

# Building a fairer Britain: Reform of the Equality and Human Rights Commission

Response to the Consultation

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## Foreword

A free and fair society is the foundation for a strong and prosperous economy. This Government is unequivocal in its commitment to tackling the barriers to equal opportunities and social mobility that hold individuals and our economy back.

As Government, we have an important leadership role, but on our own we will only ever make limited progress. We need concerted action by individuals, communities, businesses and voluntary organisations, supported by a strong and effective equality body and National Human Rights Institution – monitoring our progress, making recommendations about how we can do better and ensuring the law is working as intended.

In March 2011, in our consultation 'Building a fairer Britain: Reform of the Equality and Human Rights Commission', we set out detailed proposals to transform the Equality and Human Rights Commission into a valued and respected national institution. We are grateful to everyone who responded.

In light of the views expressed, we have decided on a strong package of legislative and non-legislative reforms to clarify the Commission's remit, focussing it on those areas where it can add value because of its unique role and functions, and improve its financial and operational performance. Now more than ever, the Commission must be able to demonstrate value for taxpayers' money.

We consider that this package has the potential to bring about the step-change in the Commission's performance that we all want to see, but we will review its progress at its next triennial review in autumn 2013.



A handwritten signature in black ink, appearing to read 'Theresa May'.

**Rt Hon Theresa May MP**  
Home Secretary and Minister for  
Women and Equalities



A handwritten signature in black ink, appearing to read 'Lynne Featherstone'.

**Lynne Featherstone MP**  
Minister for Equalities

# Executive summary

## Consultation

1. The future of the Equality and Human Rights Commission (EHRC) was considered as part of the Government's review of public bodies. That review concluded that the EHRC should be retained but substantially reformed to focus it on the areas where it can add value, to increase its accountability to the Government, Parliament and the public and to improve its effectiveness and value for money.
2. In March 2011, we set out our detailed proposals to reform the EHRC – and almost a thousand responses were received. Most were unhappy with the EHRC's performance to date. However, views on the way forward were polarised. Some attributed the problems at the EHRC to poor leadership and management. Others felt the proposed reforms did not go far enough, with over half of the responses from individuals specifically calling for the EHRC's abolition.

## Our response

3. We have considered carefully each of the responses received, alongside views expressed through the Government's Red Tape Challenge Spotlight on Equalities last June. We have also taken account of recent improvements at the EHRC, following decisive action by this Government, including the production of the EHRC's first satisfactory set of accounts, prompt publication of its new Strategic Plan and a 75% reduction in its dependence on interim staff. However, we remain concerned about the quality and timeliness of some of the EHRC's work and the extent to which its activities are genuinely adding value for example, by helping to support equality of opportunity and promote a better understanding of the true meaning of human rights.
4. Our vision is that the EHRC should become a valued and respected national institution focusing on its core roles as:
  - **a national expert on equality and human rights issues** – as an 'A'-rated National Human Rights Institution monitoring the effectiveness of equality and human rights law, undertaking research, conducting inquiries, making recommendations, and monitoring progress in reducing persistent inequalities; and

- **a strategic enforcer of the law and guardian of legal rights** – promoting awareness and understanding of rights, supporting victims of discrimination, and using its strategic enforcement powers to ensure the law is working as intended.

5. In setting its priorities and carrying out its functions, we expect the EHRC to work with, and through, a wide range of partners, and in particular to strengthen its links across Government, the business sector and the voluntary and community sector; in order to make it more effective and responsive. We also attach importance to the EHRC retaining a strong and distinct presence in Wales and Scotland, working closely with the Welsh Government, the Scottish Government and the Scottish Human Rights Commission.

6. To achieve this vision, we have decided on a package of legislative and non-legislative reforms to:

- clarify the EHRC's remit;
- stop non-core activities; and
- improve its financial and operational performance.

7. Our proposals are summarised below.

#### To clarify the EHRC's remit:

8. We propose to use the earliest suitable legislative vehicle to amend the Equality Act 2006 to:

- repeal the EHRC's general duty at section 3** – this has no specific legal purpose and does not help to clarify the precise functions that the EHRC is required to carry out;
- amend the EHRC's section 12 duty to monitor progress** – to align the outcomes against which the EHRC is required to monitor progress to its core equality and human rights duties, and change the requirement for it to report from every three years to every five years. This won't prevent the EHRC publishing reports at more frequent intervals, should it choose to do so, but it does allow a longer timescale between reports, enabling meaningful change over time to be captured; and
- repeal the EHRC's good relations duty at section 10 and its associated power at section 19** – a separate good relations mandate is not necessary. The EHRC's most valuable work in this area, for example its inquiries into disability harassment or the home care of older people, can be carried out under its existing equality and human rights duties. This will support the EHRC to develop a more integrated and coherent work programme overall.

#### To stop non-core activities:

9. **Helpline and grants** – we announced in March 2011 that we would stop funding the EHRC's helpline and grants programmes when they came to a natural end. This was because of concerns about the reach, effectiveness and value for money of the EHRC's programmes. We also:

- announced that we would commission a new, improved Equality Advisory and Support Service from the private sector or civil society. This is due to launch this autumn<sup>1</sup>; and

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<sup>1</sup> See [www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/?view=Standard&pubID=968092](http://www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/?view=Standard&pubID=968092).

This statement also confirmed that future central government funding for legal advice on discrimination cases will be solely through legal aid and summarised the views expressed by consultation respondents about the issue. The new service will provide the same level of support on human rights as the current EHRC helpline.

- proposed establishing an alternative funding stream to better support voluntary and civil society (VCS) organisations in a fair, transparent and joined-up way. We have decided not to replace the EHRC's strategic grants programme with a single grants-based programme to the VCS. We will instead target Government funding at initiatives that provide practical help and support direct to, for example, victims of sexual and domestic violence.

10. **Conciliation** – The EHRC's contract with its present conciliation provider came to an end on 31 March 2012. As the service offered poor value for taxpayers' money, we did not consider it appropriate to continue to assign specific funding for it. We have now decided to repeal the EHRC's power to make arrangements for the provision of conciliation in non-workplace disputes. We do not believe that arranging conciliation services for individual cases fits with the EHRC's strategic role, or that it is necessary in light of the range of good quality, accessible and effective mediation provision already available throughout England and Wales<sup>2</sup> and Scotland<sup>3</sup>.

11. Through referrals, the new Equality Advisory and Support Service will provide an opportunity to encourage greater take-up of mediation and conciliation by victims of discrimination and by those against whom allegations of such discrimination have been made.

12. **Disabled air passengers' complaints handling service** – As the EHRC's helpline is presently used to support this service, we have decided that when the helpline closes and the new Equality Advisory and Support Service launches this autumn, the Civil Aviation Authority (CAA) should take on complete responsibility for the disabled air passengers' complaints handling service. This will enable disabled air passengers to benefit from a more effective and comprehensive complaints handling service for aviation consumer issues.

13. The Department for Transport will make the necessary legislative changes in due course to the relevant statutory instrument (SI 2007/1895).

### To improve its financial and operational performance:

14. We are working in partnership with the EHRC to:

- **implement a new Framework Document** – which clarifies the relationship between the EHRC and the Government and establishes tighter financial controls – putting the EHRC in a stronger position to demonstrate value for taxpayers' money;
- **conduct a zero-based review of the EHRC's budget** – examining those activities the EHRC is uniquely well-placed to do because of its legislative powers, strategic partnerships and expertise, and the resources – budget, staffing and infrastructure – necessary to support this. Its purpose is to ensure that taxpayers' money provided to the EHRC is used to deliver the maximum impact<sup>4</sup>;

2 See [www.civilmediation.justice.gov.uk](http://www.civilmediation.justice.gov.uk)

3 See [www.scottishmediation.org.uk/find-a-mediator](http://www.scottishmediation.org.uk/find-a-mediator)

4 A working draft of the terms of reference for the review will be published shortly at [www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/](http://www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/)

- **strengthen the EHRC's leadership and governance** – the appointment of the EHRC's Chair comes to an end this September and the majority of Board members' terms are due to come to an end this December. To provide effective strategic leadership for the organisation and ensure high standards of corporate governance and performance, we want to see a smaller Board, with stronger business skills and experience, to drive improvement and hold the organisation to account. We are now recruiting for a new Chair<sup>5</sup> and we will launch an appointments process for the new Board this summer; and
- **establish new strategic partnership arrangements** – it is clear that current Commissioners' dual responsibilities as Board member and strand champion have led to a blurring of roles between the Board and the EHRC's executive team, which has hindered the ability of both to discharge their functions effectively. This has contributed to the EHRC's difficulties in delivering products of the right quality, on time and on budget. A new Board, appointed to clearly defined roles and focused on the transparent and effective governance of the organisation, may wish to establish new ways of engaging with key partners. We are therefore working with the EHRC to explore the options for doing so – for example through an advisory panel or reference group.

