

Dear Onora,

Thank you for your letter of July 9, and for our recent conversation about the implementation of S 97 of the Enterprise and Regulatory Reform Act 2013, on caste as an aspect of race.

As you say, the EHRC has a statutory duty to consider the likely effectiveness of changes in the law, and to provide authoritative and independent advice and guidance to Government, Parliament and others on its implementation.

Can you please tell me, however, whether legislation on any of the nine existing protected characteristics in S 4 of the Equality Act - age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation - was held up pending EHRC advice on those matters?

Did not your examination take place after the Equality Act became law?

What advice has the EHRC given the Government on how people can be protected from unlawful discrimination without disproportionate (and potentially unlawful) collection and retention by public service providers of data about each of the nine existing protected characteristics? Was this advice given before or after the Equality Bill received Royal Assent?

What experts and interested groups did EHRC bring together to plan how to prepare for the legislation on each of the nine protected characteristics in S 4 of the Equality Act.

What picture did EHRC produce of the nature and extent of discrimination as regards each of the nine protected characteristics; on the nature and extent of the problem in each case, and on the extent and formats in which data on each of the nine protected characteristics might be collected, while the Equality Bill was under consideration?

Is it not the case that in undertaking this work before the consultation even begins, as Helen Grant has said, EHRC is being asked to act in a wholly unprecedented way in relation to a measure enacted by Parliament?

Helen Grant says they will not start the consultation until you have completed all the work you describe. You say there is a lot to be discussed and sorted out before you even begin your work, and I am tempted to ask what you have been doing since Helen Grant's Ministerial statement of March 1 in which she announced your role. She said you would publish your findings 'later in 2013 and I would be grateful for an assurance that you will at least adhere to that deadline.

I don't think either you or the Minister have been in touch with any of the Dalit groups since March 1, so you may not be aware of the deep concern they feel over the apparent procrastination over the implementation of S 97 of the ERR Act. Although as you observe, decisions about the timing of secondary legislation are entirely a matter for the Government, I feel you should be aware that there was already disappointment that the consultation was not launched before the summer recess, and even greater anxiety when it

emerged that we are looking at the end of the year for the start. There is a justified fear that the consultation will take longer than the 12 weeks maximum specified by the Government itself, so that it may be the summer of 2014 before protection of Dalits is in place.

We know what Helen Grant's views are on this measure, and you will understand our suspicion of her intentions. The only weapon we have is transparency, and I am therefore taking steps to ensure that your letter, and this reply, are in the public domain.

Regards,

Eric

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Eric Avebury