

Jane Hutt AC / AM  
Y Gweinidog Cyllid ac Arweinydd y Tŷ  
Minister for Finance and Leader of the House



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Assembly Members

4 July 2011

Dear Colleagues,

**UK GOVERNMENT CONSULTATION ON THE REFORM OF THE EQUALITY AND HUMAN RIGHTS COMMISSION**

I have written to the Home Secretary, Theresa May MP, giving the Welsh Government response to the consultation paper 'Building a Fairer Future: Reform of the Equality and Human Rights Commission'.

We enjoy an effective working relationship with the Wales office of the Equality and Human Rights Commission and its work is very much valued by Welsh Ministers, stakeholders and citizens.

The consultation document does acknowledge the importance of the Commission retaining a strong and distinct presence in Wales and the need to consult the Welsh Government in this regard. Work on equality in Wales needs to be progressed within the very distinct constitutional, legal and policy context that is developing here to meet the needs and circumstances of Wales.

The regulations that the National Assembly has made under the Equality Act 2010 means that the law on equality is now different in Wales to that in England. The Commission's presence in Wales needs to reflect the distinctiveness of this context.

I enclose a copy of the letter for your information.

**Jane Hutt AC / AM**

Y Gweinidog Cyllid ac Arweinydd y Tŷ  
Minister for Finance and Leader of the House

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*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

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Rt Hon Theresa May MP  
Minister for Woman and Equalities  
Government Equalities Office  
Eland House  
Bressenden Place  
London  
SW1E 5DU

29 June 2011

*Dear Theresa,*

## CONSULTATION ON THE FUTURE SHAPE OF THE EQUALITY AND HUMAN RIGHTS COMMISSION

Thank you for your letter dated 21 March to Carl Sargeant AM, the then Minister for Social Justice and Local Government advising of the launch of the consultation 'Building a fairer Britain: Reform of the Equality and Human Rights Commission' which sets out the UK Government's plans to reform the Commission,

I am responding on behalf of the Welsh Government in my capacity as Minister for Finance and Leader of the House with responsibility for equality and inclusion matters.

You will be aware from previous correspondence that here in Wales we enjoy a very effective working relationship with the Wales office of the Equality and Human Rights Commission and its work is very much valued by Welsh Ministers. I am pleased that the consultation document acknowledges the importance of the Commission retaining a strong and distinct presence in Wales and the need to consult the Welsh Government in this regard. Work on equality in Wales needs to be progressed within the very distinct constitutional, legal and policy context that is developing here to meet the needs and circumstances of Wales. For instance, the regulations that the National Assembly has made under the Equality Act 2010 means that the law on equality is now different in Wales to that in England. The Commission's presence in Wales needs to reflect the distinctiveness of this context.

Your officials have heard first-hand from stakeholders in Wales, including the police, of the practical value that has been delivered by the Commission's office here, in working with them to promote equality. The Commission's office has earned itself a place in the

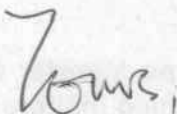
normal fabric of how things are done here, and its pro-active work in partnership with other organisations closely complements its regulatory functions. The feeling among stakeholders here is that the case for narrowing the legislative framework for the Commission's work has not been adequately made out, and there would be great concern among stakeholders in Wales if the changes forced the Commission to curtail the practical good work it has been doing. I would strongly underline these concerns.

I am also very concerned that in discussing accountability, Chapter 3 of the consultation document ignores the Commission's relationship with Welsh Ministers, and to the National Assembly and how this might be taken into account in future arrangements for accountability. These are key issues that must be addressed.

There is major concern among stakeholders in Wales about the potential effectiveness of the new equality and human rights helpline. The consultation document helpfully recognises that the helpline will need to be available through the medium of Welsh, but the issues go much wider. It will be necessary, for instance, for the helpline to provide advice which recognises the distinct legal context on equality in Wales, and policy initiatives here. I therefore think it is important that the specification for the helpline should be subject to common agreement between the UK Government and the devolved administrations in GB.

There is also deep concern that the effectiveness of the helpline will be very limited unless it is able to refer people on to good quality local providers of face-to-face advice. The Commission has been helping to fund such local advice, and the cutbacks to its budget will aggravate the weaknesses in local provision. This is an example of a more general concern, that the cuts in funding being made by the UK Government in both EHRC and Home Office will have a deeply damaging impact on the valuable work being done by the third sector.

It is very important that an appropriate proportion of the new grants programme that will be run by the Government Equalities Office, is spent in Wales; and that there is on-going liaison between our officials to get the best value for money from such spend.



**Jane Hutt AC / AM**

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Minister for Finance and Leader of the House

Copies of this letter go to:  
First Minister, Carwyn Jones AM  
Nicola Sturgeon MSP, Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy  
Cabinet Office Minister Francis Maude MP