## Next steps

15. Improvements at the EHRC are already underway. We consider that this package of legislative and non-legislative reforms will be sufficient to transform it into a valued and respected national institution. However, the importance of the EHRC's role in promoting equality and human rights means that we must remain vigilant in ensuring that it achieves the improvements we want to see. We will therefore review the EHRC's progress at its next triennial review, due to be held in autumn 2013. Should sufficient progress not have been made, we will seek to implement more substantial reform to ensure that the EHRC's core functions are discharged effectively and efficiently in the future. This could mean more fundamental, structural changes to the EHRC's remit including some functions being done elsewhere, or splitting its responsibilities across new or existing bodies.

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5 Details on the recruitment of the new Chair of the EHRC can be found at [www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/](http://www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/)

## Consultation process

1. The consultation was launched on 22 March 2011 and ran until 15 June 2011. The consultation document 'Building a fairer Britain: Reform of the Equality and Human Rights Commission'<sup>6</sup> asked a total of 14 questions on a range of legislative and non-legislative proposals for reforming the EHRC to:

- set out its core functions more clearly;
- stop its non-core activities, and where appropriate, make alternative provision; and
- clarify its relationship to Government and strengthen its governance and systems to increase transparency, accountability and value for money.

2. We sought views on the consultation proposals at five events in England – involving the voluntary and community sector, the public sector, regulators and ombudsmen, trades unions, and business representatives – and at events in Scotland and Wales held jointly with the devolved administrations. In addition, we considered views expressed during the Government's Red Tape Challenge Spotlight on Equalities last June.

### Overview of responses

3. We received a total of 993 responses to the consultation – 224 representing organisations and 769 from individuals (or people who did not clearly indicate that their response represented the views of others). 11 of the individuals had responded to the EasyRead version of the consultation document. Most responses from individuals either replicated the response of the Public and Commercial Services Union (PCS) or appeared to have been prompted by coverage of the consultation in a national newspaper, which called for the EHRC's abolition.

4. We have summarised the key themes emerging in response to each question in the main part of this document. A statistical breakdown of responses to each question is at Annex 2.

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6 See <http://webarchive.nationalarchives.gov.uk/20110608160754/http://www.equalities.gov.uk/pdf/EHRC%20Reform%20Condoc%20Accessible.pdf>

An EasyRead version of the consultation document is available at: <http://webarchive.nationalarchives.gov.uk/20110608160754/http://www.equalities.gov.uk/pdf/Building%20A%20Fairer%20Britain%20Easy%20Read%20Web%20Accessible.pdf>

5. Three of the organisations and 25 of the individuals who responded asked that their responses remain confidential.

### i) Organisational responses

6. The 224 organisations which responded to the consultation are listed at Annex 3. The breakdown of organisations responding from different sectors was as follows:

Public sector (e.g. local authorities, other non-departmental public bodies)	55
Voluntary and community sector (e.g. Women's Resource Centre, Disability Hate Crime Network)	101
Member and representative groups (e.g. Confederation of British Industry, Discrimination Law Association)	29
Trades unions (e.g. PCS, TUC)	23
Other <sup>7</sup>	16
<b>Total</b>	<b>224</b>

7. Broadly two-thirds of responses were from organisations that either support or represent individuals from disadvantaged groups (e.g. the Women's Resource Centre or the Disability Hate Crime Network) or those – like the EHRC – which are involved in the protection and/or enforcement of rights. Only one response was received from an organisation representing the views of business (the Confederation of British Industry – CBI); the remainder were largely from public sector organisations.

8. Most organisations (around two-thirds) responded to each individual question in the consultation document. Of these, the majority (around 80%) consistently concluded that the issues raised were best addressed through stronger leadership and management, rather than through legislative change.

9. About a quarter (59) of the responses from organisations were from those based in Scotland or Wales, including from the Scottish and Welsh Governments. Almost all welcomed the importance the Government attached to the EHRC retaining a strong and distinct presence in Wales and Scotland. While most organisations had positive working relationships with the EHRC's Scottish and Welsh offices, some felt there was scope for improvement.

### ii) Other responses

10. Almost 80% (769) of all responses to the consultation were from individuals. With the exception of those duplicating the response of the PCS, individuals tended not to respond to the detailed questions in the consultation, but rather expressed a general view on the Government's overall approach to reform. Over half of the responses from individuals specifically called for the EHRC's abolition.

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7 Organisations which did not fit within the above groups, classified themselves as 'Other' or did not declare the name or nature of their organisation.

### **iii) Red Tape Challenge Spotlight on Equalities**

During the Red Tape Challenge Spotlight on Equalities, views were invited on equality legislation and how it is enforced, including on the role of the EHRC. Comments to the Red Tape Challenge website included calls to strengthen the EHRC's powers and/or increase the funding it receives. When engaging with businesses and their representatives, however, there was a view that the EHRC's approach to enforcing equality law needed to be much more proportionate and appropriate for small and medium sized enterprises. Some also considered that the numerous guidance documents available on the EHRC's website hindered rather than helped them to understand their obligations under equality law.

# Chapter 1 – clarifying the EHRC’s core functions

## Summary

1.1. We want to focus the EHRC on its core functions – the areas where it can add value – as Britain’s designated equality body and National Human Rights Institution. In light of the consultation, this chapter sets out the Government’s view of what these functions should be, and explains our decision to amend the EHRC’s statutory framework to help the EHRC to focus on these functions.

## The EHRC’s existing equality and human rights duties

1.2. Currently, the Equality Act 2006 places on the EHRC a series of duties relating to its equality and human rights remits. These are set out in full in Annex 1, but in summary:

- section 3 imposes a general duty on the EHRC to perform its functions with a view to making society fairer;
- section 12 requires the EHRC to monitor progress towards the development of the society described in section 3;
- section 8 imposes a series of duties on the EHRC relating to equality and diversity;
- section 9 imposes a series of duties on the EHRC relating to human rights; and
- section 10 imposes a good relations duty and section 19 contains an associated power allowing the EHRC to undertake certain activities to promote good relations between different groups.

## Consultation proposals

1.3. The consultation proposed:

- repealing the general duty at section 3, because it has no specific legal purpose and does not help to clarify the precise functions the EHRC is required to carry out;
- making a consequential amendment to the duty to monitor progress at section 12 to specify the outcomes that the EHRC is required to monitor progress against, and requiring a report every five years rather than every three;
- amending the equality duties in section 8, to clearly define the EHRC’s role as an ‘equality regulator’;

- retaining the human rights duties at section 9, but supporting the EHRC to enhance its focus by clarifying its core functions and increasing accountability for its performance; and
- repealing the good relations duty at section 10 and the associated power at section 19, because the most important work the EHRC has done under its good relations mandate (such as its disability harassment inquiry) could be carried out as part of its core equality and human rights duties.

## What you said

### Repealing the general duty, section 3

1.4. There was broad acceptance that the general duty at section 3 of the Equality Act 2006 had been designed as a “mission statement” and had limited practical effect in law. A minority of those who responded to this proposal, supported its repeal – regarding the drafting of the duty as unhelpfully vague and imprecise and pointing out that its aims were unmeasurable, unenforceable and unrealistic. The majority of respondents were opposed to repeal and were concerned about losing the guiding principles and values set out in the general duty, which had been debated in Parliament during the passage of the Equality Act 2006.

