

[Redacted]

**Equality and
Human Rights
Commission**

equalityhumanrights.com

The Rt. Hon. Francis Maude, MP
House of Commons
London SW1A 0AA

Our ref: [Redacted]
Date: 15th June 2010

Dear Francis,

Thank you for your letter regarding [Redacted] inquiry around sex discrimination and the qualifying criteria for contribution based Job Seekers Allowance. Unfortunately we have so far been unable to obtain the relevant data from the DWP. We have followed up our inquiries, and will pass on any data we receive on to yourself and direct to [Redacted]. We are expecting the data imminently.

Yours sincerely,



Trevor Phillips
Chair, Equality and Human Rights Commission

**Equality and
Human Rights
Commission**

3 More London Riverside
Tooley Street
London SE1 2RG

Tel: 0203 117 0235
Fax: 020 7407 7557
info@equalityhumanrights.com



Equality and Human Rights Commission
Commissioners' Directorate

3 More London SE1 2RG

Member of Parliament
for Horsham

House of Commons
London SW1A 0AA

Mr Trevor Phillips
Chair, Equality & Human Rights
Commission
3 More London Riverside
Tooley Street
London SE1 2RG

Tel: 020 7219 2494
Fax: 020 7219 2990
Email: francismaudemp@parliament.uk

25 May 2010

I wrote to you last year on behalf of my constituent, [REDACTED]
[REDACTED] regarding
the eligibility criteria for Jobseekers Allowance and the possibility of sex
discrimination. You kindly replied to me on 15 September, reference
[REDACTED]

[REDACTED] has approached me again on this issue and I would
appreciate your comments on her latest e-mail, which I enclose.

Equality and
Human Rights
Commission

equalityhumanrights.com

Philip Davies MP
House of Commons
London SW1A 0AA

Our ref: [REDACTED]
Date: 8th July 2010

Dear Mr Davies,

Re: [REDACTED]

Thank you for your letter of 25th June to Trevor Phillips our Chairman regarding the letter from your constituent [REDACTED] concerning [REDACTED] Law Centre. A copy of our letter to the Law Centre is enclosed.

I can confirm that the payments to [REDACTED] Law Centre were authorised on the 2nd July and the funds should be available to the organisation by the end of this week at the latest.

We are very sorry for the difficulties that have been caused to the grant funded organisations by the delay in the payments. In the light of the Treasury guidance Managing Public Money and the issues raised by the NAO the Commission has urgently had to put in place new arrangements for verifying the work of the grant funded organisations and authorising payments to them. In the short term the adaptations to the systems has led to delays in the Commission being able to approve the payments. These new arrangements are designed to put the Commission's grants programmes on a sounder basis, with greater accountability, full audit trails and transparency about the payments. We recognise the problems that this has caused to the funded groups and have tried to resolve the issues as quickly as possible. We have allocated more staff to dealing with these assessments and are working to ensure that payments are made as soon as the verification exercise has been completed for each organisation.

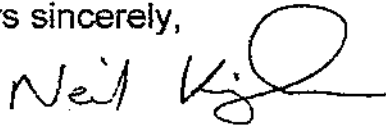
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Please let me know if I can be of any further assistance to you on this matter or on any other matters:

Yours sincerely,

A handwritten signature in black ink that reads "Neil Kinghan". The signature is fluid and cursive, with a large loop at the end of the last name.

Neil Kinghan
Director General

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PHILIP DAVIES MP
Member of Parliament for Shipley



HOUSE OF COMMONS
LONDON SW1A 0AA

Equality and Human Rights Commission
Commissioners' Directorate

30 JUN 2010

3 More London SE1 2RG

Mr Trevor Phillips
Chairman – Equality & Human Rights Commission
3 More London Riverside
Tooley Street
LONDON SE1 2RG

25th June 2010

Dear Mr Phillips

Trevor,

[REDACTED]

I am enclosing a copy of correspondence from my above-named constituent, which you will find self-explanatory.

I would be most grateful for your comments.

Yours sincerely


Philip Davies MP

Enc

Rt Hon Nigel Evans MP
Deputy Speaker
House of Commons
London SW1A 0AA

Our ref: [REDACTED]
Date: 9th July 2010

Dear Nigel

Mr [REDACTED] complaint against the [REDACTED]
[REDACTED]

Thank you for your letter, dated 15 June 2010. I am sorry to hear the problems which your constituent, [REDACTED], experienced during his application to become a member of the [REDACTED]. If this experience is as described, I do think that he is right to pursue the matter.

