

Equality and Human Rights Commission,
Attn Rebecca Hilsenrath,
Chief Executive,
Fleetbank House,
2-6 Salisbury Square,
London, EC4Y 8JX

cc Aileen McColgan QC

25 Mar 2020

Dear Rebecca,

Thank you for your letter dated 18 March 2020. We fully appreciate that the entire country is in the grips of an unprecedented health crisis, and that this will have added to your already heavy workload. Indeed, we might have understood if this had led you to state that you were unable to reply at this time to our detailed letter to you, sent to you by our barrister Aileen McColgan, by virtue of *force majeure*. Instead, you took over 30 days to provide what was, in essence, a non-reply since it did not address any of the complex issues we raised. This was naturally disappointing.

As you can see, an enormous amount of detailed research went into the letter sent to you. You do not acknowledge the findings of that research or the serious concerns expressed. You state that although you have the power to meet our request for a section 16 inquiry, you are "currently unable to take the action requested in your letter" as you need to prioritise commitments made for year 2 of your plan. This leads us to believe that you have not fully absorbed either the seriousness of the concerns we raise or the need for prompt action to be taken in order to correct, and start to reverse, damage already done.

We therefore feel compelled, in this letter, to draw attention to issues that in our view cannot wait for the later review you propose and require urgent attention.

You mention that your work has been set "in accordance with our Strategic Plan 2019 – 2022" which decided priorities based on the results of a study called "Is Britain Fairer?" This is worrying. Your own report on this consultation reinforces the importance of our concerns.

"The Equality and Human Rights Commission has a duty under the Equality Act 2006 to review and consult on the development of its Strategic Plan. In developing a new Strategic Plan for 2019-22, we ran a public consultation from 2 November 2018 to 7 January 2019. This report provides an overview of the consultation process and sets out how we took into account the consultation responses. We received more than 1,000 responses, which have helped us to develop our plans for the next three years and beyond."

The sample consulted was minimal – 1,000 responses – and only included LGBT groups rather than any lesbian, gay or bisexual groups. In other words, same-sex orientation (a protected characteristic) was excluded from this consultation. Could you let us know which LGBT “stakeholders” you consulted?

Below we list all the contributions you reference in your document “Your views on our strategic plan 2019 – 2022” https://www.equalityhumanrights.com/sites/default/files/strategic_plan_2019-22_consultation_report.pdf which came from LGBT groups and describe the priorities they would like you to consider:

Access to health services is very varied for trans people, as there are numerous health bodies all dealing with the same issues in different ways. This Aim could provide an opportunity to promote a uniform approach based on the EA 2010. —LGBT charity, Britain

To reduce barriers to trans people accessing appropriate health services, the Commission should extensively consult with trans communities and transled organisations to identify barriers to access (including where equalities legislation is breached) and develop a plan for addressing these in the years ahead (including considering enforcement action where necessary). —LGBT charity, Britain

Issues for trans people include persistent discrimination and prejudice, breaches of confidentiality and concern about disclosure. —LGBT charity, Britain

LGBT asylum seekers are particularly vulnerable and face significant disadvantages when detained, including discrimination and harassment from other detainees and even from some members of staff. This Aim should include the needs of LGBT asylum seekers in detention. —LGBT organisation, Britain

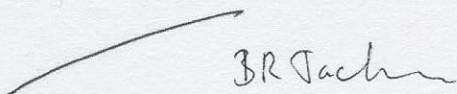
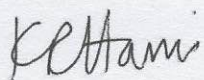
Include ensuring LGBT people are treated equally within the VAWG sector. —LGBT forum, England

We believe that these comments rather prove our point. You can see that the priority of most of the LGBT groups you consulted is trans people. This is because Stonewall has conducted a campaign, as laid out in the letter sent to you from Aileen McColgan QC, to promote the rights of trans people ahead of those of same-sex attracted people – particularly lesbians, and to misrepresent the Equality Act.

It is clear that your strategic plan should be reviewed. No plan is set in stone and we believe that the arguments in our letter are valid and of significant public importance. To continue down the path you have laid out in your letter would mean continuing to reinforce the harm already done. A large and influential lobbying group, Stonewall, has been successful in encouraging public bodies to enforce the law as Stonewall would like it to be rather than as it is.

We urge you to reconsider your decision to plough ahead without any further conversation with LGB Alliance until 2021. Notwithstanding the extraordinary circumstances in which we all find ourselves, we are ready to help and support you to fulfil your mission correctly and in line with the actual wording of the Equality Act.

Yours sincerely



Kate Harris
LGB Alliance
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