



Trevor Phillips,  
EHRC Chair  
3 More London

Dear Trevor,

## WINNING THE RACE COALITION UPDATE: MEETING WITH THE SOLICITOR GENERAL

The purpose of this letter is to update you and your team on the coalition's progress. On Tuesday, Rob Berkeley (Runnymede Trust), Pavan Dhaliwal (ROTA) and I met with the Solicitor General and officials to discuss the points raised in our coalition letter. Overall, the outcome was positive and there was a promise for further support and engagement with us.

### General points raised by the coalition:

- The BAME and equalities third sector do not feel that they have been adequately engaged. There are low levels of awareness and a sense of suspicion. We provided examples from our HEAR event, research and networks to back this up. The argument was accepted although it was noted that over 4,000 responses were received during the consultation phase.
- We identified two phases during which the coalition will play a key role in helping to address the problems of engagement and awareness. The first phase covers the publishing of the Bill (early April), its discussion in the two Houses and its passing. The second covers its implementation. During the first phase, our activities will focus on awareness raising and confidence building. During the second phase, the sector and the communities we serve will need to be assisted in developing a feeling of ownership over the Act. The Bill's adoption of a new regulatory system of enforcement requires civic participation and engagement. Although individual claims and cases will play a critical part in shifting the existing culture, the Bill assumes that society (including BAME and other equality groups) will fully participate and engage in its development and enforcement.

### Race on the Agenda

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### Update in relation to the Bill:

- To avoid misinterpretation of what constitutes a public authority, a detailed list will be included in the Bill. The intention is to adopt the public function definition. The list included in the RRA and the lessons from the HRA are both being used.
- There is an intention to include in either primary or secondary legislation a specific duty that will ensure that public authorities are not able to contract out of their equalities duties.
- In relation to positive action measures, there is an intention to fully align domestic legislation with EU law.
- The public sector duty is drafted as an "integrated duty" as opposed to separate clauses covering each strand. There will be further consultation on this. In relation to previous jurisprudence, the integrated duty will need to be interpreted with "due regard" to previous case law.
- There is no intention to include a purpose clause.
- With regards to representative claims, this has the support of the Solicitor General and is currently in the hands of the MoJ.
- There is an honest intention to make the Act and particularly the public sector duty "outcome focused" as opposed to "process focused".

### Next steps

- The solicitor general and the officials who attended the meeting gave their support to the coalition, and advised us to continue our discussions with the EHRC. In terms of resources that will allow us to carry out the activities of Phase 1 and 2 as described above, the Solicitor General advised us that EHRC should be able to provide us with the channels and means to perform them. ROTA agreed to lead on this and pass on any opportunities to coalition members for consideration. I would be grateful if you could advise us further on this and whether someone from your office will be able to take this forward.
- ROTA will be invited to give evidence to the House of Commons and we will be liaising with coalition members on points that they would like us to make. We would be keen to continue our discussions with EHRC to ensure that our shared concerns are heard.
- The coalition is organising a roundtable discussion that will be chaired by Baroness Howells. We discussed this at our meeting with the Solicitor General who seemed to support it. We will be informing you of the date in due course and we would be grateful if you could also be involved.

I hope that you find this update useful. We have created a special page on our website that provides regular updates from the coalition, background information and reading material. You can access it through <http://www.rota.org.uk/pages/WTRC.aspx> I very much look forward to hearing from you. Thank you for your continuous support.

Best wishes,  
Dr. Theo Gavrielides  
Chief Executive