From the details you have provided it would suggest that the [REDACTED] is a "qualifications body". Their website states that [REDACTED] is a qualifying body and that their purpose is to qualify professionals engaged in civil engineering. There is some overlap between what a "qualifications body" is and what a trade organisation is. However, either would have obligations under Part II of the Disability Discrimination Act (DDA).

In terms of how the law applies, the DDA makes it unlawful for a qualifications body to discriminate against a disabled person in relation to conferring professional or trade qualifications. There are four forms of discrimination, which are unlawful, under Part II of the DDA:

- Direct discrimination
- Failure to comply with the duty to make a reasonable adjustment
- Disability related discrimination
- Victimisation

in regard to [REDACTED], it could be argued that the [REDACTED] should have made reasonable adjustments during their interview. In his case, this could have been something simple as allowing him to take a longer time to formulate his replies to their questions, and which he suggested at the time. However, [REDACTED] should be aware that there is no duty placed on the [REDACTED] to make reasonable adjustments to competence standards.

[REDACTED] also needs to be aware of the strict time limits which exist in pursuing cases like this. Should he wish to do so, he would need to make an application to an employment tribunal. This would need to be done three months less one day from the date of the incident complained about. Details on how to make an application can be found on the following website: www.employmenttribunals.gov.uk

[REDACTED] may also want to consider making a complaint about the treatment he received through the [REDACTED] own complaints procedure.

If you or [REDACTED] requires any further advice please do not hesitate to contact me.

Yours sincerely,



Trevor Phillips
Chair, Equality and Human Rights Commission

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DEPUTY SPEAKER



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Trevor Phillips
Chair
Equality and Human Rights Commission
3 More London
Riverside Tooley Street
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SE1 2RG

Equality and Human Rights Commission
Commissioners' Directorate

17 JUN 2010

3 More London SE1 2RG

15 June 2010

Dear Trevor,

I am writing to you on behalf of a constituent of mine, [REDACTED] who came to see me at a surgery recently.

[REDACTED] believes he was discriminated against during his application to become a member of the [REDACTED]. The process requires several interviews and during one of these [REDACTED] hesitated in giving an answer. When prompted by the interviewers to give a speedier reply [REDACTED] explained that he is [REDACTED] and as such will at times take longer to formulate a reply than others might. He was told by the interviewing committee that his [REDACTED] was no excuse for hesitation and that if he seriously wanted to be considered for full membership of the [REDACTED] then he would need to reply in the speedy manner other candidates had. [REDACTED] was subsequently informed that his application to become a member had been unsuccessful.

[REDACTED] is concerned that there seemed to be no allowance for [REDACTED] in the interviewing process. He believes that this has resulted in him being discriminated against due to his [REDACTED] and that this is the single reason why he was not admitted as a member of the [REDACTED].

I know that your experience in these matters is outstanding and would very much appreciate it if you would outline, in your opinion, any infringements of the current equality legislation in this case.

I look forward to your reply and thank you in advance.

*Yours
Trevor*

MEMBER OF PARLIAMENT FOR THE RIBBLE VALLEY
TEL: 020 7219 6939 :: FAX: 020 7219 2568 :: EMAIL EVANSN@PARLIAMENT.UK



LORD POPAT OF HARROW

Equality and Human Rights Commission
Commissioners' Directorate

13 JUL 2010

3 More London SE1 2RG

15th July 2010

Mr Trevor Phillips
Chair of the Equality
and Human Rights Commission
3 More London Riverside
Tooley Street
London
SE1 2RG

Dear Trevor,

Thank you for your kind letter which I greatly appreciated.

The prospect of being a Working Peer is exciting.

I am sure it will be a very challenging role, particularly in these current times with the new coalition government.

With kind regards

DOLAR POPAT

Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 23rd July 2010

Dear Philip

Thank you for your letter dated 15 June to the Equality and Human Rights Commission.

In your letter you ask whether it is legal to run a "Feel Good" session specifically for South Asian Women.

Section 35 of the Race Relations Act 1976 (RRA) relates to the 'special needs' of racial groups in regard to education, training or welfare. This section specifically states:

- Nothing in Parts II to IV shall render unlawful any act done in affording persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits.

