



Government Equalities Office

HM Government

# Equality

**The Government's response to  
the Report of the Communities and  
Local Government Committee**



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Local Government Committee**

Presented to Parliament by the  
Lord Privy Seal, Leader of the House of Commons  
and Minister for Women and Equalities  
by Command of Her Majesty

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## Introduction

1. This publication responds to the report on equality of the House of Commons Communities and Local Government Committee, published on 2 August 2007. It first sets out the overall context of Government action on equality, before addressing the Committee's specific recommendations.

## The Government and equality

2. The Government is making significant progress in tackling persistent inequality. We must make it possible for everyone in Britain today to realise their potential and in turn contribute to the wider wellbeing of their families, communities and society as a whole. We have made some very substantial achievements, including:

- Closing the median full-time gender pay gap from 17.4% in 1997 to 12.6% in 2007;
- Legislating for civil partnerships – more than 18,000 were formed between December 2005 and December 2006;
- Banning discrimination against people of any sexual orientation, people of different religions, or people who do not have a religion, when they want to buy or access goods or services;
- Banning age discrimination in the workplace, as well as discrimination against people of any sexual orientation or religion or belief;
- Establishing the Equality and Human Rights Commission (EHRC)<sup>1</sup>;
- Significantly extending rights for disabled people;
- Providing for improved pay and rights for parents, including flexible working. Around 1.6 million employees in Great Britain successfully make a request to work flexibly each year, and the number actually working flexibly is estimated to be around 14 million – 56% of all employees. Currently 47% of new mothers work flexi-time, compared to 17% in 2002;

<sup>1</sup> The name by which the Commission for Equality and Human Rights wishes to be known, though the more formal title will remain for legal purposes.

- Improving access to employment for ethnic minorities – since 1998 over 144,000 people from this group have found work through the New Deal;
- In 2006 the gap between the overall employment rate and the employment rate of black and ethnic minority people has again reduced, to around 14% (from 19% in 1996 and 16.9% in 2003);
- And more recently, establishing a new Government department – the Government Equalities Office, which will report to the new Cabinet Minister for Women and Equalities.

3. The Government is committed to building on these achievements. There is evidence from the Equalities Review of persistent disadvantage experienced by, for example, Bangladeshi and Pakistani women in employment; and a continuing employment gap for disabled people. Though reduced, the gender pay gap remains for full-time workers, and is even higher, at 39.1%, for women who work part-time. Women and ethnic minorities are significantly under-represented in Parliament and other democratic institutions. Black, Asian and ethnic minority women make up approximately 4.6% of the population and around 9% of all women, yet there are only two ethnic minority female MPs in the House of Commons.

4. The new Equalities Public Service Agreement (PSA)<sup>2</sup>, published on 9 October as part of the Comprehensive Spending Review, aims to address the disadvantage that individuals experience because of their gender, race, age, sexual orientation, religion or belief, or disability. It reflects the Government’s determination to fight discrimination and reduce inequalities so that everybody in Britain can make the most of their potential. The Equalities PSA, in conjunction with other related PSAs, provides a means to ensure that Government as a whole will be monitoring, analysing and reporting on identified actions for reducing the effects of disadvantage on people’s lives.

<sup>2</sup> Public Service Agreements set out the Government’s top priorities for the Comprehensive Spending Review period 2008–2011. Each Delivery Agreement defines desired cross-Governmental outcomes, setting out actions from contributing departments. Departments will report publicly on their performance against these priorities.

5. The Select Committee’s report focused on key elements of the Government’s equalities agenda: the Equality and Human Rights Commission, the Equality Bill and the Equalities Review. Before addressing the specific recommendations, this response sets out a broad direction of travel for each of these elements and also discusses women’s priorities and the Equalities PSA.

#### *Equality and Human Rights Commission*

6. The Commission was launched, as planned, on 1 October 2007. The Government will be maintaining a close relationship with the Commission as it develops its services and its strategic plan. At the same time, it will be important for the Commission to remain at arm’s length from Government – and the Equality Act 2006 provides it with a suitable degree of independence.