### Amending the duty to monitor progress, section 12

1.5. A minority of respondents supported both of the proposals to amend section 12. They considered that a move to focus the EHRC on specific outcomes and indicators (e.g. a reduction in hate crime) would help the EHRC to plan its work, improving its efficiency and increasing accountability for its performance. However, they also wanted to see greater engagement and consultation on the indicators to ensure they were meaningful. They agreed that the EHRC should only be required to produce a comprehensive ‘state of the nation’ style report on progress every five years rather than every three, on the grounds that change could be assessed more accurately and cost-effectively if it were measured over a longer timeframe.

1.6. Those opposed to amending the section 12 duty were concerned about losing sight of the overarching goals set out in the general duty at section 3. They wanted to ensure that the EHRC retained the flexibility to decide the matters on which it should report because otherwise it could, over time, end up reporting on matters of little significance. These respondents were also concerned that moving to a five-yearly reporting cycle could result in worrying new trends not being picked up or that aligning the review to the electoral cycle could turn it into a commentary on the performance of a particular government.

### Amending the equality duties, section 8

1.7. Those who supported the re-modelling of the equality duties at section 8 considered that this would give the EHRC greater focus, help to encourage partnership working, and reduce duplication with other organisations doing similar work. There was concern, however, in the CBI’s response, that for the EHRC to fulfil the role of “equality regulator” effectively, it must be considered a “neutral and impartial” organisation.

1.8. Those respondents who were opposed to the proposal were concerned that remodelling the duties would focus the EHRC’s remit too narrowly on compliance with equality law – reducing its capacity to build the understanding and capability within organisations necessary to stop breaches in the law taking place. They argued that the EHRC’s role of protecting and promoting equality and

human rights was fundamentally different from the role of most regulators, which tend to regulate a particular sector or profession and have the ability to impose sanctions. In its response, the EHRC suggested that it may not have the right suite of enforcement powers to enable it to act as an effective equality regulator, and recommended that the Government look at streamlining its prosecutorial and investigative powers.

1.9. Respondents from Wales and Scotland were concerned about how the proposals would impact on the work of the EHRC in Wales and Scotland, which had for the most part been well received.

### **Retaining the human rights duties, section 9**

1.10. Most respondents expressed disappointment at the EHRC's performance on human rights since its establishment, but there was no consensus on how to improve the EHRC's capacity to fulfil this function.

1.11. A minority of responses supported the Government's approach of seeking to strengthen the EHRC's human rights work by making its overall statutory framework clearer and more focused on its core equality and human rights functions, and strengthening its leadership and governance.

1.12. Respondents who were opposed to the approach were unsure how the proposals to clarify the EHRC's legislative mandate would enable it to perform its human rights role better. They considered that the EHRC's full range of legal duties and powers had been designed to work together and complement each other – not to create directly competing claims on the EHRC's attention and resources. They were also concerned that the proposed new statutory requirements to improve the EHRC's accountability and value for money might undermine its independence to hold the Government to account, impacting on its 'A'-rated status as a National Human Rights Institution. A number of respondents wanted the EHRC to work more collaboratively with other organisations to bring about a 'rights-based approach' in the provision of public services. Finally, some respondents, including the EHRC itself, felt that the consultation represented a missed opportunity to align the EHRC's human rights powers with its equality powers – specifically by enabling the EHRC to assist an individual who is or may become party to legal proceedings in relation to the Human Rights Act 1998.

1.13. Those responding from Wales and Scotland felt there needed to be greater clarity about the roles and functions of the EHRC in those countries to ensure that the proposals did not lead to gaps in protection. It was felt that there were differences in how the EHRC operates in England, Scotland and Wales, and consequently how its effectiveness is perceived.

### **Repealing the good relations duty, section 10, and associated power at section 19**

1.14. Many respondents to this proposal acknowledged that the EHRC had not delivered consistently within its good relations remit. The minority of respondents who were in favour of repealing the duty at section 10 reflected that local authorities, businesses and other partners have more influence on local communities than a centralised non-departmental public body. Notwithstanding the repeal of the duty, they felt that the EHRC would still have an important role to play in enabling good relations to flourish by performing its core equality and human rights functions effectively. Others felt the legislation had been too broadly drawn and/or expressed concern that the summer camps, competitions and events the EHRC had delivered under its good relations remit were a waste of taxpayers' money.

1.15. The majority of respondents who disagreed with the proposal considered that the good relations duty was important in addressing harassment and violence outside the workplace, tackling hate crime, improving civic participation and combating social exclusion and deprivation. They pointed to valuable work done in these areas by the EHRC and its predecessor the Commission for Racial Equality. There was also concern that the net effect of repealing the general duty, re-modelling the equality and diversity duties and repealing the good relations duty would be to diminish the EHRC's role in preventing breaches of anti-discrimination law.

## Our response

1.16. While recognising that failures in how the EHRC was set-up, led and managed have contributed to its underperformance to date, we remain of the view that a number of the EHRC's difficulties have also stemmed from a lack of precision in its legislative mandate.

1.17. **We have decided to proceed with our proposal to repeal the general duty at section 3 of the 2006 Act**, because it has no specific legal purpose and does not help to clarify the precise functions the EHRC is required to carry out. As a "mission statement", we think its breadth has hindered rather than helped the EHRC's Board and management to define the organisation's purpose, and we think that it would be more appropriate for the EHRC to be able to articulate its mission in its three-year strategic plan, taking account of the current context and input from those it works with.

1.18. **We have also decided that the EHRC's separate 'good relations' duty at section 10 and the associated power at section 19 are not necessary.** The EHRC's most valuable work in this area, for example, its inquiry into disability harassment, or its 'Map of Gaps' which mapped services for women who have experienced violence, could be done as part of its core equality or human rights work, complemented in Scotland by the work of the Scottish Human Rights Commission.

1.19. We believe that scrapping these unnecessary duties will help the EHRC to develop a more integrated, and coherent work programme overall – enhancing its capacity to discharge its equality and human rights duties effectively.

1.20. **In the light of our decision to repeal the general duty at section 3 of the Act, we will also make consequential amendments to the EHRC's section 12 duty to monitor progress.** We have decided to align the outcomes against which the EHRC is required to monitor progress to its core equality and human rights duties and, rather than specifying these in the legislation, we will continue to allow the EHRC to decide on the outcomes it will monitor and the indicators it will use to measure progress, after consultation with its partners. This will ensure that the EHRC's measurement framework remains flexible and relevant to changing circumstances and priorities.

1.21. **We have also decided to implement our proposal to change the requirement for the EHRC to report from every three years to every five years.** This won't prevent the EHRC publishing reports at more frequent intervals, should it choose to do so, but it does allow a longer timescale between reports, enabling meaningful change over time to be captured.

1.22. While the consultation proposed amending the equality duties at section 8 of the Equality Act 2006 to clearly define the EHRC's role as an "equality regulator", we have decided that it is neither realistic nor desirable to expect the EHRC to "regulate" every part of society on equality – checking up on organisations as diverse as pubs and shops, housing associations and police forces, central government departments and multi-national corporations. People in Great Britain have strong rights to equal

treatment under the Equality Act 2010, and are generally well-placed to assert them, with help available through legal aid and through the new Equality Advisory and Support Service, which will replace the EHRC's helpline later this year. In addition, there are many sector-specific regulators responsible for standards, including compliance with the legal framework and protecting the public – for example, in England Ofsted regulates and inspects schools and the Care Quality Commission performs a similar function for all adult social care services. As a consequence, we think it is more appropriate to regard the EHRC as a strategic enforcer – ensuring the law works as intended and only acting where there is an important point of principle or clarification at stake, which has broader application than its effect on the parties involved. As part of the EHRC's next triennial review, we will consider whether the arrangements for the enforcement of equality law are appropriate, proportionate, risk-based and fit for purpose.

1.23. In addition, because the EHRC's overarching purpose is – in line with our European Union and international obligations – actively to promote equality and human rights, by definition it is not neutral and impartial. Its role as a strategic enforcer of the law and supporter of victims of discrimination means that, while it has done some good work to raise awareness of rights and obligations, it is not seen by many with responsibilities under the law as a trusted provider of pragmatic guidance on how to ensure compliance. Neither is it necessarily well-placed to give guidance which offers practical and appropriate solutions for the wide range of different employers, businesses, voluntary and public bodies across the economy; in most cases there are other bodies closer to the various sectors which have the skills, expertise and established channels of communication to do this more effectively. **We will therefore consider how to improve the support available to help businesses and others comply with equality law, where possible making better use of the skills and experience of those who understand the practical challenges facing different sectors. We want to ensure that the information provided is relevant and appropriate for them and makes use of sources of advice and guidance which they already use and trust – this will make it more effective.**

1.24. **We have therefore decided to retain the equality duties at section 8, and the human rights duties at section 9, as they are.** Within this clearer legislative framework, it will be important for the EHRC's Board and senior management to use its three-year strategic plan and annual business planning processes to focus the EHRC on those activities it is uniquely well-placed to do, because of its statutory duties and powers, expertise and strategic partnerships.