Therefore, access to facilities, services or benefits being allocated to members of a particular racial group is permitted, provided it can be shown that members of that racial group have a special need in those areas. This may have been a need which both Bradford Teaching Hospital and SWAHAA identified through carrying out specific research. You may wish to approach both of these organisations for details of the research they carried out which identified this need. Previous guidance by the Commission for Racial Equality has advised that 'special' would

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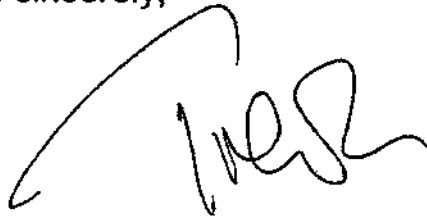
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from those of the rest of the population.

In consequence, any public or private body or person whose activities touch on these areas may make use of such provision.

I trust the above will prove to be of use to you. Please do not hesitate to contact me if I can be of any further assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Phillips', written over a large, sweeping, curved line that starts under the word 'Yours' and extends to the right.

Trevor Phillips
Chair, Equality and Human Rights Commission

**Equality and
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PHILIP DAVIES MP
Member of Parliament for Shipley



HOUSE OF COMMONS
LONDON SW1A 0AA

Trevor Phillips
Chairman, Equality and Human Rights Commission
3 More London
Riverside
Tooley Street
London
SE1 2RG

Equality and Human Rights Commission
Commissioners' Directorate

27 JUN 2010

3 More London SE1 2RG

15 June 2010

Dear Trevor,

I was interested to receive the enclosed poster. Please could you let me know if it is legal to run this session just for South Asian women. If so, why is it legal?

I look forward to hearing from you with your comments.

Yours sincerely


Philip Davies MP

Enc.

Equality and
Human Rights
Commission

equalityhumanrights.com

Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 23rd July 2010

Dear Philip

Thank you for your letter dated 15th June 2010 with regards to an article which appeared in the Daily Mail on 2nd June 2010.

The article reports Bristol Council as advertising management training posts which appear to be restricted to certain racial group(s).

The Race Relations Act 1976 (RRA) prevents racial discrimination on the grounds of race, colour, nationality, ethnic origin, or national origin. As the law stands at present it would be unlawful to recruit someone and reject another, based on their race, or any other protected characteristic.

However as you highlight, there are exceptions within the act. This is because the law recognises that certain groups are under-represented in particular work in Great Britain or a local area. An organisation may hold the view that having a workforce which is diverse and reflective of society is an advantage. Therefore they are entitled to encourage unrepresented sections of society.

To place an advert requesting certain groups to apply or offer them training would not be unlawful providing the exception for positive action has been applied lawfully. In certain circumstances, where there is evidence or statistical data to show people from a particular racial group are under-represented (or absent) in particular work, an employer, training body or professional organisation may use sections 37 and 38 of the Act either:

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- to provide training for people from this group that will help equip them for the work in question; or
- to encourage them to take advantage of opportunities to do this work.

Section 37 can apply when it is shown that at any time within the last twelve months-

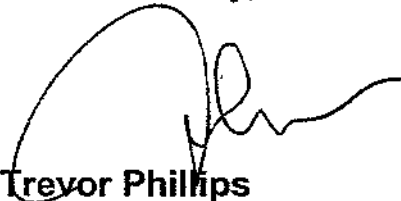
(i) ***there is national under-representation*** – this is where no persons of that group among those doing that work in Great Britain or an area of Great Britain; or

(ii) ***there is local under-representation*** - the proportion of persons of that group among those doing that work in Great Britain or an area of Great Britain was small in comparison with the proportion of persons of that group among the population of Great Britain or an area of Great Britain.

Where an individual feels the exemption has not been properly applied, we would initially encourage them to contact the organisation concerned, requesting further information. An individual could also report the matter to the Commission for its consideration.

I trust the above will be of use to you, please let me know if I can be of any further assistance.

Yours sincerely,



Trevor Phillips
Chair, Equality and Human Rights Commission

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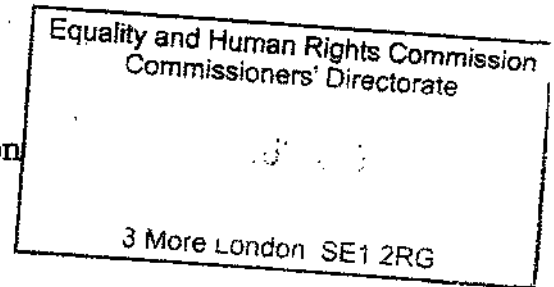
Member of Parliament for Shipley



HOUSE OF COMMONS

LONDON SW1A 0AA

Trevor Phillips
Chairman, Equality and Human Rights Commission
3 More London
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15 June 2010

Dear Trevor,

I was interested to read the enclosed article (Daily Mail, 2nd June).

