

HOME OFFICE

POLICY EQUALITY STATEMENT (PES)

Name of Policy/Guidance/Operational Activity: Reform of the Equality and Human Rights Commission

The future of the Equality and Human Rights Commission (EHRC) was considered as part of the Government's review of public bodies in 2010. The review concluded that the EHRC should be retained but substantially reformed and restructured 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.

Policy aims and objectives

- i) Set out more clearly the EHRC's core functions;
- ii) Stop non-core activities and, where appropriate, make alternative provision;
- iii) Clarify its relationship to Government and strengthen further its governance and systems to provide greater transparency, accountability and value for money.

Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty.

As part of our policy development on the reform of the Equality and Human Rights Commission (EHRC), the Government ran a public consultation between 22 March and 15 June 2011. The consultation sought views on a number of legislative and non-legislative proposals to achieve the policy aims and objectives outlined above.

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, or seemed to have been prompted by coverage of the consultation in a national newspaper calling for the EHRC's abolition.

i) Organisational responses

The 224 organisations which responded to the consultation are listed at Annex A. 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 ¹	16
Total	224

Around two-thirds of responses from organisations came from groups which either support or represent individuals from disadvantaged groups (e.g. the Women's Resource Centre or the

¹ Organisations which did not fit within the above groups classified themselves as 'Other' or did not declare the name or nature of their organisation.

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); the remainder were largely from public sector organisations.

In addition to the consultation exercise, we also held five engagement events at which equality considerations were discussed/ considered. Attendees included representatives from:

- The voluntary and community sector
- Public sector bodies
- Regulators and Ombudsmen
- Trades unions
- Groups representing business interests
- The legal profession

Further events were held in Scotland and Wales, hosted respectively by the Scottish and Welsh Governments, with interested groups from the devolved territories attending.

A full Government Response to the consultation, summarising the views expressed and explaining how they have been taken into account when developing our policy is available

<http://www.homeoffice.gov.uk/equalities/equality-government/equality-human-rights-commission>

In considering policy, we have had due regard to all three aims of the Equality Duty (eliminating discrimination, advancing equality of opportunity and fostering good relations) in respect of all protected characteristics. There are four areas of the EHRC reform package which we believe could have a particular impact on individuals who share a protected characteristic.

Our analysis and mitigation is outlined below.

Conciliation in non-workplace discrimination disputes

We have decided to repeal the EHRC's power to make arrangements for the provision of conciliation in non-workplace discrimination disputes. In reaching this decision, we considered the responses to our public consultation. A number of respondents expressed concern in particular about the potential impact on disabled people. They considered that disabled people are more likely to face discrimination when accessing goods, services and education, and to face physical and financial barriers to achieving redress through other methods. Extracts of these views can be found at Annex B.

Other responses to this proposal raised concerns about the impact of the repeal of the power on others who were disadvantaged or underrepresented, in particular those who shared the protected characteristic of race, such as gypsies and travellers. It was felt that those needing support, who might have already experienced discrimination, would be put off by lengthy court proceedings, and that a lack of availability of conciliation might lead to their complaints about services going unreported and unaddressed.

We also considered evidence of the usage, costs and effectiveness of the conciliation service arranged by the EHRC. From this, it is clear that there was very low take-up of the service. In 2011/12 only 51 cases were referred to the conciliation service. Given that the annual cost of EHRC's contract with the service provider was £216,000, this equates to over £4,000 per case. This compares to information on the Ministry of Justice's *Find a Civil Mediation provider* website (www.civilmediation.justice.gov.uk) showing that mediation in the vast majority of civil cases can be

conducted for £600 to £850 (plus VAT).

The EHRC has not been able to provide us with detailed statistics of the nature of the cases referred to conciliation. However, we assume on the basis of previous years' referrals that around 85% of referrals will have been related to disability (around 43 cases). The Department for Transport advise us that between 3 and 4 referrals (roughly 9%) related to cases arising from complaints raised by airline passengers with reduced mobility. The DfT is seeking to transfer responsibility for the disabled air passengers' complaints-handling service to the Civil Aviation Authority later this summer (see section below on EHRC airline complaints-handling service). The CAA habitually engages in day-to-day practical work to try to resolve complaints before they reach a stage at which parties feel the need to go to court. While not formal conciliation, this form of practical brokering between parties to find a solution is an effective and proportionate way of working.

