

Part A: Generic

DCUSA Change Proposal (DCP)		At what stage is this document in the process?
<h1>DCP 398:</h1> <h2>Gender Neutral Amendments to the DCUSA</h2> <p>Proposer Name: Peter Waymont</p> <p>Proposing Party: Eastern Power Networks</p> <p>Party Category: DNO</p> <p>Date: 22/11/21</p>		<p>01 – Change Proposal</p> <p>02 – Consultation</p> <p>03 – Change Report</p> <p>04 – Change Declaration</p>
<p>Purpose of Change Proposal:</p> <p>The intent of this Change Proposal is to remove any gendered language used throughout the DCUSA and replace it with gender neutral language to ensure that the drafting reflects a more diverse and inclusive approach.</p>		
	<p>Governance:</p> <p>The Proposer recommends that this Change Proposal should be:</p> <ul style="list-style-type: none"> • Treated as a Part 2 Matter; • Treated as Standard; and • Proceed to the Change Report phase. <p>The Panel will consider the Proposer’s recommendation and determine the appropriate route.</p>	
	<p>Impacted Parties: All DCUSA Parties</p>	
	<p>Impacted Clauses: Various Clauses in Section 1A, Section 1B, Section 1C Section 2A, Section 2B, Section 3, Schedule 2B, Schedule 7, Schedule 10, Schedule 28,</p>	

Contents	
Summary	2
2 Governance	4
3 Why Change?	4
4 Solution and Legal Text	5
5 Code Specific Matters	6
6 Relevant Objectives	6
7 Impacts & Other Considerations	7
8 Implementation	8
9 Recommendations	8
Indicative Timeline	
The Secretariat recommends the following timetable:	
Initial Assessment Report	15 December 2021
Extraordinary General Meeting held to vote on amendments to Articles of Association	16 February 2022
Change Report Approved by Panel	16 February 2022
Change Report issued for Voting	18 February 2022
Party Voting Closes	11 March 2022
Change Declaration Issued to Parties	15 March 2022
Implementation	01 April 2022

 Any questions?

Contact:
Code Administrator

 DCUSA@electralink.co.uk

 020 7432 3011

Proposer:
Peter Waymont

 peter.waymont@ukpowernetworks.co.uk

 +44 (0) 787 511 2757

Summary

What?

- 1.1 To amend any areas of the DCUSA that currently contain gendered language such that it becomes a document that is more inclusive and one which will hopefully lead to a more diverse cross section of stakeholders who wish to participate on a level playing field. This Change Proposal and accompanying proposed legal text amendments have been drafted by members of the DCUSA Code Administration team and sponsored by one of the DCUSA Panel Members.

Why?

- 1.2 Ofgem presented an update at the April 2021 DCUSA Panel meeting on areas which Ofgem believed that Code Administrators, alongside their Panels, could proceed with ahead of the Energy Codes Reform programme of work. One area which was highlighted was 'Equality & Diversity', in which Ofgem stated:

"In March 2019, we published our Diversity and Inclusion Strategy setting out our ambitions to build a diverse and inclusive workforce and to make our workplace culture more inclusive.

As part of this strategy, we committed to working with other organisations across the sector to improve diversity and inclusion.

We know that that diversity and inclusion is something industry and Code Administrators are taking steps to improve.

We encourage this work which includes initiatives to: remove gendered language in codes and ensure websites, publications and content aim to meet the latest accessibility standards, where possible, and are written in plain English."

- 1.3 This Change Proposal is being raised to address the above comments regarding gendered language in codes.

How?

- 1.4 The first step was to complete a review of the DCUSA document in order to understand where gendered language was used. Once the gendered language was found an exercise was undertaken to amend the text to be gender neutral, which was carried out in accordance with the [Guide to Gender-Neutral Drafting](#) that was published by the 'Office of the Parliamentary Counsel' and the 'Government Legal Department' for use by the wider UK legal profession.

2 Governance

Justification for treatment as a Part 2 Matter

2.1 The Proposer believes that this Change Proposal should be treated as a Part 2 Matter as it only seeks to make cosmetic changes to the document. The nature of the changes can be thought of as housekeeping edits and therefore this doesn't meet the criteria to be treated as a Part 1 Matter - it does not have a material impact on competition, network operations, security of supply or the governance procedures and nor does it discriminate between Parties.