I understood that the Race Relations Act gives an exemption for training positions but not for jobs. In this case these are graduate trainee jobs which is surely pushing the boundaries of the current legislation in this area. If it is a genuine training opportunity then what impact do you think this has on race relations in the local community?

With regard to the final paragraph of this article I would be interested to know how it is decided if a racial group is under-represented i.e. is this decided on a local/regional basis or on the national situation?

I look forward to hearing from you with your comments.

Yours sincerely

Philip Davies
Philip Davies MP

Enc.

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equalityhumanrights.com

Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 23rd July 2010

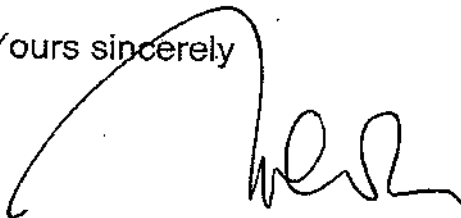
Dear Philip

Thank you for your letter of 6th July concerning the 'Black Manifesto 2010'.

As I am sure you know this was a collaborative effort by a number of organisations to set out the evidence of race inequality in Britain today and provide constructive recommendations for political parties and any new Government to consider. In that regard it was similar to other such documents produced during the pre-election period. You might be interested, for example, in the Pensioners' Manifesto published by the National Pensioners Convention or the Disabled Children's Manifesto drawn up by the National Children's Bureau.

In a news release dated May 3rd 2010 the British National Party launched the 'White Manifesto'. I think they intended it as a parody of the Black Manifesto but I think its approach was a little less constructive.

Yours sincerely



Trevor Phillips
Chair, Equality and Human Rights Commission

**Equality and
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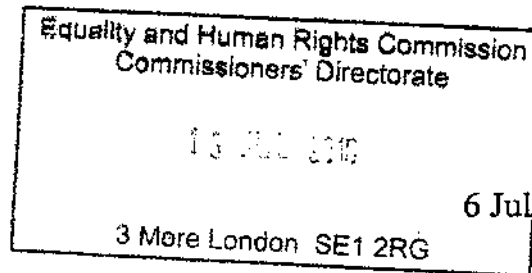
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HOUSE OF COMMONS
LONDON SW1A 0AA

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Chairman, Equality and Human Rights Commission
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6 July 2010

Dear Trevor,

Please find enclosed a copy of the Black Manifesto 2010. I would be interested to know your views on this and what your view would have been on a White Manifesto?

I look forward to hearing from you with your comments.

Yours sincerely

Philip Davies
Philip Davies MP

Enc.

Equality and
Human Rights
Commission

equalityhumanrights.com

Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 23rd July 2010

Dear Philip

Thank you for your letter of 6th July concerning the 'black|up' range of cosmetics.

My understanding is that this is the trade name for a range of products which claim to be 'the first Make-up Artist brand dedicated to women of African descent'. It would not be appropriate for me to comment on the company's choice of name for their product, but they might reasonably argue that it reflects the purpose and market for which it is intended.

Yours sincerely



Trevor Phillips
Chair, Equality and Human Rights Commission

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Commissioners' Directorate
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3 More London SE1 2RG

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Chairman, Equality and Human Rights Commission
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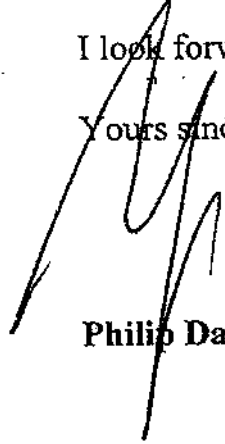
6 July 2010

Dear Trevor,

I would be interested to know if it is so offensive to black up, why a range of make up is called this? 

I look forward to hearing from you with your comments.

Yours sincerely



Philip Davies MP

YOUR INTERESTS, NOT SELF INTEREST

Equality and
Human Rights
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Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 19 August 2010

Dear Philip

Thank you for your letter dated 2 August.

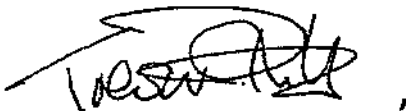
As you are evidently aware, the use of the word coconut in certain contexts can be considered offensive by many black people.

In this case, Ofcom is the communications regulator and has, as one of its legal duties, to ensure that people who watch television and listen to the radio are protected from harmful or offensive material. The BBC is subject to the Ofcom Broadcasting Code 2009, which contains generally accepted standards. Paragraph 2.3 states that:

'Broadcasters must ensure that material which may cause offence is justified by the context. Such material may include offensive language, discriminatory treatment or language (for example on the grounds of race). 'Context' includes the degree of harm or offence likely to be caused by the inclusion of this sort of material.'