The EHRC has not been able to provide us with details of the remaining disability cases, or the very small number involving other protected characteristics, and we have been unable to identify another source for this information.

However, we noted that good quality, accessible and effective mediation provision is readily available throughout England and Wales through the Ministry of Justice's website, which provides access to a full range of Civil Mediation Council-accredited mediators at set fees, and a means-tested service for those who cannot afford the fees; and in Scotland through the Scottish Mediation Network's *find a mediator* website. These services already provide mediation in discrimination disputes and are required to make reasonable adjustments to ensure their services are accessible to disabled clients with particular needs, such as providing wheelchair-accessible locations for mediations, or providing BSL interpreters for mediation sessions. There is also support available for people whose first language is not English.

Because of on-going concerns about the cost 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 and conciliation provision already available, we decided not to assign specific finds to the EHRC for this purpose in 2012/13.

We note also that, through referral, the new Equality Advisory and Support Service will provide an opportunity to encourage greater take-up of mediation and conciliation by victims of discrimination outside the workplace and by those against whom allegations of such discrimination have been made. Enquiries to the Service will be treated confidentially. People will be able to obtain information, advice and support in a range of different languages, including Welsh, British Sign Language and over 100 other languages. Some callers, for example some who may have a learning disability, will be able to receive support from a lay advocate to help them better understand the advice they are being given by the new service.

As a consequence we are content that repealing this power will not have a disproportionate adverse effect on people who share protected characteristics.

EHRC's good relations duty & its associated power at s. 19 of the Equality Act 2006

A significant number of the consultation responses also highlighted equality concerns about our proposal to repeal the EHRC's good relations duty. Respondents felt that the duty was important in addressing harassment and violence outside the workplace, tackling hate crime, improving civic

participation, and combating social exclusion and deprivation. Having considered these concerns, we are content that a separate good relations mandate for the EHRC is not necessary. The EHRC's most valuable work in this area, for example its inquiries into disability-related harassment or home care of older people, can be carried out under its existing equality and human rights duties in sections 8 and 9 of the Equality Act 2006. This will support the EHRC to develop a more integrated and coherent work programme overall.

We also proposed to repeal the associated power at section 19 of the Equality Act 2006. This power has three elements which enable the EHRC to make, cooperate with or assist with arrangements:

- (i) for the monitoring of kinds of crime affecting certain groups*
- (ii) designed to prevent or reduce crime within or affecting certain groups*
- (iii) for activities (whether social, recreational, sporting, civil, educational or otherwise) designed to involve members of groups.*

In reaching a decision to proceed with the repeal of section 19, we analysed existing EHRC publications and found no evidence of work undertaken by the EHRC in connection with the power to monitor crime or to reduce crime. Statistics used in the EHRC's 2010 state of the nation report "*How Fair is Britain?*", for example, were from existing surveys and publications, such as the British Crime Survey.

We also noted that other organisations, such as English and Welsh police forces, are legally required to collect and publish crime data, as National Statistics, and that the Government's recent Hate Crime Action Plan² contains actions for the Cross Government Hate Crime Programme, the Association of Chief Police Officers and others to work together to collect and monitor hate crime information as well as to work to reduce this crime.

Moreover, the EHRC will retain the ability to review and challenge data using the powers in pursuance of its section 8 and 9 duties, and it will continue to have a power to provide education and training in pursuance of those duties. Between 2007 and 2010, the EHRC also organised civil, social, sporting and recreational activities, but the extent to which these were effective in improving relations between groups was unclear. We therefore consider that these repeals will not impact negatively on protected groups.

EHRC's disabled air passengers complaints-handling service

The consultation proposed removing the EHRC as a designated complaints handler for disabled air travellers, leaving responsibility for this with the Civil Aviation Authority (CAA). The Department for Transport, which owns this policy, has considered its equality obligations in the light of the responses to the consultation, some of which queried whether the CAA would have sufficient expertise and knowledge when dealing with complaints from disabled passengers, and expressed concern that the CAA would lack impartiality, and that the changes would be confusing to passengers.