1.25. Taking into account the EHRC's defined EU and human rights functions, we have identified two core areas in which the EHRC can add value as:

- **a national expert on equality and human rights issues** – as an 'A'-rated National Human Rights Institution – monitoring the effectiveness of equality and human rights law, undertaking research, conducting inquiries, making recommendations and monitoring progress in reducing persistent inequalities; and
- **a strategic enforcer of the law and guardian of legal rights** – promoting awareness and understanding of rights supporting victims of discrimination, and using its strategic enforcement powers to ensure the law is working as intended.

1.26. In setting its priorities and carrying out its functions, we expect the EHRC to work with, and through, a wide range of partners, and in particular to strengthen its links across Government, the business sector and the voluntary and community sector, in order to make it more effective and responsive. We also attach importance to the EHRC retaining a strong and distinct presence in Wales and Scotland, working closely with the Welsh Government, the Scottish Government and the Scottish Human Rights Commission.

## Chapter 2 – non core activities

### Summary

2.1. We announced last March that we would stop funding the EHRC's helpline and grants programmes when they came to a natural end. This was because of concerns about their reach, effectiveness and value for money<sup>8</sup>.

2.2. This chapter explains our decision to repeal the EHRC's power to make arrangements for the provision of conciliation, and to withdraw the EHRC from handling the complaints of disabled air passengers, leaving provision of the service to the Civil Aviation Authority. It also explains our decision not to replace the EHRC's strategic grants programme. Instead, we will target public funding on initiatives that provide practical help and support direct to, for example, victims of sexual and domestic violence.

### Consultation proposals

2.3. The consultation proposed:

- **repealing the EHRC's power to make arrangements for the provision of conciliation in non-workplace disputes**, because of concerns about the cost-effectiveness of the service arranged by the EHRC to date, its fit with the EHRC's strategic enforcement role and the extent to which it duplicates services available elsewhere;
- **that the Civil Aviation Authority should provide the complaints-handling service for disabled air travellers when the EHRC helpline closes**, as this was the mechanism by which the EHRC delivered this service; and
- **that an alternative funding stream should be established to better support the voluntary and community sector**, once the EHRC's strategic grants programme has come to a natural end.

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8 This followed a Review of the effectiveness and value for money of the EHRC's helpline and grants programmes. One of the factors leading to the qualification of the EHRC's accounts for 2008/09 had been the administration of the interim grants programme, which was replaced in January 2010 by the strategic grants programme. The Review, which was not a comprehensive evaluation of the impact and achievements of the strategic grants programme, concluded that the problems it identified were caused not by shortcomings in the staff administering the grants programmes, but by a lack of the underlying corporate and organisational culture, processes and systems required to run a large-scale grants programme. A copy of the Review can be found at: <http://webarchive.nationalarchives.gov.uk/20110608160754/http://www.equalities.gov.uk/pdf/Review2.pdf>

## What you said<sup>9</sup>

### Conciliation

2.4. A minority of respondents supported the repeal of the EHRC's power to make arrangements for the provision of conciliation in non-workplace disputes. While regarding conciliation and mediation as valuable, they considered that the present service represented poor value for money, and duplicated services provided elsewhere. They nonetheless wished to ensure that access to similar services would still be supported and signposted by the EHRC.

2.5. Most respondents disagreed with the proposal, expressing concern about the impact of the removal of the service on certain groups, particularly disabled people, who were more likely to face discrimination in the provision of goods, services and education. They questioned whether we had accurately reflected the costs of the service and argued that, if the issue was value for money, this was best addressed through a better-managed contract, as opposed to legislative change.

### Complaints handling service for disabled air passengers

2.6. Those that agreed that the Civil Aviation Authority (CAA) should provide the complaints-handling service for disabled air travellers in the future considered that complaints made to the EHRC had been poorly handled and felt that utilising the expertise and experience of the industry would result in a better consumer service for disabled people.

2.7. Most respondents disagreed with the proposal and were concerned about whether the CAA had the required resourcing and knowledge to take on this function from the EHRC. Some were concerned that the expertise the EHRC had built up would be lost, having a detrimental effect on the service provided to disabled people. Others were concerned about the accessibility of the new service, and questioned whether the CAA would be able to act independently and impartially, given its close ties to the aviation industry.

### Alternative funding for the voluntary and community sector

2.8. Most of the respondents to this question were unhappy about the Government's decision to stop funding the EHRC's present grants programme, arguing that it should continue – albeit with better administration and management. There was particular concern about the impact of the loss of the EHRC funding on organisations that are already experiencing budget reductions and funding cuts.

2.9. Some regarded the setting up of an alternative funding stream as disproportionately resource-intensive and saw a potential conflict of interest in the Government funding organisations to hold local and central authorities – including itself – to account. They considered that the EHRC's independent status made it ideal for this role.

2.10. Others wanted the administration of funding to be devolved to a body based close to the organisations it would support, and underlined the need to take account of national, regional and local variations – in particular the differences in Scotland and Wales.

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9 Respondents' views on the future funding of legal advice for discrimination cases are summarised in [www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/consultation-responses?view=Binary](http://www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/consultation-responses?view=Binary)

## Our response

### Conciliation

2.11. The EHRC's contract with its present conciliation provider came to an end on 31 March 2012. Having examined the EHRC's spend on conciliation over the past year, it was clear that costs remained extremely high – with the average cost per case over £4,000 in 2011/12<sup>10</sup>. This compares with information on the Ministry of Justice's 'Find a Civil Mediation provider' website showing that mediation in the vast majority of civil cases can be conducted for £600 to £850 (plus VAT). We note that the EHRC's present service is provided free of cost to **all** parties, but we are not convinced that discrimination disputes merit this unique provision.

2.12. Because of ongoing concerns about the cost-effectiveness of the EHRC's arrangements for the provision of conciliation in non-workplace disputes, and the extent to which these arrangements duplicate good quality, accessible and effective mediation provision already available throughout England and Wales<sup>11</sup> and Scotland<sup>12</sup>, we decided not to assign specific funds for this purpose to the EHRC in 2012/13.

2.13. As we do not believe that arranging for the provision of conciliation in individual cases fits with the EHRC's strategic role, we have also decided to repeal the EHRC's power to make arrangements for the provision of conciliation.

2.14. Through referrals, the new Equality Advisory and Support Service will provide an opportunity to encourage greater take-up of mediation and conciliation by victims of discrimination and by those against whom allegations of such discrimination have been made. In advance of the launch of the new service, the EHRC's helpline will support people to access alternative providers of mediation and conciliation.

### Disabled air passengers' complaints handling service

2.15. As the EHRC's helpline is presently used to support the complaints-handling service for disabled air travellers, we have decided that when the helpline closes and the new Equality Advisory and Support Service launches this autumn, this service should be wholly provided by the Civil Aviation Authority (CAA). The CAA has recently absorbed the Air Transport Users Council and taken on its consumer function, so it has considerable expertise in handling complaints relating to air passengers' rights. It is also setting up a new Consumer Panel to act as a critical friend. The Government considers that leaving the CAA to provide a complete service could help to further incentivise the industry to improve compliance, minimising the costs to industry and delivering a better outcome for disabled air travellers.

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10 A total of 51 cases were referred during 2011/12 (Source: EHRC, Casework Statistics) at an expected cost of around £216,000 (Source: EHRC, forecast spend, Feb 2012).

