

Consultation on Building a fairer Britain: reform of the Equality and Human Rights Commission

The Chartered Society of Physiotherapy consultation response, 9th June 2011

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Introduction

The Chartered Society of Physiotherapy (CSP) is the professional, educational and trade union body for the UK's 50,000 chartered physiotherapists, physiotherapy students and support workers. The majority of our members work in the NHS, with significant numbers working in the private, voluntary and charity sectors. Around 80% of our members are female.

The CSP welcomes the opportunity to respond to the proposals published in the consultation document on the future of the EHRC.

Our response is focussed on the areas of the consultation where we feel we can most effectively contribute to the debate. The CSP supports the submission to this consultation from the TUC.

The CSP supports the maintenance of an independent and effective Equality and Human Rights Commission. The CSP has regularly accessed the services of the EHRC including information, research and briefings available from its website. We find the EHRC's publications, particularly those on employment law and rights, to be clear and accessible and of immense benefit to our organisation and members.

Access to this type of information is particularly useful for trade unions of the CSP's size with limited resources available to develop this type of information itself. The CSP has also been involved in working with other trade unions on the NHS Staff Council Equalities and Diversity Sub Group. This is a joint trade union/management side group which considers equalities issues affecting the terms and conditions of

over a million staff employed by the NHS. This group has called on the services of the EHRC to assist in recent project work including the development of a pay equality audit toolkit for the NHS adapted from the EHRC's own toolkit.

We regard the EHRC as providing a highly valued and useful service which has had a major impact in promoting and securing equality of opportunity and equal rights for millions of people across the UK. In the current economic climate with increasing loss of posts and redundancies and increasing pressure on remaining staff to cover a growing workload, there will inevitably be a rise in the number of people from vulnerable minority groups who are the victims of discrimination. The services of the EHRC are therefore needed more than ever.

The CSP is very concerned at the recent cuts to the budget of the EHRC and the impact this will have on thousands of people who need to access its services. Its budget has already been cut from £60 million to £53 million with proposed further cuts to just £26 million by 2015. Frontline support for victims of discrimination is a vital strand of its work and we would wish to see the maintenance of the helpline and grants programmes within the EHRC remit. The EHRC has made good progress in the 3 years since it was established. Any outstanding problems can be best addressed by allowing the organisation more time to bed in and for the recent changes to the accountability and governance mechanisms to be given time to take effect.

Q1: The CSP does not agree that the general duty in Section 3 of the Equality Act 2006 should be repealed since it provides a clear outline of the EHRC duties.

Q2: The core functions of the EHRC as set out in Section 8 are clear and should be retained. We would not wish to see the proposed amendments implemented as they would limit the remit of the EHRC, for example, by withdrawing its function to "promote understanding of the importance of equality and diversity". We also wish to see the duty of the EHRC to "enforce the Equality Act 2010" retained.

Q4: The CSP is concerned that the proposed repeal of Section 3 (relating to the role of the EHRC in encouraging and supporting a society in which human rights are respected) would hinder its fulfilment of its human rights remit. The proposals in Chapter 3 will undermine the EHRC's independence from government and its ability to hold government to account for non compliance with its own human rights obligations. We would wish to see the EHRC role extended to allow it to conduct investigations and support individual human rights cases.

Q5: As stated above we wish to see the EHRC continue with its good relations function and the ability that this gives the EHRC to drive forward change. We do not support the view that the potential for overlap and duplication of the work of other government departments and charities is a good reason to withdraw this function,

but that the EHRC's unique powers means that it can work in partnership with other organisations to enhance this area of work.

Q7: The EHRC has a vital role to play, as required by the equality directives, to provide information, advice and support services to individuals who are victims of discrimination and we would not wish this remit to be passed to another body. We believe that a better approach would be to work with the EHRC to develop and enhance and integrate its services, such as the helpline, to resolve the problems identified in the Government Equalities Office review. This should include better publicity about the existence of the helpline to the general public. We also believe this approach would be more cost effective than setting up a new service from a new provider.

Q9: The CSP believes that the EHRC should continue to have a remit to provide public education on discrimination and human rights. The expertise in this area that the EHRC has developed must not be lost.

Q10: The CSP is opposed to the cuts to legal aid services that have been introduced. Adequate public funding must be made available to support discrimination cases which are often complicated and costly and where high quality representation is needed.

Q13: The CSP does not support the proposals to increase the Commission's transparency, accountability and value for money because we are concerned that they could undermine the independence of the EHRC and lead to an increase in ministerial interference. Our preference would be for the EHRC to be directly accountable to UK Parliament to ensure both independence and clearer accountability. The new arrangements reached under the 2011 Framework Agreement between EHRC and the Government Equalities Office should be sufficient to ensure more robust oversight and that action will be taken straight away should there be any issues over EHRC operational or financial management. We do not believe there is a need for any additional statutory duties or for the Secretary of State to have any statutory powers in this area.

For further information on anything contained in this response please contact:

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