We consider that there will be no adverse impact on disabled people from removing the EHRC's designation as a complaints-handler for disabled air passengers. This is because the CAA is already engaged as the enforcer and handles complaints itself for the EC regulation, working with disability

² See <http://www.homeoffice.gov.uk/publications/crime/hate-crime-action-plan/action-plan?view=Binary>

groups and with airline and airport stakeholders who are tasked with assisting disabled travellers.. The Department for Transport, as the sponsoring department, will work closely with the CAA to ensure it continues to deliver effectively for disabled consumers.

EHRC strategic grants

In Autumn 2010, the Government Equalities Office (GEO) carried out a review of the EHRC’s helpline, legal and strategic grants programmes. It concluded that the EHRC’s grants programmes were poorly administered and poorly targeted. The review concluded that the root cause of these problems was at the strategic/organisational level. In light of the findings of the review, Ministers decided to stop funding the EHRC’s grants programmes.

We announced this decision in our consultation on reform of the EHRC, and sought views on a proposal to replace the EHRC’s strategic grants programme with a more focused funding stream to support civil society organisations to promote equality and human rights and tackle discrimination.

In response, many expressed the view that a grants programme should remain, albeit with improved management and administration. Extracts from these responses can be seen at Annex B.

We considered options for an alternative grants-based funding model to deliver the Government’s strategic priorities for equality and human rights through civil society organisations. We concluded there was no viable option. We could not construct a model that demonstrates value for taxpayers’ money without incurring large central overheads (necessary to monitor and evaluate impact). Nor did such an approach fit with the Government’s wider approach of decentralising funding decisions to the local level.

We then considered how best funding could be targeted at initiatives that support the achievement of the Government’s equality priorities. We identified the following priority areas:

- Maximising women’s contribution to economic growth, including through initiatives aimed at promoting women entrepreneurs, appointments to Boards, and voluntary gender equality reporting by employers
- Changing culture and removing barriers, including through legislating for equal civil marriage, tackling homophobia and transphobia, improving disabled peoples’ access to elected office, and challenging age discrimination
- Promoting simplification, reform and support, including through establishment of an Equality Advisory and Support Service to support discrimination advice providers, reducing burdens on business through the Red Tape Challenge, and supporting Small and Medium Enterprises in understanding and complying with the Equality Act 2010.

Significant funding has already been committed in support of our strategic priorities. There will be a thorough evaluation of these initiatives. We understand that the EHRC is also now undertaking a review of its strategic grants programmes, which is due to be completed next year. In considering further funding decisions we will look at any identified impacts upon people who share relevant protected characteristics.

SCS sign off	<i>[signed]</i>	Name/Title	<i>Melanie Field, Deputy Director EHRC Unit</i>
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I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Directorate/Unit	<i>EHRC Unit</i>	Lead contact	<i>Louise Sutton</i>
Date	<i>17 April 2012</i>	Review Date	<i>Autumn 2013</i>

Retain the completed PES for your records and send a copy to SDAT@homeoffice.gsi.gov.uk and your relevant business area Equality and Diversity Lead.

Annex A

List of Organisations that responded to the consultation

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. Confederation of British Industries
44. Centre for Accessible Environments
45. Chartered Institute for Physiotherapy
46. Cheshire, Halton and Warrington Race and Equality Centre
47. Children in Scotland
48. Children's Commissioner for Wales
49. Christian Concern

50. Chwarae Teg
51. Citizen's Advice
52. Civil Aviation Authority
53. Close the Gap
54. Communications Workers Union
55. Community Housing Cymru
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 Law Association
65. Discrimination Advisers Regional Network
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. Equality and Diversity Forum
73. Education Scotland – formerly known as Her Majesty's Inspectorate of Education Scotland
74. Educational Institute of Scotland
75. Employment Lawyers Association
76. End Violence Against Women
77. Engender
78. English Regions Equality Network
79. Equality and Diversity Committee of the Law Society of Scotland
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. General Teaching Council for England
88. Gender Identity Research and Education Society
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. Housing Diversity Network
98. Home Affairs Select Committee
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 Women's Aid
184. Scottish Women's Convention
185. Sheffield Law Centre
186. Sport Scotland
187. Staffordshire Police
188. Stonewall
189. Strathclyde University
190. Scottish Trade Unions' Congress
191. Suffolk Police
192. Surrey Community Action
193. Tai Pawb
194. Tax Payers' Alliance
195. Tayside Police
196. The Equality Network
197. The Lesbian & Gay Foundation
198. The Methodist Church
199. Trade 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. Welsh Assembly Government
209. Wales Assembly of Women
210. Welsh Language Board
211. Welsh Local Government Association
212. Welsh Refugee Council
213. Wales Trade Union's Congress
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 made public.