11 See [www.civilmediation.justice.gov.uk](http://www.civilmediation.justice.gov.uk)

12 See [www.scottishmediation.org.uk/find-a-mediator](http://www.scottishmediation.org.uk/find-a-mediator)

## **An alternative funding stream to better support the voluntary and community sector**

2.16. We have decided not to replace the EHRC's strategic grants programme with a single grants-based programme. Our aim is to make the biggest possible difference to people's lives with the funds available. We want in particular to encourage equal treatment and equal opportunity by targeting resources to provide direct practical help and support to individuals rather than through a single grants based programme for civil society organisations.

2.17. We are therefore directing funding over 2012 to 2014 at programmes that provide practical help and support direct to, for example: victims of sexual and domestic violence; women who want to start their own business, including women in rural areas, and disabled people seeking elected office; and work to tackle homophobia and transphobia. Some of this funding will support VCS organisations and we may make further such funding available. But in the light of the problems with the EHRC's Strategic Grants programme, we think it better to direct resources at strategic priorities rather than invite locally-based organisations to bid for relatively small sums held centrally.

# Chapter 3 – improving the EHRC’s financial and operational performance

## Summary

3.1. We want the EHRC to be in the strongest possible position to be able to demonstrate that it is delivering value for taxpayers’ money. Encouraged by recent signs of improvement at the EHRC following firm action by this Government, and in light of the response to the consultation, we have decided not to proceed with legislative changes to improve the EHRC’s transparency, accountability and value for money. Instead, this chapter outlines the more substantial non-legislative reforms that we are implementing in partnership with the EHRC in order to improve its operational and financial performance.

## Consultation proposals

3.2. The consultation proposed:

- legislative changes to require the EHRC to lay its business plan before Parliament, to require the Chair and Chief Executive to have specific regard to using public money efficiently and effectively, and to make clear that the EHRC is subject to Government public expenditure restrictions and that the Secretary of State may impose a financial sanction where the EHRC has misspent taxpayers’ money; and
- a range of non-legislative measures already underway – to drive efficiencies through estates rationalisation and a move to shared “back office” services, through work to produce a new Framework Document to strengthen corporate governance and financial control, and through a smaller Board with stronger corporate skills and experience.

## What you said

### Making legislative changes

3.3. Most respondents to the proposal agreed that all organisations should be open, accountable, transparent and deliver value for money, but there were different views on the best way to encourage the EHRC to improve value for money and accountability. Many expressed concern about how the EHRC had spent taxpayers’ money in the past, and saw the value of the EHRC having a clear business plan, which would enable others to hold it to account for its performance.

3.4. However, the majority were opposed to the proposed legislative changes, expressing concern about their possible impact on the EHRC's ability to carry out its role without undue influence from Government. There was particular concern about the proposal to give the Home Secretary a power to direct the form and timing of the business plan, which some felt could equate to a veto over certain activities. A number also felt that the EHRC's sponsor Department, and not Parliament, should manage performance against the business plan. However, others, including the EHRC, felt that the organisation should have a closer relationship with Parliament, both to balance its relationship with the Government and to promote engagement with its work by parliamentarians.

3.5. The EHRC also proposed that it should be given a new power to generate income, to reduce its dependence on taxpayers' money.

### Proceeding with non-legislative measures underway

3.6. Most respondents welcomed the non-legislative reforms underway and the improvements in accountability, transparency and value for money that these changes are already beginning to produce. A number of respondents also stressed the importance of ensuring that the drive to share "back office" services should not compromise the EHRC's ability to act independently to hold the Government to account.

### Our response

3.7. Over the last 18 months, the EHRC has taken a range of steps to respond to the Government's concerns and there have been clear signs of improvement across its financial and operational performance. It has rolled out a performance management system for its staff, has significantly reduced its dependence on interim members of staff and is cutting its headcount from 455 staff in May 2010 to under 180 by April 2013, in part by moving swiftly to deliver significant reductions to the cost of its corporate support functions through agreeing arrangements to share "back office" services with other organisations. It also plans to rationalise its accommodation to achieve further savings. In November last year, there was a significant sign of progress when the EHRC's first satisfactory set of accounts was laid before Parliament<sup>13</sup>.

3.8. Most importantly, in March, a new Framework Document – clarifying the relationship between the EHRC and the Government – was agreed between the Home Office and the EHRC Board. The operational independence of the EHRC, a publicly-funded body, should never have resulted in financial indiscipline. The new Framework Document makes clear that the EHRC will comply with Government-wide rules on managing public money and with public expenditure controls, where these do not prevent the EHRC being able to perform its statutory functions. So, as well as establishing tighter financial controls, the new Framework Document sets out how the EHRC and Government will work together to increase the EHRC's transparency to Parliament and the public about how it operates<sup>14</sup>.

3.9. However, we remain concerned about the cost of some of the EHRC's work, and the extent to which its activities are genuinely adding value by helping to support equality of opportunity and promote a better understanding of the true meaning of human rights. We are also worried about the quality and timeliness of some of its work.

13 Accounts for previous years had been qualified by the National Audit Office for reasons including the "insufficient evidence to support the regularity of expenditure on grants" in relation to both the EHRC's interim grants programme (in 2008/09) and its legal grants programme (in 2009/10); not in relation to its strategic grants programme.

14 For a copy of Framework Document see [www.homeoffice.gov.uk/publications/equalities/government-equality/ehrc-framework-doc](http://www.homeoffice.gov.uk/publications/equalities/government-equality/ehrc-framework-doc)

3.10. It is important that the EHRC has the right level of resource to carry out its functions effectively, working in partnership with others to reduce the potential for wasteful duplication, wherever possible. We will therefore conduct a zero-based review of the EHRC's budget. It will look at what work the EHRC is uniquely well-placed to do – because of its legislative powers, strategic partnerships and expertise – and the resources it needs to support this<sup>15</sup>. The review will conclude this autumn.

3.11. If the EHRC is going to deliver the transformational change needed to become the valued and respected national institution we want to see, it needs the leadership and support of a strong, focused Board to drive improvement and hold the organisation to account. The term of the EHRC Chair is due to come to an end this September, and the majority of Commissioners' terms are due to come to an end this December. This provides the opportunity to appoint a smaller Board with stronger business skills and experience, better placed to provide effective strategic leadership for the organisation and ensure high standards of corporate governance and performance. We have already launched the campaign to recruit a new Chair<sup>16</sup>, whose appointment will be subject to scrutiny by parliamentary committee in line with the desire to strengthen the EHRC's accountability to Parliament. We will begin a new appointments process for the EHRC Board members in the summer, with the aim of reducing the size of the present Board from 14 to 10 – the minimum allowed by the Equality Act 2006. Strengthening the governance and leadership provided by the Board will position the EHRC to consolidate and build on the improvements already being delivered.

3.12. One factor which has hindered the ability of the EHRC Board and executive team to discharge their functions effectively has been a blurring of roles caused by current Commissioners' dual responsibilities as Board member and "strand" champion. This dual role has sometimes resulted in tensions between particular interests and corporate imperatives, making it difficult for the EHRC to determine a strong strategic vision and direction and to operate swiftly and decisively. The intention is that the new Board will have a stronger focus on corporate governance and less of a role in representing the interests of particular groups. This means that it may want to find different ways of engaging with its key constituencies in the equality and human rights arena. We are therefore working with the EHRC to explore the scope to establish new means through which the EHRC can engage its key partners in its work – for example through a reference group or advisory panel.

3.13. The recent progress made by the EHRC in achieving financial and operational performance improvements, taken with the further measures we are working to deliver and embed – in particular the new Framework Document, the zero-based review of the EHRC's budget and the strengthened governance and leadership to be provided by the new, smaller Board – have led us to conclude that it may not be necessary to proceed with legislative changes to improve the EHRC's transparency, accountability and value for money. Nor do we think there is a case for making the further legislative change requested by the EHRC – to give it a new power to charge for services – as the EHRC already has a power to impose charges for some of its activities, such as the provision of guidance and training.

3.14. We have therefore decided to allow time for the improvements already in train to be embedded and mature before considering if further change is required to deliver the transformation in the EHRC's financial and operational performance that we all want to see.