#### *Equality Bill*

7. The consultation on proposals for the Equality Bill finished on 4 September. More than 4,000 responses were received from a very wide range of stakeholders including: the former equality Commissions and other representatives of gender, race and disability groups; the EHRC; the Equality and Diversity Forum; Age Concern, Help the Aged and other age groups; Stonewall and other representatives of gay, lesbian, bisexual and transsexual groups; the TUC and individual trade unions; the Confederation of British Industry, Federation of Small Businesses, Association of British Insurers and other business representatives and individual businesses; the Local Government Association, Greater London Authority and around eighty local authorities; the Association of Chief Police Officers, Police Federation and Metropolitan Police; various legal associations; and religious bodies and organisations.

8. The Government is considering its proposals in the light of the responses received and will publish a formal response to the consultation feedback in due course. The Government remains committed to introducing an Equality Bill in this Parliament, as set out in its manifesto and as confirmed by the Cabinet Minister for Women and Equalities more recently<sup>3</sup>.

<sup>3</sup> See points raised at Business Statement, Hansard 18 October 2007, cols 964–965; and Hansard 25 October 2007, cols 423–425.

### *Women’s priorities*

9. On 17 July the Government set out the priorities of the Minister for Women:

- Supporting families, particularly as they bring up children and care for older and disabled relatives. This includes acknowledging that women still shoulder most of the responsibilities for the day-to-day care of children and the care and support of older and disabled relatives. The Minister for Women will support ministerial colleagues to help ensure that families:
  - have enough time and money to bring up children in the way they want;
  - have enough time and money to care for older relatives;
  - have proper support from good local services for both children and older people.
- Tackling violence against women and improving the way we deal with women who commit crimes. A comprehensive and coordinated body of work to tackle violence against women is being undertaken across Government. For example, we know that domestic violence accounts for 15% of all recorded crime and results in 83 female homicides a year (2005/06). It also entails costs for wider society: around £23 billion in terms of costs to public services such as the criminal justice system, housing and health, and social services, and around £2.7 billion to the economy. We also know that 23% of women will be subjected to sexual violence or rape in their adult life. The Government Equalities Office is working closely with the Ministry of Justice in considering the recommendations made by Baroness Corston in her review of women in the criminal justice system with particular vulnerabilities. We will be building on the action already taken to support our Home Office colleagues in tackling violent crimes against women.

- Empowering black and ethnic minority women to build cohesion within their communities and as a bridge between communities. This Government has put in place some of the most comprehensive anti-discrimination legislation in Europe. However, as the Equalities Review finds, black, Asian and ethnic minority women often face multiple discrimination. Therefore the Minister for Women and Equalities will be supporting the Ministers for Communities and Local Government in looking to increase the number of black, Asian and ethnic minority women who become councillors.

10. The Government will be taking forward action under these headings following a public consultation which ended on 14 September.

### *Equalities Review*

11. Current plans are for the Government response to the Equalities Review to be published together with the response to the consultation on proposals for an Equality Bill. The two are closely linked: a strong and integrated legislative framework must form one of the key components of our strategy to promote equality and tackle inequalities. The response will also set out for the first time a high-level cross-Government strategy for reducing inequality, with a framework for progress on immediate and longer-term priorities across Government and beyond.

12. The Government is planning to publish its strategy at the turn of the year. It is likely to cover:

- an overarching vision of a more equal society;
- proposals on how to measure progress towards a more equal society;
- action on short- and long-term priorities;
- a partnership approach to delivery, including national, regional and local responsibilities.