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

Annex B Extracts of responses to the Consultation

In relation to the good relations duty and associated power

- Voluntary and community sector organisations:

“The good relations promotional work as specified in section 10 could be passed on to other civic bodies and the voluntary sector.”

“This is the one function of the EHRC that we would NOT want to see removed – even though it has not yet been developed by the current EHRC in a way that we would hope to see. Especially in connection with conflicts between different human rights strands there is an urgent need for a statutory body whose major task is to bring about mediation and good relations and to avoid potential confrontations ending up in the courts... From experience we know that such a function will not be expertly picked up if at all by public authorities who will never acquire the skills, expertise or profile necessary to bring parties round tables to promote mutual understanding and good relations”.

- Member and Representative Groups

“Poor value for money indicates that reform is required. Only if that cannot be done does it, in itself, provide a justification for abolition. Local authorities are by definition local. They cannot fulfil this role at national level. What is more it is a small minority of local authorities that are responsible for some of the worst prejudice that we encounter. The EHRC has an authority which no voluntary sector body can match and we do not know of any voluntary body that can fulfil the role of national centre of excellence. Removing this role will result in a void between relatively low status voluntary bodies and the courts which will inevitably result in increased litigation. The overall result will be a worsening of relations, an increase in conflict and increased polarisation over human rights issues.”

In relation to the power to make arrangements for the provision of conciliation

- Voluntary and community sector

“Although conciliation and mediation are effective alternatives to litigation in various types of disputes, the Committee agrees that these means of resolving disputes are more suited to individual cases where there is no need to set a legal precedent. Often the public policy implications of decisions made on equality and human rights disputes mean that it is important for those decisions to have widespread impact. In the Committee's view, parties involved should make the decision whether conciliation is right in the circumstances, following guidance from the EHRC. If it is appropriate, the EHRC could refer the parties to an external mediator. This will dovetail with the Ministry of Justice's proposals to develop an alternative mediation service.”

We disagree with removing the Commission's power to make provision for conciliation services. We are surprised at this proposal which does not seem to fit in with the Government's wish to resolve disputes at the lowest level rather than to allow them to escalate through the Courts. In the Resolving Workplace Disputes consultation, the Government specifically recommends early conciliation be increased to reduce the number of claims reaching tribunal.

Conciliation is not only more cost effective than litigation, but it also needs to be seen as a key element to ensuring access to justice for disabled people. This is because the conciliation service is primarily used in goods and services cases. Discrimination when accessing goods and services can impact on disabled people's ability to participate fully and independently in society. We are concerned about the impact on access to justice for disabled people should this proposal be implemented. There are significant barriers in practice to taking goods and services discrimination cases to court, with only 1% of disabled people who have encountered such discrimination taking legal action to challenge it. This makes conciliation as an alternative to formal legal proceedings all the more important. The Regulatory Impact Assessment states that a risk from the loss of EHRC's conciliation services would be 'more discrimination cases reaching tribunals or courts'. Our experience suggests that this is a rather unlikely scenario. Removing the

Commission's power to make provision for conciliation services would have a disproportionate impact on disabled people, as it would mean that one route for getting any redress will be removed.

The proposals suggest that a fixed fee be imposed for the provision of conciliation and also that a system is established whereby conciliation is only provided once a claim has been issued in the court. There is currently no requirement for a person to have issued proceedings in court prior to conciliation being offered. This would make disabled people incur the fee of bringing a case in the County Court and would thus effectively undermine the current benefits that the conciliation services offers to disabled people. The financial costs of bringing a case in the County Court can be considerable and if they were to be required to have already started the proceedings before conciliation is attempted, this would create another barrier to access to justice for disabled people. Moreover, disabled people are more likely to live on low incomes, and have additional costs relating to managing their disability or illness, so introducing a fixed fee would have a disproportionate impact on disabled people – contrary to the aims of the Equality Act to ensure equal access to services, including the criminal justice system. Finally, conciliation prevents litigation by rendering it unnecessary and thus is effectively pre-litigation, rather than a first compulsive step in formal litigation as the proposals seem to imply, so this approach is inconsistent.