Ofcom has specific regulatory powers and a complaints process for this purpose and the Commission would encourage the public to contact Ofcom if they find programming to be offensive. The BBC itself also has a well developed complaints process with a dedicated complaints website.

Your sincerely



Trevor Phillips
Chair of the Equality and Human Rights Commission



HOUSE OF COMMONS
LONDON SW1A 0AA

Equality and Human Rights Commission
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3 More London, SE1 2RG

Trevor Phillips
Chairman, Equality and Human Rights Commission
3 More London
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2 August 2010

Dear Trevor,

It has recently been brought to my attention that this exchange took place in an episode of Eastenders in April this year (the same week as the character Jack Branning was shot):

There was an argument between Billy Jackson and Whitney about Billy joining the police. Billy says: "you saying I shouldn't do it; become some coconut with a badge?"

I would be interested to know if you consider the term "coconut" to be offensive to describe a black person. If you do then I would like to know what action you will take against the BBC for the racist language used, if you don't then why didn't you support the woman councillor in Bristol who was forced to resign for using the term.

I look forward to hearing from you with your comments.

Yours sincerely


Philip Davies MP

YOUR INTERESTS, NOT SELF INTEREST

✓
Equality and
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Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 19 August 2010

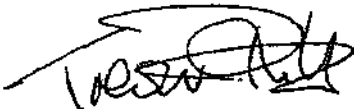
Dear Philip

Thank you for your letter dated 2 August.

It would not be appropriate for the Commission to comment on whether the Magistrate has been treated correctly in this case based on the media report when the Office for Judicial Complaints has not released any details about the case. It may be best to pass on your constituent's complaint to them. They can be contacted at the address below:

The Office for Judicial Complaints
10th Floor Tower, 10.52
102 Petty France
London, SW1H 9AJ

Your sincerely



Trevor Phillips
Chair of the Equality and Human Rights Commission



HOUSE OF COMMONS
LONDON SW1A 0AA

Equality and Human Rights Commission
Commissioners' Directorate

3 More London SE1 2RG

Trevor Phillips
Chairman, Equality and Human Rights Commission
3 More London
Riverside
Tooley Street
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SE1 2RG

2 August 2010

Dear Trevor,

Please find enclosed a copy of an email I received recently from a constituent who wishes to remain anonymous.

I look forward to hearing from you with your comments.

Yours sincerely

Philip Davies
Philip Davies MP

Enc

YOUR INTERESTS, NOT SELF INTEREST

✓
Equality and
Human Rights
Commission

equalityhumanrights.com

Philip Davies MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 1 September 2010

Dear Philip

Thank you for your letter dated the 9th August 2010 regarding the article that appeared in the Daily Mail on the 4th August 2010.

We welcome the statement by the Ministry of Justice which points out that transsexual defendants are not prevented from receiving a custodial sentence where that is deemed appropriate but that it is right that a full risk assessment is carried out to determine the location of prisoners in the particular circumstances of that case.

We would add that while equality legislation applies to the institutions, policies and practices of the criminal justice system it does not apply to the decisions of judges in individual cases.

In the build up to the implementation of the Equality Act the Commission is producing a range of codes of practice and guidance to help promote understanding of the legislation and compliance with the law. This will cover all equality grounds including transgender issues.

Your sincerely



Trevor Phillips
Chair of the Equality and Human Rights Commission



HOUSE OF COMMONS

LONDON SW1A 0AA

Equality and Human Rights Commission
Commissioners' Directorate

Trevor Phillips
Chairman, Equality and Human Rights Commission
3 More London
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3 More London SE1 2RG

9 August 2010

Dear Trevor,

Please find enclosed a copy of an article that appeared in the Daily Mail on 4th August.

I would be interested to know what you are doing about this clear discrimination against non-transsexuals and how this fits with the Equality Act or, to put it another way, what you think of the discrimination against transsexuals at not being able to have equal access to public services - in this case prison.

I look forward to hearing from you with your comments.