Requested Next Steps

2.2 The Proposer believes that this Change Proposal should:

- Be treated as a Part 2 Matter;
- Be treated as Standard; and
- Proceed to the Change Report phase.

3 Why Change?

- 3.1 It is important to reflect all stakeholders who interact with the DCUSA and to do so in an inclusive manner that provides equal respect to all. One way this can be achieved is by ensuring that gender-neutral drafting is used throughout the document.
- 3.2 In seeking to understand how best to go about making a legal document gender neutral the Code Administrator reviewed the [Guide to Gender-Neutral Drafting](#) that was published by the '**Office of the Parliamentary Counsel**' and the '**Government Legal Department**' for use by the wider UK legal profession.
- 3.3 The [Guide to Gender-Neutral Drafting](#) notes that there are a number of benefits for equality and inclusion, including "*promoting gender equality and equality across the gender-identity spectrum*". It goes on to say that "*Furthermore, a significant percentage of the next generation of the workforce no longer sees gender as binary and expects to see a new and better approach to gender identity and expression in documentation.*".
- 3.4 An extensive review has been conducted across the entire DCUSA document which has identified that gender specific references occur in ten different sections / schedules. This Change Proposal seeks to address all identified instances of gender specific language currently in the DCUSA, thereby, avoiding the need to raise further Change Proposals in the future. A summary of the volume of references is below:

Section / Schedule	Gendered Language Count
Section 1A	4
Section 1B	55
Section 1C	3
Section 2A	3
Section 2B	1
Section 3	2
Schedule 2B	2
Schedule 7	3
Schedule 10	38
Schedule 28	3
Grand Total	114

Gendered Language	Count
his	45
chairman	34
he	28
him	6
himself	1
Grand Total	114

Part B: Code Specific Details

4 Solution and Legal Text

Legal Text

4.1 Attachment 1 to this Change Proposal form contains the proposed changes to the DCUSA document in redlined, tracked changes format. As noted in the previous section, the proposed amendments have been carried out against each of the 114 instances of (he / his / him / himself / chairman) such that they to ensure the DCUSA reflects a gender neutral drafting style.

Text Commentary

4.2 The [Guide to Gender-Neutral Drafting](#) defines gender-neutral drafting as drafting that involves:

- avoiding nouns that might appear to assume that a person of a particular gender will do a particular job or perform a particular role (e.g., “chairman”); and
- avoiding gender-specific pronouns and adjectives (such as “she/her/hers” or “he/him/his”) for which there are a range of techniques are available, including;
 - (1) Repeating the noun;
 - (2) Changing the pronoun; and
 - (3) Rephrasing to avoid the need for a noun or pronoun

4.3 As noted previously, a complete a review of the DCUSA document was undertaken to find relevant gender specific nouns, pronouns and adjectives. In total, there were 114 instances found and each has been updated in line with the context in which it exists. This process used a mix of the three techniques mentioned above.

4.4 Further to the removal of gender specific language, one other amendment has been made and this was to suggest a change to Clause 1.2.3, which states:

1.2.3 *a gender includes every gender;*

4.5 As all gendered language will be removed, it is believed that the above Clause should be amended to state 'not used;', however, this should be subject to the formal legal review that all Change Proposals undergo.

5 Code Specific Matters

Reference Documents

5.1 None provided.

6 Relevant Objectives

	DCUSA General Objectives	Identified impact
<input checked="" type="checkbox"/>	1. The development, maintenance and operation by the DNO Parties and IDNO Parties of efficient, co-ordinated, and economical Distribution Networks	None
<input checked="" type="checkbox"/>	2. The facilitation of effective competition in the generation and supply of electricity and (so far as is consistent therewith) the promotion of such competition in the sale, distribution and purchase of electricity	None
<input checked="" type="checkbox"/>	3. The efficient discharge by the DNO Parties and IDNO Parties of obligations imposed upon them in their Distribution Licences	None
<input checked="" type="checkbox"/>	4. The promotion of efficiency in the implementation and administration of the DCUSA	Positive
<input checked="" type="checkbox"/>	5. Compliance with the EU Internal Market Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators.	None
	DCUSA Charging Objectives	Identified impact
<input checked="" type="checkbox"/>	1. That compliance by each DNO Party with the Charging Methodologies facilitates the discharge by the DNO Party of the obligations imposed on it under the Act and by its Distribution Licence	None
<input checked="" type="checkbox"/>	2. That compliance by each DNO Party with the Charging Methodologies facilitates competition in the generation and supply of electricity and will not restrict, distort, or prevent competition in the transmission or distribution of electricity or in participation in the operation of an Interconnector (as defined in the Distribution Licences)	None