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15 A working draft of the terms of reference for the review will be published shortly at [www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/](http://www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/)

16 Details on the recruitment of the new Chair of the EHRC can be found at [www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/](http://www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission/)

# Chapter 4 – our approach to reform and next steps

## Summary

4.1. We proposed a package of legislative and non-legislative reform to transform the EHRC into a body that is better focused on its core equality and human rights functions and makes improved use of taxpayers' money. In light of the polarised response to the consultation, this chapter explains our decision to proceed with scrapping some unnecessary legislative provisions to focus the EHRC on its core functions, and in parallel to implement a strong package of non-legislative reforms. We will review the EHRC's progress at its next triennial review, due to be held in autumn 2013.

## Consultation proposals

4.2. We proposed substantial legislative reform to clarify the EHRC's remit and improve its transparency, accountability and value for money, supported by non-legislative reforms to drive efficiency savings and improve corporate governance.

## What you said

4.3. A minority of respondents to the consultation considered that we had struck the right balance with our proposed package of legislative and non-legislative reforms.

4.4. However, the majority of respondents disagreed with our approach, with over half of the responses from individuals explicitly calling for the EHRC's abolition. Of these, many felt that the EHRC was wasting taxpayers' money, while others were fundamentally opposed to its existence, regarding the EHRC as the "thought police".

4.5. Almost a third of respondents felt the reforms went too far – expressing concern about their impact on the EHRC's status as an 'A' rated National Human Rights Institution, and arguing that the package signified "a rowing back" on equality. Of these, many felt that the EHRC's failings to date were a reflection of poor leadership and management, combined with errors made in the process of setting the EHRC up. They felt the organisation was improving and that the Government could drive further improvements through its sponsorship role – negating the need for any legislative change.

4.6. The Scottish and Welsh Governments highlighted a range of good work done by the EHRC's offices in Scotland and Wales, and emphasised the need to ensure that problems with the EHRC's operational and financial performance in England did not drive solutions that undermined the positive difference being made by the EHRC's Scottish and Welsh teams.

### Government response

4.7. We have adapted our proposals in light of the views expressed, and have decided to proceed with the following legislative changes to clarify the EHRC's remit as Great Britain's designated equality body and National Human Rights Institution:

- repealing the EHRC's general duty at section 3;
- making a consequential amendment to the EHRC's section 12 duty to monitor progress and changing the requirement for it to report from every three years to every five years;
- repealing the good relations duty at section 10, and its associated power at section 19;
- repealing the EHRC's power to make arrangements for the provision of conciliation in non-workplace disputes, at section 27; and
- amending SI 2007/1895, which names the EHRC as the complaint-handler for disabled air passengers.

4.8. We will seek to use the earliest suitable legislative vehicle to implement the changes to the Equality Act 2006, and we will bring forward secondary legislation to make the necessary amendments to remove the EHRC as a complaint handler for disabled air passengers, making the Civil Aviation Authority (CAA) the handling body for disabled air passengers' complaints.

4.9. In parallel, we are working with the EHRC to implement a number of more substantial non-legislative reforms to enhance its capacity to perform its core functions and improve its operational and financial performance, including:

- bringing the EHRC's helpline and grants programmes to an end, with new funding being made available for initiatives that provide practical help and support direct to those in need, and a new improved Equality Advisory and Support Service opening its doors this autumn;
- implementing a new Framework Document, clarifying the relationship between the EHRC and the Government and establishing tighter financial controls;
- a zero-based review of the EHRC's budget, which will conclude this autumn and inform the EHRC's budget going forward;
- appointing a new Chair, and appointing a new, smaller Board that is more able to provide strategic leadership by the end of the year; and
- exploring the scope to establish new means through which the EHRC can engage its key partners in its work – for example through an advisory panel.

4.10. We consider that this package has the potential to transform the EHRC into the valued and respected national institution that we all want to see, but we will review the EHRC's progress at its next triennial review in autumn 2013.

4.11. Should sufficient progress not have been made, we will seek to implement more substantial reform to ensure that the EHRC's core functions are discharged efficiently and effectively going forward. This could include some functions being done elsewhere, or splitting its responsibilities across new or existing bodies.

# Annex 1 – the EHRC’s equalities and human rights duties

## Equality Act 2006

1. Section 3 imposes a ‘general duty’ on the EHRC to:  
‘.....exercise its functions...with a view to encouraging and supporting the development of a society in which:
  - a) people’s ability to achieve their potential is not limited by prejudice or discrimination;
  - b) there is respect for and protection of each individual’s human rights;
  - c) there is respect for the dignity and worth of each individual;
  - d) each individual has an equal opportunity to participate in society;
  - e) there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.’
  
2. Section 8 imposes a series of duties on the EHRC relating to equality and diversity:  
‘The Commission shall...:
  - a) promote understanding of the importance of equality and diversity;
  - b) encourage good practice in relation to equality and diversity;
  - c) promote equality of opportunity;
  - d) promote awareness and understanding of rights under the Equality Act 2010;
  - e) enforce the Equality Act 2010
  - f) work towards the elimination of unlawful discrimination and
  - g) work towards the elimination of unlawful harassment.’
  
3. Section 9 imposes a series of duties on the EHRC relating to human rights:  
‘The Commission shall...
  - a) promote understanding of the importance of human rights;
  - b) encourage good practice in relation to human rights;
  - c) promote awareness, understanding and protection of human rights;
  - d) encourage public authorities to comply with section 6 of the Human Rights Act 1998.

4. Section 10 imposes a good relations duty:  
'The Commission shall...
  - a) promote understanding of the importance of good relations –
    - i) between members of different groups, and
    - ii) between members of groups and others,
  - b) encourage good practice in relation to relations;
    - i) between members of different groups, and
    - ii) between members of groups and others,
  - c) work towards the elimination of prejudice against, hatred of and hostility towards members of groups; and
  - d) work towards enabling members of groups to participate in society
  
5. There is an associated power at section 19 of the Act, which, in pursuance of its duties at section 10, gives the EHRC a power to: 'make, co-operate with or assist in arrangements –
  - a) for the monitoring of kinds of crime affecting certain groups;
  - b) designed to prevent or reduce crime within or affecting certain groups;
  - c) for activities (whether social, recreational, sporting, civic, educational or otherwise) designed to involve members of groups.
  
6. Section 12 imposes a duty to monitor progress:
  1. The Commission shall from time to time identify –
    - (a) changes in society that have occurred or are expected to occur and are relevant to the aim specified in section 3,
    - (b) results at which to aim for the purpose of encouraging and supporting the development of the society described in section 3 ("outcomes"), and
    - (c) factors by reference to which progress towards those results may be measured ("indicators").
  
  2. In identifying outcomes and indicators the Commission shall –
    - (a) consult such persons having knowledge or experience relevant to the Commission's functions as the Commission thinks appropriate,
    - (b) consult such other persons as the Commission thinks appropriate,
    - (c) issue a general invitation to make representations, in a manner likely in the Commission's opinion to bring the invitation to the attention of as large a class of persons who may wish to make representations as is reasonably practicable, and
    - (d) take account of any representations made.
  
  3. The Commission shall from time to time monitor progress towards each identified outcome by reference to any relevant identified indicator.
  
  4. The Commission shall publish a report on progress towards the identified outcomes by reference to the identified indicators
    - (a) within the period of three years beginning with the date on which this section comes into force, and
    - (b) within each period of three years beginning with the date on which a report is published under this subsection.
  
  5. The Commission shall send each report to the Minister, who shall lay a copy before Parliament.

## Annex 2 – summary of responses

### Question 1

**Do you agree that Section 3 should be repealed?**

A total of 376 responses answered this question [38%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>17</sup> response	Total
Individuals	15	154	1	524	1	<b>697</b>
Organisations	31	112	10	71	0	<b>224</b>
Other <sup>18</sup>	7	42	2	11	10	<b>72</b>
<b>Total</b>	<b>53</b>	<b>308</b>	<b>15</b>	<b>606</b>	<b>11</b>	<b>993</b>

<sup>17</sup> EasyRead responses are summarised separately on page 34.

<sup>18</sup> 12 respondents agreed with either the first or second part of the question, but not both. This led to a mixed response which was classified as "Not sure".

## Question 2

Do you agree that remodelling the duties at s.8 of the Equality Act 2006 to mirror the role and functions set out in paragraph 1.9 of chapter 1 (of the Consultation) will help to focus the EHRC on its core objectives as an equality regulator? If not, what do you think the EHRC's core functions should be?

