



Government
Equalities Office

Caste legislation introduction – programme and timetable

July 2013

This note sets out the timetable and process for the introduction of caste legislation through the duty contained in section 9(5) of the Equality Act 2010.

Objectives

To:

- Prepare and conduct a full public consultation in preparation for the introduction of legislation, in order to make sure that it is appropriate and fit for purpose;
- Improve understanding of employers, public sector organisations and others required to have an awareness of caste for the first time, about the new law and the nature of any duties connected with it;
- Prepare and introduce legislation on caste, including any necessary exceptions to the caste provisions, within the framework of domestic discrimination law;
- Develop arrangements for collecting information on aspects of caste and caste discrimination in Britain to begin the process of determining the appropriateness of caste legislation in accordance with the power contained with section 97 of the Enterprise and Regulatory Reform Act 2013.

Process

- Drawing on research including published reports and, as appropriate, work being undertaken by the Equality and Human Rights Commission (EHRC), a public consultation will be prepared setting out the Government's proposals for caste discrimination legislation as provided for in Section 9 of the Equality Act 2010. The consultation will in particular include proposals for whether and how "caste" should be defined in the legislation, and will seek to identify any legislative exceptions that may be necessary.
- The consultation will be followed by some targeted sector-specific engagement with groups needing familiarity with the new legislation – in particular certain employers, public authorities and the judiciary. This will identify any specific issues that need to be addressed and inform the preparation of guidance. A particular focus for this will be concerns raised in Parliament about avoiding increased and unnecessary bureaucracy, especially where this might result in the entrenchment of caste identity - for instance, making sure that there is no need for people to register their caste because of the legislation.
- The Government response to the consultation, together with a draft Affirmative Order resulting from this work will then be published: the draft Order will be subject to public consultation. Together, these steps will ensure that we get the detail of the legislation right before it is introduced into Parliament and so reduce the risk of unintended legislative consequences.
- Separately, work will also be undertaken to determine information about the extent of caste discrimination in Britain that can be used as a comparative baseline for any future consideration of the effectiveness of caste legislation.

Timetable

- The programme will start with preparation of a full public consultation on the prospective caste legislation. It will draw on existing research, published reports and, as appropriate, conclusions of work on caste and caste discrimination about to be undertaken by the Equality and Human Rights Commission. The latter is due to last some three to six months from Summer 2013, and will include discussions with individuals and groups with an interest in caste discrimination.
- Taking this timetable into account, the public consultation is expected to issue in February or March 2014, will run for twelve weeks and conclude around May-June 2014. It will seek views from stakeholders and the public.
- During Summer 2014, while Government is analysing the responses to the consultation, we will also carry out some sector-specific engagement with representatives of groups including employers, public authorities and the judiciary, who will need, but at present almost certainly lack, familiarity with caste and the potential requirements of the new legislation.
- The Government's response to the consultation, which will include a draft Affirmative Order outlawing caste discrimination, will be drawn up during this period. The response and draft Order are expected to issue in autumn 2014, with the latter exposed for public consultation for twelve weeks. Allowing for Christmas this consultation is expected to close in February 2015, with the final draft Order likely to be introduced into Parliament during summer 2015.
- Throughout this process, the community-engagement project that the Government has already commissioned *Talk 4 A Change* to undertake will continue. *Talk for A Change* will run a series of pilot initiatives, working at a local level in partnership with any individuals or organisations that wish to become involved in finding practical community-based solutions to the problems and harm that caste-based prejudice and discrimination can cause.



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