

## LETTER FROM EHRC TO RUNNYMEDE TRUST-12 APRIL 2021

Dear Dr Begum,

I am writing in response to your recent open letter to the Prime Minister in which you outline your concerns regarding the report from the Commission on Race and Ethnic Disparities.

While we haven't yet met personally, EHRC's Board considers Runnymede and several other signatories as stakeholders and are disappointed that, given the history of our interactions which have always been cordial and collaborative, your letter makes unsubstantiated allegations about EHRC and by questioning our impartiality and impact, impugns our credibility. Your letter also reflects an apparent misunderstanding about our mandate as set out in statute and other parameters which define us as a NDPB. I am therefore writing to clarify this misunderstanding of our role and remit and to address your specific allegations.

We note that your letter states:

*"We would also highlight the eroded independence of the Equality and Human Rights Commission (EHRC), which has recently been compromised by the political nature of your appointments.*

### **Independence of EHRC and its Board**

As you may know, the independence of EHRC from government is set out in statute in the Equality Act 2006. Nothing has changed in that regard under successive governments since 2010. Commissioners are appointed to the Board through the Public Appointments process which guarantees open and accountable procedures for recruitment to all public bodies. These vacancies are also promoted through our stakeholder network, of which Runnymede is a part. Under this system, candidates follow a robust process in which their skills and experience are assessed on merit. Those deemed 'appointable' as EHRC Commissioners are determined to be so by an interview panel comprising the Chair and/or other Commissioners as well as a representative of the sponsor department and an independent panel member. The final decision in terms of approval rests with the Secretary of State – a practice unchanged from the outset of EHRC formation.

In the case of my own appointment as Chair, in addition to the above, I further successfully underwent scrutiny from the Women and Equalities Select Committee and the Joint Committee on Human Rights prior to my appointment being confirmed. EHRC continues to be accountable to both these parliamentary select committees and engages with their inquiries on a regular basis, so we question what evidence you have to support your view that our independence has been eroded or that EHRC has been compromised by the 'political' nature of appointments?

### **The Recommendation for dedicated funding for Racial Equality**

Your letter further states:

*The country does not require more funding for the EHRC simply to lead paper-based investigations, but tangible action to end the institutional and direct racism that are daily realities in people's lives."*

I am further surprised that you do not consider additional funding for us to be in the service of the cause of racial equality. EHRC doesn't understand your reference to our simply

leading 'paper-based investigations'. In the absence of any evidence for this allegation, we can only infer that you do not understand our role as a regulator which pursues strategic litigation to maximise impact, in addition to our compliance, enforcement and litigation work on specific cases affecting individuals.

A cursory overview of our activity in recent months would reveal that we have carried out a s31 assessment with a s23 action plan on Windrush with the Home Office; our s23 agreement with Pontins on race discrimination was widely covered in the media, and we took legal action regarding the Ruby Williams case about afro hair. We therefore seek to understand the grounds for your allegation that we only lead paper-based investigations as well as your assessment that our work does not constitute tangible action.

At a time of increased constraints on public expenditure, we welcome the recommendation of greater funding specifically dedicated to work on race as a sign of CRED's acknowledgement that there is still much to do in this area.

I understand that you meet regularly with colleagues within the executive team at EHRC. We would be happy to arrange a meeting to specifically discuss and expand further on our role as an independent National Human Rights Institution and National Equality Body, and our work to hold Government to account, if that would be helpful.

We would be grateful if you could communicate these clarifications to the other signatories of your open letter, respecting our right of reply.

Yours sincerely,

Baroness Kishwer Falkner

Chairwoman  
For and on behalf of EHRC Commissioners  
Equality and Human Rights Commission