A total of 368 responses commented on this proposal [37%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>19</sup> response	Total
Individuals	10	157	3	526	1	<b>697</b>
Organisations	44	90	14	76	0	<b>224</b>
Other	1	47	2	12	10	<b>72</b>
<b>Total</b>	<b>55</b>	<b>294</b>	<b>19</b>	<b>614</b>	<b>11</b>	<b>993</b>

## Question 3

Do you agree with our proposal to amend the section 12 duty so that it:

- specifies the aims and outcomes which the EHRC is required to monitor progress against; and
- requires a report every five rather than three years, to tie into the Parliamentary cycle and enable reports to capture meaningful change over time?

A total of 365 responses commented on this proposal [37%]

	Agree	Disagree	Not sure <sup>20</sup>	Not answered / not indicated	EasyRead <sup>21</sup> response	Total
Individuals	9	157	4	526	1	<b>697</b>
Organisations	36	78	32	78	0	<b>224</b>
Other	3	44	4	11	10	<b>72</b>
<b>Total</b>	<b>50</b>	<b>275</b>	<b>40</b>	<b>615</b>	<b>11</b>	<b>993</b>

19 EasyRead responses are summarised separately on page 34.

20 12 respondents agreed with either the first or second part of the question, but not both. This led to a mixed response which was classified as "Not sure".

21 EasyRead responses are summarised separately on page 34.

### Question 4

Do you agree that the proposals to focus the EHRC on its core functions, as well as the measures set out in chapter 2 (of the Consultation) to increase the EHRC's accountability for its performance will help the EHRC fulfil its Human Rights remit? If not, what further changes do you suggest?

A total of 370 responses commented on this proposal [37%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>22</sup> response	Total
Individuals	7	160	5	524	1	<b>697</b>
Organisations	45	86	34	59	0	<b>224</b>
Other	3	46	4	9	10	<b>72</b>
<b>Total</b>	<b>55</b>	<b>272</b>	<b>43</b>	<b>592</b>	<b>11</b>	<b>993</b>

### Question 5

Do you agree that we should remove the EHRC's good relations function? If not, why not?

A total of 398 responses answered this question [40%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>23</sup> response	Total
Individuals	14	155	2	525	1	<b>697</b>
Organisations	26	134	14	50	0	<b>224</b>
Other	5	45	3	9	10	<b>72</b>
<b>Total</b>	<b>45</b>	<b>334</b>	<b>19</b>	<b>584</b>	<b>11</b>	<b>993</b>

22 EasyRead responses are summarised separately on page 34.

23 EasyRead responses are summarised separately on page 34.

## Question 6

Do you think the Government should repeal the EHRC's power to make provision for conciliation services, as part of the process of focussing the EHRC on its core functions?

A total of 293 responses answered this question [29%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>24</sup> response	Total
Individuals	19	88	4	585	1	<b>697</b>
Organisations	35	98	20	71	0	<b>224</b>
Other	7	20	2	33	10	<b>72</b>
<b>Total</b>	<b>61</b>	<b>206</b>	<b>26</b>	<b>689</b>	<b>11</b>	<b>993</b>

## Question 7-10

The Government announced the new arrangements for information, advice and support on discrimination and human rights on 9th December 2011. A response to this part of the consultation was published online.<sup>25</sup>

## Question 11

Do you agree with the proposal for the Air Transport Users Council, part of the Civil Aviation Authority, to provide the complaints handling service for disabled passengers in the future? If not, why not?

A total of 254 responses answered this question [26%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>26</sup> response	Total
Individuals	15	79	5	597	1	<b>697</b>
Organisations	48	49	38	89	0	<b>224</b>
Other	8	8	3	43	10	<b>72</b>
<b>Total</b>	<b>71</b>	<b>136</b>	<b>47</b>	<b>729</b>	<b>11</b>	<b>993</b>

24 EasyRead responses are summarised separately on page 34.

25 See [www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/](http://www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/)

26 EasyRead responses are summarised separately on page 34.

## Question 12

How could the new Government funding stream most effectively support civil society organisations to promote equality, human rights and tackle discrimination?

This question sought views on funding for organisations so there is no statistical breakdown.

## Question 13

Do you agree with our legislative proposals to increase the EHRC's transparency, accountability and value for money?

A total of 395 responses answered this question [39%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>27</sup> response	Total
Individuals	14	152	3	527	1	<b>697</b>
Organisations	61	81	20	62	0	<b>224</b>
Other	5	45	3	9	10	<b>72</b>
<b>Total</b>	<b>80</b>	<b>278</b>	<b>26</b>	<b>598</b>	<b>11</b>	<b>993</b>

## Question 14

Do you agree with our approach of legislative and non-legislative reform?

A total of 774 responses answered this question [78%]

	Agree	Disagree	Not sure	Not answered / not indicated	EasyRead <sup>28</sup> response	Total
Individuals	11	580	6	99	1	<b>697</b>
Organisations	33	127	25	39	0	<b>224</b>
Other	4	56	1	1	10	<b>72</b>
<b>Total</b>	<b>48</b>	<b>763</b>	<b>32</b>	<b>139</b>	<b>11</b>	<b>993</b>

27 EasyRead responses are summarised separately on page 34.

28 EasyRead responses are summarised separately on page 34.

## EasyRead Responses

### Question 1

Do you agree that the Commission should concentrate on making sure that the laws on equality and fairness are not broken? Please tell us why.

Agree	Disagree	Not indicated / not sure	Total
5	4	2	11

### Question 2

What support would you like to get from the new advice service? Would you like to be able to telephone, text, email or write for advice?

This question asked for details about the type of support service people would like and does not include a statistical breakdown.

### Question 3

Do you agree that the Airline Transport Users' council should manage the complaints about airports and airlines from disabled people? Please tell us why.

Agree	Disagree	Not indicated / not sure	Total
6	3	2	11

### Question 4

Do you agree that the Commission should stop offering 'conciliation' services? Please tell us why.

Agree	Disagree	Not indicated / not sure	Total
3	4	4	11

### Question 5

What do you think about money being made available on top of legal aid for lawyers to help other people who do not have much money?

This question asked for views about funding for legal support and does not include a statistical breakdown.

**Question 6**

**What type of projects should receive government money to promote equality and human rights?**

This question asked for views about funding for organisations and does not include a statistical breakdown.

**Question 7**

**Do you agree that the Commission should tell Government about its formal plans and how it will spend public money? What information would you like to see?**

Agree	Disagree	Not indicated / not sure	Total
9	-	2	11

## Summary of EasyRead Responses

Eleven responses to “How to make the Equality and Human Rights Commission better” the EasyRead version of our consultation response were received. One response asked to remain confidential. The majority of respondents answered all seven questions, and one response called explicitly for the abolition of the EHRC.

### Question 1

**Do you agree that the Commission should concentrate on making sure that the laws on equality and fairness are not broken? Please tell us why.**

On the EHRC's core functions, some respondents commented that the EHRC should focus on providing advice and examining the effectiveness of the law.

### Question 2

**What support would you like to get from the new advice service? Would you like to be able to telephone, text, email or write for advice?**

10 responses offered suggestions for what the new advice and support service should look like; these views have been captured in the response which was published on 9th December<sup>29</sup>.

### Question 3

**Do you agree that the Airline Transport Users' council should manage the complaints about airports and airlines from disabled people? Please tell us why.**

Six responses agreed that the Civil Aviation Authority should take over the running of the complaints handling service for disabled air travellers. The three who disagreed with the proposal felt that multiple agencies should handle complaints to ensure that there was more than one route to getting a complaint 'heard'.

### Question 4

**Do you agree that the Commission should stop offering 'conciliation' services? Please tell us why.**

Three responses agreed with our proposal to stop the conciliation service. Four responses felt that the provision of conciliation should continue because talking about issues was the quickest and cheapest way of resolving concerns. Four responses were not sure about this proposal.

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29 See [www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/](http://www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/)

### **Question 5**

**What do you think about money being made available on top of legal aid for lawyers to help other people who do not have much money?**

A variety of views were expressed about the availability of 'top-up' grants for discrimination cases, including that legal aid was already too generous, that there should be alternative routes to allay legal concerns, that lawyers were already paid too much, and that legal aid and legal grants had led to 'mischief-makers' wasting time.