### *Equalities Public Service Agreement*

13. The newly announced PSAs reflect the Government’s key priorities and set out how we will deliver change. The Equalities PSA complements other PSAs relating to education, employment, health and criminal justice, and will specifically focus on:

- Reducing the pay gap between men and women, and researching the reasons for pay gaps affecting disabled people and people from black and ethnic minority backgrounds. This builds on the earlier Gender Equality PSAs, which prioritised the need to address the gender pay gap;
- Reducing the extent to which people feel they experience discrimination in employment because of gender, race, disability, age, sexual orientation, religion or belief;
- Reducing the likelihood of people feeling they are treated unfairly because of gender, race, disability, age, sexual orientation, religion or belief when at college or school, and when using health services and public transport;
- Empowering and encouraging more women, people from ethnic minorities, disabled people and young people to engage in public life, for example as local councillors, school governors, magistrates, tenant association leaders and other public roles;
- Tackling other barriers caused by gender, disability or age that limit people’s ability to live independently and to have choice and control over their lives, for example by promoting flexible working.

14. Reducing inequalities will require more than the Equalities PSA alone. Equality is therefore a key part of a range of PSAs which are aimed at:

- Narrowing the gap in educational achievement between children from low-income and disadvantaged backgrounds and their peers;

- Reducing health inequalities by tackling mortality rates for cancer, heart disease, stroke or suicide and for children dying young. These all have an impact on the equalities gap. This also includes monitoring access to psychological therapies for equality groups;
- Reducing the chances of a person being out of work if they are disabled, from an ethnic minority background, aged over 50 or a lone parent (of whom 90% are women);
- Reducing domestic violence homicides and hate crime (which is largely racist or homophobic); reducing serious sexual offences; and improving black people's confidence in the criminal justice system;
- Increasing the number of older and disabled people who, if they want, can stay in their own home.

15. Overall, this is an ambitious programme of work to continue the task of reducing inequality in the face of new challenges.

### **Response to specific recommendations**

16. The Government welcomes the Committee's report, which on the whole indicates support for what the Government and the EHRC are doing or proposing to do. Responses to individual recommendations, a number of which relate to the EHRC, are as follows.

**Recommendation 1. The Commission for Equality and Human Rights will not be fully operational when it is launched in October 2007. The decision to establish the Commission before a Single Equality Act could be implemented complicated the process from the outset but indecision, instability and delays in Government's management of the transition have also undermined the ability of the Commission to deliver effectively from day one** (para 15)

17. The Government disagrees with this analysis. Although we accept that the programme for creation of the EHRC has been ambitious, difficulties have been overcome. The EHRC was launched successfully on 1 October and has been able to deliver an effective and satisfactory service from day one. We

will continue to work with the EHRC in order for it to achieve its objectives, namely working in partnership with others to maximise its outreach, supporting organisations and groups through a grants programme and providing information and guidance through the Helpline and website.

**Recommendation 2. We welcome the establishment of a single Commission to cover all aspects of equality. It is a positive development in the battle against unfair discrimination and inequalities** (para 21)

18. The Government is pleased with the Committee’s welcoming of the EHRC which it established.

**Recommendation 3. We welcome the commitment made by Trevor Phillips, Chair of the Commission for Equality and Human Rights, that the Commission will monitor its outputs and resource allocations by each equality strand but recognise that there may be difficulties in monitoring for less visible strands such as sexual orientation** (para 23)

19. The Office for National Statistics (ONS), following one of the recommendations of the Equalities Review and representations from the Government Equalities Office, published its Review of Equality Data on 31 October. This recommended that the ONS should urgently complete work to include a question on sexual orientation in the Integrated Household Survey; and that the ONS, the Communities and Local Government Department and the Home Office should agree and use harmonised questioning on sexual orientation in the Integrated Household Survey, Citizenship Survey and the British Crime Survey. The ONS Review also recommended that Government Agencies should work with non-Government stakeholders to agree an approach to obtaining more equality information on transsexual people and those undergoing the process of gender reassignment.

**Recommendation 4. We welcome the Commission for Equality and Human Rights’ role in promoting human rights and its commitment to challenging popular misunderstandings and myths surrounding their application** (para 26)

20. The EHRC has significant statutory responsibilities for the promotion and encouragement of good practice in relation to human rights. In fulfilling these responsibilities it will be able to take into account the significant programme of work undertaken by the Government over the past year in giving effect to recommendations of the *Review of the Implementation of the Human Rights Act* carried out by the former Department for Constitutional Affairs and published in July 2006.