Finally on this, it is important that conciliation be carried out by people who have specialist understanding of the ways in which disabled people are affected by discrimination, and are familiar with the relevant legislation. We would emphasise the importance of continuing to provide a dedicated conciliation function specifically in regard to discrimination cases, particularly for the disabled people. The consultation document points to the existence of other sources such as the National Mediation Helpline, however this is to be replaced from October 2011. We recommend that the Government does not abolish the existing provision through the Commission of conciliation services, unless it is certain that there is an equivalent service with a similar level of understanding of issues affecting disabled people.

- Organisations representing business

"Conciliation work is also non-essential, and has so far proved to be poor value for money. Costs for this service were nearly £5,000 per case in 2009-10. By comparison, BIS estimate an average taxpayer cost of £350 per case for individual conciliation provided by ACAS. The EHRC's conciliation work also duplicates services offered by other organisations in the third sector. In addition, conciliation is focused on such specific and individual disputes that it does not set a precedent for more general cases and does not, therefore, contribute principles to wider regulation or enforcement. This is at odds with the broader strategic approach and regulatory overview that the EHRC should take and should therefore fall outside of EHRC's scope. We support the proposal to abolish both the Commission's conciliation powers...and the 'good relations' remit.

In relation to airline complaints handling

- Voluntary and community sector

"We think that it would be better for this service to continue to be provided linked to the commission's helpline. This is more likely to ensure the service is provided within a framework that understands anti-discrimination and equality legislation. We would be concerned that the government's proposal will weaken the specialist knowledge and independent support available. Any problems in the administration of the service should be addressed by improved management and by requiring the senior management at the commission to demonstrate a strong strategic direction for the helpline and the complaints handling service, which includes publicising the service, evaluating it and promoting key lessons and outcomes."

- Representative Groups

“EHRC are neither knowledgeable about air transport rules and regulations, nor is it likely they can develop the necessary skills or infrastructure to do so without substantial investment. The [CAA] is better equipped to carry out this function. “

“The body handling the complaints from disabled passengers must be independent, have a full understanding of disability issues and be fully accessible to disabled people. Currently the Civil Aviation Authority does not meet these criteria. Before any such transfer is considered, there must be investment in disability equality training, representation of disabled people on the Regulatory Policy Group as well as the Aviation Consumer Advocate Panel, as well as accessibility of the complaints handling service. Furthermore there must be strong and ongoing marketing of this service to disabled people and other passengers. The Air Transport Users Council ceased to exist on 9 March 2011. The complaints handling function is now carried out by the Civil Aviation Authority’s Regulatory Policy Group, advised by an Aviation Consumer Advocate Panel. We are concerned that these two groups are currently not geared towards handling complaints from disabled passengers and drawing lessons to improve air travel experiences. We are also concerned by the independence – or lack thereof – when airports and airlines still have wrong ideas about health and safety issues and regard making adjustments for disabled passenger as a burden. We would want firm reassurances that steps are taken to ensure independence and expertise of the complaints handling body.”

In relation to strategic grants and alternative funding:

- Trade Union

“There must be transparency about the funding stream – e.g. how much is available and awarded, outcomes it’s intended to help achieve and assessment criteria. Any new funding stream also needs to be targeted in a way that ensures adequate national coverage as well as providing funding for projects working at regional and local level.”

- Business

“The proposals as stated seem acceptable, though they lack detail and could be a means to an end of just reducing the budget deficit without ensuring that the organisations implicated are enabled, as much for the future as for now, to deliver on this Proposal. Will there be too much party political influence rather than cross-party agreement as to which receive funding?”

- Voluntary and Community Sector

“Independent funding from the EHRC should remain. If necessary there should be improvements to the way this is assessed, monitored and evaluated. However, for reasons already expressed in answers to other questions, we believe that this function of the EHRC is necessary to help support other EHRC functions. Furthermore it is arguable that the independence of the EHRC is also a critical part of the funding function. To bring this back into government reduces the capacity of organisations to apply for funding to carry out work which may potentially be critical of government. In a healthy democracy, governments should not be afraid of independently supported civil society work to promote equality and human rights. Allowing this funding to continue to be part of the EHRC strengthens the government’s commitment to equality and human rights far more than bringing the function back within government.”