### **Question 6**

**What type of projects should receive government money to promote equality and human rights?**

10 responses gave views on the types of projects which should receive government funding. These views have been captured in the response which was published on 9th December.<sup>30</sup>

### **Question 7**

**Do you agree that the Commission should tell Government about its formal plans and how it will spend public money? What information would you like to see?**

Nine responses to the EasyRead consultation agreed that the EHRC should inform Government about how it has spent taxpayers' money, and also be more transparent about its plans.

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30 See [www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/](http://www.homeoffice.gov.uk/publications/equalities/government-equality/New-service-further-info/)

## Annex 3 – list of Organisations that responded

1. ABCD Cymru
2. Aberdeenshire Council
3. Acas
4. Access Liaison Group
5. Action Disability Kensington Chelsea
6. Action for Advocacy
7. Advice Daventry
8. Advice Services Alliance
9. Advice UK
10. Age Cymru
11. Age UK
12. All Party Parliamentary Group on Equality
13. All Wales (Police)
14. Alliance for Inclusive Education
15. Angus Council
16. Arthritis Care
17. Association of Chief Police Officers
18. Association of Chief Police Officers Scotland
19. Association of Chief Police Officers Scotland Disability Reference Group
20. Association of Equality Scheme Providers
21. Avon and Bristol Law Centre
22. Bar Council
23. Bath and North Eastern Somerset Access Group
24. Bedfordshire Race & Equalities Council
25. Betsi Cadwaladr University Health Board
26. Birmingham Law Centre
27. Birmingham Law Society Employment Law Centre
28. Black and Ethnic Minorities Infrastructure in Scotland
29. Black Training and Enterprise Group
30. Board of Deputies of British Jews and the Community Security Trust
31. Boston Borough Council
32. Bradford Law Centre
33. British Council

34. British Deaf Association
35. British Institute of Human Rights
36. British Naturalism
37. Capability Scotland
38. Cardiff and Vale University Health board
39. Care
40. Care Council for Wales
41. Care Quality Commission
42. Caritas Social Action Network
43. Centre for Accessible Environments
44. Chartered Institute for Physiotherapy
45. Cheshire, Halton and Warrington Race and Equality Centre
46. Children in Scotland
47. Children's Commissioner for Wales
48. Christian Concern
49. Chwarae Teg
50. Citizen's Advice
51. Civil Aviation Authority
52. Close the Gap
53. Communications Workers Union
54. Community Housing Cymru
55. Confederation of British Industries
56. Crown Prosecution Service
57. Derby and Derbyshire Race and Equality Council
58. Disability Action in Islington
59. Disability Charities Consortium
60. Disability Hate Crime Network
61. Disability Law Service
62. Disability Rights Partnership
63. Disabled Persons Transport Advisory Committee
64. Discrimination Advisers Regional Network
65. Discrimination Law Association
66. Diverse Cymru
67. Dumfries and Galloway's Diversity Working Group
68. Ealing Equality Council
69. East Dunbartonshire Equality Engagement Group
70. East Lothian Council
71. Ecas
72. Education Scotland – formerly known as Her Majesty's Inspectorate of Education Scotland
73. Educational Institute of Scotland
74. Employment Lawyers Association
75. End Violence Against Women
76. Engender
77. English Regions Equality Network
78. Equality and Diversity Committee of the Law Society of Scotland
79. Equality and Diversity Forum
80. Equality and Human Rights Commission
81. Equality Commission for Northern Ireland
82. Equality South West

83. Equanomics
84. Evangelical Alliance
85. First Division Association
86. Forestry Commission
87. Gender Identity Research and Education Society
88. General Teaching Council for England
89. Gloucester Law Centre
90. Glyndwr University
91. Ground Level Churches
92. Guide Dogs for the Blind Association
93. Haringey council
94. Healthcare Inspectorate Wales
95. Higher Education Equality Opportunities Network
96. Higher Education Funding Network for Wales
97. Home Affairs Select Committee
98. Housing Diversity Network
99. Human Rights Consortium Scotland
100. Humanity Equality and Rights
101. Inclusion London
102. Inclusion Scotland
103. Independent Academic Research Studies
104. Institute of Economic Affairs
105. Institute of Equality and Diversity Practitioners
106. Ipswich and Suffolk Council for Racial Equality
107. JUSTICE
108. Kettering Citizen's Advice Bureau
109. Lasa
110. Law Centres Federation
111. Law Society
112. Law Society Scotland
113. Leeds City Council
114. Leeds Local Government Branch of Unison
115. LGBT Youth Scotland
116. Liberty
117. London Borough of Redbridge
118. London Fire Brigade
119. London Voluntary Sector Council
120. Mediation Works
121. MENTER
122. Merseyside Disability Federation
123. Mid Suffolk District Council
124. Mind
125. Mind Cymru
126. National Board of Catholic Women
127. National Union of Journalists
128. Newham Monitoring Project
129. NHRS Ayrshire and Arran
130. NHS Education for Scotland
131. NHS Grampian

132. NHS Greater Glasgow and Clyde
133. NHS Health Scotland
134. NHS National Services Scotland
135. NHS Wales Centre for Equality and Human Rights
136. North Ayrshire Council
137. North Bank Forum
138. North Kesteven District Council
139. Northampton Borough Council
140. Northamptonshire County Unison
141. Northamptonshire Rights and Equality Council
142. Northumberland County Council EDHRSG
143. Norwich and Norfolk Race Equality Council
144. Nottingham Interfaith Council
145. Orkney Islands Council
146. Out of Conflict Mediation
147. PARITY
148. Parliamentary and Health Services Ombudsman
149. Partners for Inclusion Sheffield
150. Perth and Kinross Council
151. Peterborough Race Equality Council
152. Pioneer Churches
153. Public Sector People Mangers' Association Diversity Network
154. Press for Change
155. Prison Reform Trust
156. Prospect
157. Public and Commercial Services Union
158. Public and Commercial Services Union (Branch undeclared)
159. Public and Commercial Services Union (Branch undeclared)
160. Public and Commercial Services Union and Unite Members at the Equality and Human Rights Commission
161. Public and Commercial Services Union Cap Gemini
162. Public and Commercial Services Union Defra London
163. Public and Commercial Services Union Home Office Group
164. Public and Commercial Services Union South Wales R&C Branch
165. Public and Commercial Services Union Wales
166. Race Equality First
167. Race on the Agenda
168. Recruitment and Employment Confederation Ltd
169. Regional Equality and Diversity Partnership
170. Respect UK
171. Royal Association for Deaf People
172. Royal National Institute for the Blind
173. Runnymede Trust
174. Scottish Accessible Transport Alliance
175. Scottish Alliance of Regional Equality Councils
176. Scottish Ambulance Service
177. Scottish Association of Law Centres
178. Scottish Council for Voluntary Organisations
179. Scottish Councils Equality Network

180. Scottish Disability Equality Forum
181. Scottish Environment Protection Agency
182. Scottish Government
183. Scottish Trades Unions' Congress
184. Scottish Women's Aid
185. Scottish Women's Convention
186. Sheffield Law Centre
187. Sport Scotland
188. Staffordshire Police
189. Stonewall
190. Strathclyde University
191. Suffolk Police
192. Surrey Community Action
193. Tai Pawb
194. Taxpayers' Alliance
195. Tayside Police
196. The Equality Network
197. The Lesbian & Gay Foundation
198. The Methodist Church
199. Trades Unions' Congress
200. Tyne and Wear Fire and Rescue Service
201. UK Women's Budget Group
202. UNICEF UK and Save the Children UK
203. Unison
204. UNITE
205. United Kingdom Council for Access and Equality
206. University and College Union
207. University of St Andrews
208. Wales Trades Union's Congress Cymru
209. Welsh Assembly Government
210. Wales Assembly of Women
211. Welsh Language Board
212. Welsh Local Government Association
213. Welsh Refugee Council
214. Welwyn Hatfield Borough Council
215. West Lothian College
216. West of Scotland Regional Equality Council
217. Wiltshire VCS
218. Women's Resource Centre
219. Youth Link Scotland

Three organisations did not wish for their responses to be made public.

Two respondents classified themselves as an organisation, but did not declare the name of their organisation.

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