**Recommendation 5. We agree that the Commission for Equality and Human Rights should work closely with private sector employers to promote equality and tackle unfair discrimination (para 27)**

21. The Government recognises the importance of working with the private sector in this area. Our recent consultation on proposals for an Equality Bill included, for example, questions on how private sector employers might respond to an equality standard. Responses on this and other issues were received from a wide range of private sector organisations and individual companies. The EHRC will seek to work collaboratively and constructively with business and employers.

**Recommendation 6. We agree that the Commission for Equality and Human Rights should address inequalities and discrimination arising from domestic experiences and circumstances as well as those which relate to the workplace (para 28)**

22. The Minister for Women published her priorities for women on 17 July this year. These included an emphasis on issues women face outside the workplace, such as caring responsibilities which fall to them. In her oral statement to the House she said that families often choose for women to stay at home when a new baby is born because the father earns more and this provides no choice. Furthermore, women shoulder most of the responsibility for caring for young children and elderly relatives, but men increasingly want to share this also.

**Recommendation 7. Effective action against specific instances of discrimination can be a powerful deterrent to others. We believe that the Commission for Equality and**

**Human Rights’ long-term priority should be to prevent discrimination but we welcome its capacity to intervene in strategic cases to support individuals seeking redress against discrimination. The balance between these two functions should be monitored closely** (para 30)

23. The Government agrees that enforcement of individual rights in the courts and tribunals is a vital mechanism for securing compliance with the law. That is why the EHRC was given the same power as its predecessors to support individuals who have experienced discrimination in cases it considers to be of strategic importance. It also has an express power to intervene in legal proceedings dealing with matters of interest to the Commission. It will be for the Commission itself to monitor and assess the balance it strikes between its dual roles of preventing discrimination and supporting individuals in seeking redress where discrimination has occurred.

**Recommendation 8. The Government’s hesitancy towards permitting combined multiple discrimination claims rests upon the additional complexity this might add to any legislation and the consequent additional burden it would place on employers. These are not insignificant concerns but we urge the Government to recognise the inherent difficulty in amassing evidence of actions that have not been taken** (para 34)

24. We are pleased that the Committee recognises the validity of the Government’s concerns about the potential complexity of allowing combined multiple discrimination claims to be brought, and the consequent burden this could place on employers. The Government does, however, recognise the difficulty of assessing whether potential claims have not been brought as a result of the current approach and this is one of the factors we will take into account when considering whether there is a case for enabling individuals to bring combined multiple claims by way of the proposed Equality Bill. A number of responses to the consultation on proposals for the Bill call for multiple claims to be allowed. Some have made suggestions about how this could work in practice, which we are considering further. Other respondents

have restated concerns about the likely complexity of allowing multiple claims.

**Recommendation 9. A draft Bill would enable wider public and greater parliamentary scrutiny but whichever legislative route is chosen, it is imperative that the Government acts swiftly to secure effective legislation for individuals and organisations and to enable the Commission for Equality and Human Rights to discharge its functions efficiently. Any further delay would be regrettable (para 40)**

25. The Government remains committed to its manifesto commitment to introduce such legislation during this Parliament. It recognises the need to legislate through an Equality Bill which brings together all the main pieces of anti-discrimination legislation and makes progress towards achieving better equality outcomes for those who continue to suffer discrimination and disadvantage. Such legislation will provide benefits for individuals and organisations by providing greater clarity about their rights and responsibilities. It will also enable the EHRC to produce simpler and clearer guidance, thus fulfilling more effectively its role as a one-stop shop. It is taking this forward in the light of responses to its recently completed consultation on proposals for a Bill *Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain*. The Cabinet Minister for Women and Equalities indicated to the House on 18 October that a draft Bill will not be possible if there is a change of policy following the consultation that needs consideration and discussion.

