

SENT BY EMAIL

Email: 

26 July 2013

Our ref: 

Dear 

Subject – your email dated 16 July to EHRC Chief Executive Mark Hammond

Thank you for your email dated 16 July 2013 to EHRC Chief Executive Mr Mark Hammond, in which you have asked that the EHRC take enforcement action regarding Doncaster Council. You have referred to a [BBC press release](#) of 16 July which states that Doncaster Council are to be stripped of control of children's services.

In your email to Mr Hammond of 16 July, you have stated:

- "I would like to initiate a formal complaint against EHRC for its failure to take action against Doncaster Council re: PSED and the victimisation against those amongst us who have challenged the deep rooted and endemic governance and equalities failures"
- You go on to say

"Promises that were made to EHCR by DMBC have been cynically reneged upon. The failure by EHRC to investigate and issue a much needed compliance notice provides the context in which I make this complaint. I trust I will receive a fair hearing - enough is enough!"

Our response

We take the concerns you have raised with us regarding Doncaster Council very seriously. The EHRC ("the Commission") has finite resources and must exercise its enforcement powers sparingly. We cannot take action in all alleged non-compliance/ Equality Act 2010 matters referred to us. The Commission receives a large amount of requests for such action and it is partly for this reason that we have implemented the Commissions ['Legal strategy policy'](#). Our

2nd Floor Arndale House
The Arndale Centre
Manchester
M4 3AQ

Tel: 0161 829 8324
Text phone: 0203 117 0238

Email:
complaints@equalityhumanrights.com

strategy is used to determine whether it is appropriate, as an accountable publicly funded organisation, to use our legal powers.

Our case selection strategy includes the following factors:

- * "it is a cost-effective use of limited resources,
- * it is the right tool/lever for the Commission to select on the issues raised in the case....
- * clarify, extend, strengthen or otherwise test compliance with equality and/or human rights law, where the outcome would have wider tangible benefits for vulnerable and/or protected groups.."

As set out in our [Compliance and Enforcement Policy](#), informal action and cooperation are our preferred option and we will only take formal enforcement action where attempts to encourage compliance have failed. Decisions on specific enforcement action rely on professional judgment and we will therefore exercise our discretion in each case.

We hope that the information disclosed to you in our previous Freedom of Information Act (FOIA) response of 27 June 2013 illustrates the informal work we have done, to date, to ensure the Council comply with their Public Sector Equality duties.

In regard to your request for this matter to be treated as a formal complaint, the EHRC complaints policy does not cover decisions regarding the use of our legal powers. While we have the power to take action, this is not a duty. We have attached a copy of the EHRC complaints policy to our cover email for your ease of reference.

Furthermore, we also note the media reports of 16 July 2013 regarding the Governments decision to strip control of Children's services from Doncaster Council.

Yours sincerely

Oliver Varney

Corporate Communications Officer

Corporate Communications Team

Equality and Human Rights Commission

2nd Floor Arndale House
The Arndale Centre
Manchester
M4 3AQ

2nd Floor Arndale House
The Arndale Centre
Manchester
M4 3AQ

Tel: 0161 829 8324
Text phone: 0203 117 0238

Email:
complaints@equalityhumanrights.com

Email: complaints@equalityhumanrights.com

Text Phone: 0845 604 6620

2nd Floor Arndale House
The Arndale Centre
Manchester
M4 3AQ

Tel: 0161 829 8324
Text phone: 0203 117 0238

Email:
complaints@equalityhumanrights.com