	3. That compliance by each DNO Party with the Charging Methodologies results in charges which, so far as is reasonably practicable after taking account of implementation costs, reflect the costs incurred, or reasonably expected to be incurred, by the DNO Party in its Distribution Business	None
	4. That, so far as is consistent with Clauses 3.2.1 to 3.2.3, the Charging Methodologies, so far as is reasonably practicable, properly take account of developments in each DNO Party's Distribution Business	None
	5. That compliance by each DNO Party with the Charging Methodologies facilitates compliance with the EU Internal Market Regulation and any relevant legally binding decisions of the European Commission and/or the Agency for the Co-operation of Energy Regulators; and	None
	6. That compliance with the Charging Methodologies promotes efficiency in its own implementation and administration.	None

6.1 The Proposer believes that this Change Proposal will better facilitate DCUSA General Objective four as it ensures the DCUSA remains efficient, effective, and robust with its approach to gender referencing. This is essentially a housekeeping change to update gender specific terms to gender neutral terms, it does not seek to change the intent of any of the clauses but brings the DCUSA in-line with a modern drafting approach.

7 Impacts & Other Considerations

7.1 There are two areas for further consideration and each of these is set out in the paragraphs below.

Amendments to Schedule 2B 'National Terms of Connection'

- 1) As can be seen in the table under paragraph 3.4 above, there are two instances of gender specific language contained within Schedule 2B 'National Terms of Connection'. Each time the National Terms of Connection are amended, the Secretariat is required to arrange for a notice to be published in the London Gazette, covering the fact that amendments are being made and the scope of the amendments. The notice is normally published on the day prior to the change being implemented. There is also a need to liaise with the ENA to ensure that the document is uploaded to the 'Connection Terms' website (www.connectionterms.co.uk).

Amendments to Schedule 10 'DCUSA Ltd'

- 2) As can be seen in the table under paragraph 3.4 above, there are 38 instances of gender specific language contained within Schedule 10 'DCUSA Ltd'. More specifically, some of those instances occur in 'ANNEX 4 TO SCHEDULE 10' which sets out the 'Articles of Association'. Paragraph 5 of Annex 4 contains provisions related to matters which require a vote of the Shareholders of DCUSA Ltd, and one of these matters is the making of any change to the Company's Memorandum of Association or the 'Articles of Association' themselves. Therefore, it is expected that there will be a need to convene an Extraordinary General Meeting of DCUSA Ltd such that Shareholders are able to vote on the proposed changes to the 'Articles of Association'. This process was carried out as

part of [DCP 300 'Panel members and alternates'](#) and therefore this change is expected to need the same treatment.

Does this Change Proposal impact a Significant Code Review (SCR) or other significant industry change projects, if so, how?

7.2 None.

Does this Change Proposal Impact Other Codes?

BSC.....	<input type="checkbox"/>	MRA.....	<input type="checkbox"/>
CUSC.....	<input type="checkbox"/>	SEC.....	<input type="checkbox"/>
Grid Code.....	<input type="checkbox"/>	REC.....	<input type="checkbox"/>
Distribution Code..	<input type="checkbox"/>	None.....	<input checked="" type="checkbox"/>

Consideration of Wider Industry Impacts

7.3 None

Confidentiality

7.4 There are no parts of this DCP that are confidential to any party.

8 Implementation

8.1 The Proposer believes that this change should be implemented at the earliest opportunity after its approval which is likely to be as part of the April 2022 DCUSA Release.

Proposed Implementation Date

8.2 01 April 2022.

9 Recommendations

The Code Administrator will provide a summary of any recommendations/determinations provided by the Panel in considering the initial Change Proposal. This will form part of a Final Change Report.