**Recommendation 10. A Single Equality Act to harmonise and simplify equality legislation and to address inconsistencies in the current legislative framework is essential. Beyond the moral imperative for Government to protect its citizens from discrimination there are also economic benefits to be gained from legislation that better supports utilising the talents of all people to the full. Without a Single Equality Act it will be much harder for the Commission for Equality and Human Rights to fulfil its remit. We note with regret that the Government’s recently published draft legislative programme for the next parliamentary session does not include an**

**Equalities Bill. We recommend that the Government give greater priority to its development than it has to date and introduce or publish a Bill early in the next parliamentary session (para 41)**

26. The Government agrees with the Committee’s analysis of the need for a new Equality Act to simplify equality legislation and improve outcomes for people who continue to experience discrimination and disadvantage. The Government fully intends to introduce such a Bill during this Parliament and, as indicated earlier (see footnote 3 on page 3), the Cabinet Minister for Women and Equalities has clarified the position further.

**Recommendation 11. We welcome the Government’s consultation on the possible inclusion of measures within a Single Equality Bill to prohibit age discrimination in the provision of goods, facilities and services. If such legislation is introduced it is important that appropriate safeguards are included to avoid criminalising positive age-related benefits, such as the provision of discounted bus passes for older people (para 44)**

27. We are pleased that the Committee welcomes the Government’s consultation on the possible inclusion of measures to prohibit age discrimination in the provision of goods, facilities and services within the proposed Equality Bill. We agree that if such legislation were introduced it would be imperative to frame it in such a way that it effectively tackled harmful age discrimination without preventing beneficial or justifiable differential treatment on grounds of age, such as concessionary bus fares and discounted access to leisure facilities for both older and younger people. Responses to the consultation on the proposed Bill have revealed across-the-board support for preserving such practices, both from those who support and those who oppose any legislation in this area.

**Recommendation 12. We support the Government’s proposal to introduce an integrated public sector duty, promoting equality across the three existing strands. In the longer term we believe that there would be merit in extending this duty to cover all equality strands (para 47)**

28. We are pleased that the Committee welcomes the Government’s proposals to introduce an integrated public sector duty covering race, disability and gender. The basic proposal to integrate these three existing duties received a high level of support from public authorities and equality stakeholders. However, substantial concern was expressed about proposals to remodel the duties in a way that – as the Government saw it – would make them more effective at tackling disadvantage and discrimination. Various respondents were concerned that this would lead to a watering down of the requirements of the three existing duties. The Government is currently reconsidering the best model for a single duty, taking into account the responses to the consultation. We are committed to ensuring that public services meet the needs of the whole community and are carefully considering whether to extend the duty to include some or all of the other protected grounds, taking into account the responses to the consultation.

**Recommendation 13. We agree with the Government that any new duty and subsequent guidance should focus on achieving equality outcomes rather than specifying detailed reporting requirements (para 48)**

29. We welcome the Committee’s comments. The Government is committed to ensuring that the new duty is outcome-focused and effective in reducing discrimination and disadvantage. We are considering the most appropriate framework for a single public sector duty, building on experience from the existing duties and the large volume of responses to the consultation on this issue. A duty that is focused more on outcomes will enable the EHRC to produce clear guidance to help public bodies identify what action they need to take to achieve such outcomes.

**Recommendation 14. We support the Government’s proposal to issue further guidance to public authorities to encourage the use of procurement as a tool for promoting equality. This procurement guidance should encourage public authorities to make clear to businesses the relevant weighting given to equality criteria (para 51)**

30. We are pleased that the Committee welcomes our proposals for clear and practical guidance on procurement and the public sector duty. The consultation on proposals for an Equality Bill has highlighted the need for clarity in understanding the relationship between good public procurement, i.e. delivering value-for-money goods and services, and equality. We are currently looking at how we can strengthen that relationship.

