

Women and Equalities Committee

Oral evidence: [Work of the Equality and Human Rights Commission](#), HC 357

Wednesday 25 October 2017

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Members present: Mrs Maria Miller (Chair); Philip Davies; Rosie Duffield; Kirstene Hair; Eddie Hughes; Tulip Siddiq.

Questions 1–79

Witnesses

I: David Isaac, Chair, Equality and Human Rights Commission; Rebecca Hilsenrath, Chief Executive, Equality and Human Rights Commission.

Examination of witnesses

David Isaac and Rebecca Hilsenrath.

Q1 Chair: Good morning. Thank you so much for coming in. Please make yourselves at home. We welcome our witnesses today to give oral evidence about the work of the Equality and Human Rights Commission. Scrutinising the ongoing work of the commission is one of the tasks that this Committee has been given by the House of Commons. The session follows on from the last opportunity the previous Committee had to question both the chair and the chief executive, which was in January. We have had a general election since then and a lot of things have happened, so it is incredibly kind of you to come along today and give your time to talk to the Committee about the work of the organisation. We know how much time it takes to prepare for sessions like this, so thank you for that. We hope that it is as useful for you as it is for us.

I am going to kick off with the questioning today. We have quite a lot to get through and a relatively short period of time, so I might use my Chair's prerogative of keeping people to time. I wanted to ask this particularly of you, David: in January when you came before the Committee, we asked you how many times you had recused yourself from particular meetings or discussions in order to prevent any potential conflicts of interest. You told us that procedure was in place and working well and that no issues had arisen. Is that still the case?

David Isaac: It is still the case in relation to a conflict of interest process that is agreed by me with the commission. There is one matter that you brought to the attention of Ministers when they appeared in front of you the week before last, which I was unaware of, in relation to my firm purchasing a diversity and inclusion business.

Q2 Chair: I know that Kirstene wants to come on to some particular questions on that, if we could just park that for the moment. You are happy that, as a professional lawyer regulated in the way that you are, you are well able to manage conflicts of interest.

David Isaac: I am. The terms that I agreed with this Committee continue to be in place and I abide by them.

Q3 Chair: How many times have you had to recuse yourself?

David Isaac: I have not had to recuse myself at all.

Q4 Chair: There has never been a situation where your work in the commission has come into conflict or could be perceived to come into conflict with your work as a partner of a law firm?

David Isaac: Other than the matter that we will return to, that is correct.



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Q5 Kirstene Hair: Following your pre-appointment hearing, you said that your income from Pinsent Masons would be ring-fenced to exclude any share of profits from your government work. In the summer of this year, Pinsent Masons acquired a diversity and inclusion consultancy firm, Brook Graham. I just wondered if you were involved in this acquisition.

David Isaac: I am not involved in it at all. Pinsent Masons is a very large international business, and the acquisition of that business was unknown to me. It is a part of the business that I am not involved with. Given the matter had been raised, I explored it with colleagues. As I understand it, it is an arm's length business. I have no information about it and I am not involved with it at all.

Q6 Kirstene Hair: Do you benefit financially from the expansion of work of Pinsent Masons on diversity and inclusion?

David Isaac: I do not, because that work would apply and fall into the same terms that I have agreed with this Committee and with the Secretary of State.

Q7 Kirstene Hair: Can I just ask what advice you have taken on the risk of a conflict of interest arising from the acquisition of a specialist diversity and inclusion consultancy by your firm?

David Isaac: Obviously I flagged the potential and perceived conflict of interest, and that is now declared. I declared it as soon as the matter was brought to my attention. I have discussed it with the chief exec and obviously discussed it with my colleagues at Pinsent Masons. Just to be clear, this is a business that I have no involvement in whatsoever. I believe that there is no conflict of interest.

Q8 Kirstene Hair: Finally on this issue, I just wondered if you had notified the Secretary of State of the acquisition and the EHRC board and, if so, what the responses from those were.

David Isaac: When the matter was drawn to my attention, yes, as I said, I referred the matter to the chief exec, to the board of the EHRC and to the Secretary of State, through the Minister for Equalities.

Q9 Chair: Can I just ask for a clarification? You said you declared it as soon it was brought to your attention. When was that?

David Isaac: It was following the question that you asked the Equalities Minister.

Q10 Chair: I understand and respect the fact that you feel that this is not a conflict of interest but, from your answer, you realise it could be perceived as that. Why would your company not have picked this up as a potential conflict of interest and informed you of it? Is there a potential loophole in the system operated by Pinsent Masons for checking back with you that what it is doing will not potentially compromise your position as chair of the EHRC?



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David Isaac: I am really clear that, when it was drawn to my attention, I raised it in the appropriate ways. The mechanisms that exist within the firm are as I have agreed. I do not believe that there is any loophole whatsoever.

Chair: It was only brought to your attention by me.

David Isaac: That is correct. This is a different part of the business. It is a huge international business. I have no involvement in this whatsoever.

