football, hockey and netball' ignoring the political voices of girls and the evidence regarding their SPR preferences. This curriculum was implemented from September 2014.

Finally, despite the lack of PE provision for the SPR preferences of girls and the disproportionate over-funding of the SPR preferences of boys, girls themselves are often problematized, so that Gorely et al for example state 'in general girls attitudes towards and participation in sport/PA remains a problematic issue' (2011, p.111). This narrative ignores the reality of structural inequalities in provision and funding of girls preferences and instead frames the 'problem' in relation to equality as sameness, the individual behaviours and lifestyles of girls, and 'cultural' issues such as body image and lack of changing rooms.

However, the same research reports that as girls got older they felt that SPR was less fun, more competitive and more structured (pp. 3, 52, 94). This suggests the most problematic issue is not a cultural problem regarding the attitudes of girls, but the political problem that ‘the girls in this research clearly articulated that they felt their voices (and the voices of previous generations of girls) had not been heard’ (p.111).

Conclusion: equality sex and sport

Females and males are not homogenous demographic categories and a minority of females prefer competitive team sport while many males participate in physical recreation activities. However, the data show that females prefer by far to dance and participate in SPR activities other than the narrowly defined competitive ‘sport’. Conversely, boys (and to a lesser extent men) are more interested than girls and women in sport as competitive team or performance sport. Mainstreaming equality in the distribution of public money requires a frame which investigates recognises and respects these different SPR preferences, and policy based on this equality evidence. The alternative is to disregard the political ‘voice’ of females, assume their preferences are intrinsically less valuable and disenfranchise them from full SPR citizenship.

It is important to look at equality of provision and redistribution of funding not just *within* competitive performance sport (although this would be an interesting area for further research), disproportionately preferred by males but between the different SPR activities preferred by the sexes. Greater injustices operate at this ‘first order’ level and rendered invisible if SPR is rebranded as the apparently neutral ‘sport’ disproportionately representing male preferences. . Equality initiatives are then considered mainly at a second order level and contracted out to NGBs, however, under the Equality Act equality duties cannot be

delegated. Further, the sexual division of play is even more evident between girls and boys and yet the National Curriculum for PE in England has been revised to further elevate competitive team and performance sport, disproportionately representing the choice of boys.

In conclusion, the data on sport and physical recreation preferences and grant aiding decisions suggest that the Sports Councils particularly SS and SE, and/or over-arching government departments may not be fulfilling their legal requirements, under the Equality Act, particularly in relation to mainstreaming equality. They could be indirectly discriminating in relation to the protected characteristic of sex in the public provision *and funding* of both SPR and PE, and failing to meet the GED. Given the income inequality between women and men, the sexual division of play and the structural ‘first order’ disproportionate funding of competitive sport, it is perhaps surprising that girls and women are as active as they are. Although equality between the sexes within ‘second order’ competitive sport is a necessary component of justice, it is not sufficient. Finally, it is important to recognise that SW retains the SPR aim of the Royal Charter, collects extensive equality evidence for children by engaging with their political voices, and demonstrates a significantly more equal distribution of grant aid due in large part to the free swimming initiative.

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Notes

4. “Sport” means all forms of physical activity which, through casual or organised participation, aim at expressing or improving physical fitness and mental well-being,

forming social relationships or obtaining results in competition at all levels' (Council of Europe, 1992, 2001, Article 2, 1a).

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