**Recommendation 15. We recommend that the Government set out a long-term strategy to tackle persistent inequalities when it responds to the Equalities Review. We welcome the Minister’s assurance that an equalities Public Service Agreement would be part of the forthcoming Comprehensive Spending Review settlement. We hope that it will cover all aspects of equality (para 56)**

**Recommendation 17. Tackling inequality should be integrated into the work of each Government department (para 58)**

31. In July, the Prime Minister announced the formation of the Government Equalities Office (GEO), which for the first time gives one department the sole remit to work across Government to deliver greater equality and progress towards eliminating discrimination. The GEO, working with the Race Equality and Diversity and Cohesion and Faith Units in Communities and Local Government, the Office for Disability Issues, the Age Equality and the Older People and Ageing Society Teams in the Department for Work and Pensions, will be responsible for producing a long-term strategy to tackle persistent inequalities.

32. The GEO will establish working relationships with key stakeholders, including the EHRC, for which it is the sponsor department.

33. The Government is working towards producing a long-term, cross-Government strategy for tackling deep-rooted inequalities in society, combined with publication of its response to the Equalities Review. The Equalities Review has set some very challenging recommendations and targets, which the Government will seriously consider in developing its strategy.

34. As indicated elsewhere in this document, various individual elements of a future equality strategy are already coming together:

- the first ever Equalities PSA;
- the Equality Bill;
- the recommendations of the Equalities Review;
- recently published recommendations from the ONS Review of Equality Data.

35. One sign of the Government’s commitment to addressing inequality is its development of the first Equalities PSA for the period 2008–2011.

36. The Equalities PSA complements other departmental priorities for reducing inequality. Government has a key role in setting priorities that will reduce inequality by, for example, narrowing gaps in educational attainment by certain ethnic minority groups, improving access to public transport for people with certain disabilities, improving how the criminal justice system deals with particular groups of people and removing barriers to enable all groups to participate fully in civic life.

37. Tackling inequality requires a cross-Government effort with improved accountability covering all public services.

38. The Equalities Review made clear that people do not fit neatly into individual equality “strands” and that inequality is “multi-dimensional”. This need to take a multi-dimensional approach fits well with the Government’s overall focus on improving outcomes.

39. The Government is determined to reduce inequality and stamp out discrimination. Much has been achieved to date, but more needs to be done. In addition, Government departments, as public authorities, are subject to the existing public sector duties to have due regard to the need to eliminate discrimination and promote equality of opportunity in relation to race, gender and disability.

**Recommendation 16. We recommend that the Government’s language reflects the broad nature of its responsibility for tackling discrimination on the grounds of belief, including non-religious beliefs (para 57)**

40. The Government is committed to ensuring that people have equal opportunity to fulfil their potential and to access employment, goods and services, regardless of whether or not they identify with a faith. It has framed discrimination legislation which is based on this principle.

41. It is important not to confate our work on equalities with our work with faith communities. Our work with faith communities, which falls within the remit of the Race Equality and Diversity and Cohesion and Faith Units of the Communities and Local Government Department, is not about privileging religious groups or discriminating against those with non-religious beliefs or no belief. It is about Government accessing and tapping into community resources – the organisational structures, networks and communication channels that faith communities have. Whilst the use of appropriate terminology can be important in combating discrimination, it is also important that language appropriately reflects the context and intended audience.

42. In our diverse society it is important to recognise the complex identities of individuals and communities, in which faith, culture and ethnicity can all play a part. Some communities which identify themselves as faith communities have much to offer in helping to eradicate disadvantage, and the Government seeks to enable them to use this capacity for the wider benefit of society. This is not to downplay the role of traditions of belief or conviction which are not based on religious faith. So in some circumstances, in order to recognise the identities people claim for themselves and to mobilise the resources commanded by the groups they form, it will continue to be appropriate to refer to faith communities.

**Recommendation 18. We recommend that a permanent ministerial group is established and that it meets regularly to direct and drive forward the Government’s equalities agenda. The ministerial group should also oversee delivery of the Government’s long-term strategy on reducing inequalities and tackling discrimination (para 59)**

43. The Government has set up a new cabinet subcommittee on Communities and Equalities, whose members are Secretaries of State of the relevant departments.

**Recommendation 19. We are not persuaded by the case for the establishment of an Equalities Select Committee. It would tend towards marginalising rather than mainstreaming equality (para 60)**

44. This recommendation is for Parliament to consider.

