

Chloe Smith MP
Minister for the Constitution

Our ref: Legal/CC/JG
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By email only:
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Dear Minister

Voter ID pilots and the Public Sector Equality Duty

Thank you for your letter dated 23 April 2018 and for the wide range of information provided on the steps being taken by the Government towards electoral reform. I entirely appreciate the importance you place on promoting equality and diversity for the purposes of British democratic processes. It was also immensely encouraging to hear about the work of the Accessibility of Elections Working Group and that the Government is currently analysing responses from your “Call for Evidence” to improve accessibility of elections for disabled people.

Your letter sets out the rationale behind the Government’s decision to introduce voter identification requirements and I am grateful for the explanation, and for information about how the pilots have been developed.

As you are aware, in the exercise of all relevant functions, section 149 of the Equality Act 2010 requires you to have due regard to the three limbs of the public sector equality duty throughout the formation of policies. I also know that you understand that enforcement of the PSED is part of the statutory mandate of the Commission and, to that end, we have been working to engage with Departments to emphasise the importance of PSED compliance at early stage in (and therefore as an integral part of) policy development. The ability of the Government to demonstrate such compliance in this context is key to building the confidence of the British public with regard to changes to British democratic processes. Your letter demonstrates that we share a view on the necessity of preserving that confidence.

I infer from your letter that the analysis of the potential impact of the scheme on persons with protected characteristics in a national context was not conducted by the Cabinet Office prior to the introduction of the pilot scheme. I entirely appreciate your comments in terms of the efforts made by Local Authorities to identify potential impact and of the subsequent evaluation by the Electoral Commission, and these are important and valuable steps, as is the flexible approach adopted towards forms of ID and your personal engagement with the pilots. I hope you understand that, in accordance with the point made in my previous paragraph, we believe the Government could have gone further in order to address its non-delegable, ongoing and continuous duty and that the earlier conduct of an equality impact assessment would have ensured delivery of the Government's objectives (as you have set them out) and would have built confidence by doing so demonstrably.

I believe that the Government has a valuable leadership role to play in role-modelling the timely undertaking of equality impact assessments and would be more than happy to meet in order to discuss this and how we might work together. My office will be in touch accordingly.

Yours sincerely



David Isaac

Chair

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