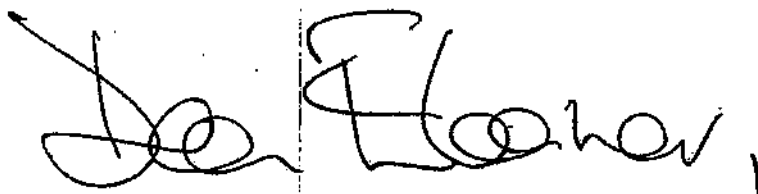
Yours sincerely


Philip Davies MP

Enc

Eleanor Laing MP
House of Commons
London
SW1A 0AA

Our ref: [REDACTED]
Date: 23 September 2010



Thank you for our useful meeting on 14 September. I was interested in your particular analysis of how the Coalition is working in practice, both in Government and in Parliament. I am grateful that we are able to have this kind of candid exchange of views and look forward to them from time to time over the course of this Parliament.

When we met, we briefly discussed your interests in relation to your roles in relation to the All Party Parliamentary Group on Sex Equality and the Joint Committee on Human Rights and agreed that I would write to you to outline some of the work that we are doing in those areas.

Triennial Review

I mentioned that the Commission is making a deliberate shift from the pressure group models of our legacy commissions to an evidence-based regulator. Every three years, the Commission is required by statute to report to Parliament on how far Britain has come towards being a fair society. This report, the Triennial Review, will be a key mechanism to enable us to make that important shift. It will be laid before Parliament and will have a public launch on 11 October 2010.

The Triennial Review promises to be an invaluable resource. It will provide an authoritative, practical and relevant compendium of data on equalities; an explanation of the continued relevance of equality in modern Britain; and a timely evidence base to assist with the effective targeting of resources to make the greatest impact to the most pernicious forms of inequality.

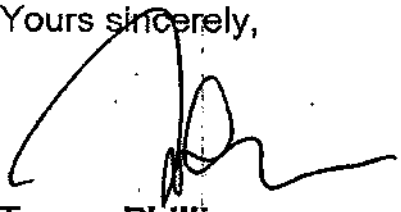
We are sure this report will be of interest to you. I would welcome the opportunity to brief you and interested colleagues on the report in advance of its launch. Meg Hillier MP and Tom Brake MP are hosting

I mentioned when we met that in November the Commission will launch a formal Inquiry into the protection and promotion of the human rights of older people receiving home based care and support. The aim of the Inquiry is to investigate the duties, roles and capacity of public authorities to protect and promote the human rights of older people requiring or receiving home based social care services. We will be examining the adequacy of the current regulatory and legal framework within which they are required to do so. You made the point that human rights should not be used as a tool to resist cuts in public spending. That is not the intention of this Inquiry. Indeed, one of the outcomes of this Inquiry will be to ensure that human rights have a pragmatic role to play in this time of austerity by providing a holistic approach to the needs of individuals and clarity about standards of service provision.

Also in November, the Commission will publish research on the protection of information privacy, an area where I know you have some expertise. It is likely to find that there are significant deficiencies in the current legal and regulatory regime for the protection of privacy and should inform Parliament's work in relation to any privacy reforms in the Freedom bill, in particular in relation to RIPA and local authorities.

I hope you will find this information useful, should you wish to contact me directly for anything further, I can be contacted via [REDACTED]

Yours sincerely,



Trevor Phillips
Chair of the Equality and Human Rights Commission

MRS. ELEANOR LAING MP



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr. T. Phillips,
Chair of the Equality and Human Rights Commission,
3 More London,
Riverside,
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Equality and Human Rights Commission
Commissioners' Directorate

SEP 2010

28th September, 2010

3 More London SE1 2RG

Dear Trevor,

Thank you for your letter of 23rd September following our very useful meeting. It was good to have the opportunity to discuss our many areas of mutual interest.

Regarding the publication of your Triennial Review, I would be very pleased to host a briefing session for my Conservative colleagues and look forward to hearing from [REDACTED] so that we can make the necessary arrangements. It will be very difficult to arrange it before 11th October as the Conservative Conference runs from 2nd to 6th October.

I very much look forward to seeing and further discussing your Inquiry on the human rights of older people receiving home based care and support. I take your point about human rights and a holistic approach. I am also most interested in the work you are doing on information privacy.

I very much look forward to keeping in touch on these matters and many others.

Yours sincerely,

With best wishes,

Eleanor Laing.



Equality and Human Rights Commission
HOUSE OF COMMONS
Commissioners' Directorate
LONDON SW1A 0AA

11 JUN 2010

3 More London SE1 2RG

10 Jun 2010

Dear Trevor,

Thank you for your kind letter of 7 Jun. Representing Wycombe, I have a close interest in the subjects within the scope of the Commission and I look forward to working with you.

Best wishes

STEVE BAKER MP