- Q11 **Eddie Hughes:** Sorry, I do not understand. Imagine there is a spectrum of something that could be impacting on your role and something that is not. We have identified from the questioning that this is not. What is the trigger that identifies something that could impact then? It feels like it was not even mentioned within the company. Nobody even considered it to decide where it was on that spectrum, relevant or not relevant. It is almost as if it came up by accident. How would you know? If there is something, is it a case of it being retrospective and you suddenly thinking, "Oh bloody hell, this is relevant. I had better report it please".

Chair: Use parliamentary language, please.

Eddie Hughes: My apologies.

David Isaac: There are learning points in relation to what has happened. We have agreed procedures in relation to everything that I do in relation to the commission. This is a part of the business that, as I say, I am not involved in whatsoever. Moving forward, to the extent that Pinsent Masons is involved in developing any further diversity and inclusion initiatives, it will need to be addressed at the earliest opportunity. On that basis, I would like to acknowledge the fact that you had to draw it to my attention, but it has been an important learning point. The point that I am keen to make is that there is no conflict of interest.

- Q12 **Chair:** That is incredibly helpful for you to set out. Of course, people listening to this will see an international company, which has the chair of the Equality and Human Rights Commission as one of its partners, acquiring a diversity and inclusion consultancy firm, and say those things are connected. I remain a little surprised that nobody in your firm would think of telling you, but I am sure you can take that in hand.

David Isaac: I will, thank you.

- Q13 **Philip Davies:** David, could I ask you about the decision to abolish the disability commissioner, which has clearly caused a great deal of unhappiness, not least with Lord Shinkwin? First of all, can I just check if he is now attending board meetings, because he made it clear that he was not going to attend any until the matter had been resolved to his satisfaction?

David Isaac: He is not attending board meetings.



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Q14 **Philip Davies:** There are two things I want to ask you to give some clarity on. One is the process for abolishing the disability commissioner and the second is the timescales that were involved when these decisions were made. Could you set out precisely when these decisions were made and the process that was followed in abolishing the disability commissioner?

David Isaac: In relation to the appointment of Lord Shinkwin, can I just be clear that the appointment is made by the Secretary of State?

Q15 **Chair:** Sorry, when the job was advertised, what position was advertised?

David Isaac: There is a lot of detail, which I can perhaps go into. The position was, when the vacancies on the board of the commission were advertised, one of the potential vacancies was for a disability commissioner.

Philip Davies: That is what he applied for.

David Isaac: He, among others, applied for that particular position. The decision that the board of the commission has made is to mainstream disability into the work of the commission.

Q16 **Philip Davies:** Yes, we know what decision has been made. What I am trying to get to is when that decision was made and what process you went through to reach that decision.

David Isaac: The panel made various recommendations to the Secretary of State, in relation to particular potential commissioners including Lord Shinkwin. Lord Shinkwin has obviously chosen to make public some of this detail, which otherwise would be confidential. I am proceeding on the basis that you are asking me these questions and, therefore, I am answering frankly. During the period when we made the recommendations to the Secretary of State, there was a considerable delay. During that period, the sunset clause in relation to our statutory disability committee kicked in and the statutory disability committee came to an end at the end of March this year. At that point, there had been considerable discussion by the board and with stakeholders about the disability commissioner role being abolished. Not until the eve of purdah did the Secretary of State make a decision to appoint Lord Shinkwin. At that point, the board was minded to abolish the disability commissioner.

Q17 **Philip Davies:** At what point was the board minded?

David Isaac: The actual decision by the board to abolish the disability commissioner, the formal decision, was not made until a board meeting after Lord Shinkwin had been appointed.

Q18 **Philip Davies:** When had you decided it should be abolished?



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David Isaac: At the time when we were discussing the abolition of the statutory disability committee, we had decided that, in reality, it was important to mainstream disability into our new domain approach. It would be important that all of the commissioners, and there are a number of other commissioners who are disabled, would represent disability.

Q19 **Philip Davies:** That is interesting because, on 27 March, you attended a meeting, it seems, with the Secretary of State, where the Secretary of State confirmed the decision to appoint Lord Shinkwin, with you there.

David Isaac: That was as a general commissioner.

Q20 **Philip Davies:** It also goes on to say here that, at that meeting, you said that you had gone to the final meeting of the disability committee the day before and they were anxious about there being no one in the disability commissioner role currently.

David Isaac: It is probably important to say that, while the board of the commission had resolved in principle to abolish the disability commissioner role, there were various voices—and some, it has to be said, on the statutory disability committee—who had anxieties about that. That is pretty well known, but we as the board of the commission took the view that, given that the disability statutory committee was coming to an end, we wanted to and are now mainstreaming disability. For that reason, the disability commissioner role was abolished.

Q21 **Philip Davies:** That was not part of the discussion. You knew that the committee was coming to an end, at the end of March, about three days after your meeting with the Secretary of State, and yet you made it clear that the disability committee were anxious about there being no one in the disability commissioner role. You knew that the disability committee wanted to keep a disability commissioner. It also happens that, at that meeting, “The challenges facing recruiting somebody to the role were discussed”, along with “the balance between having a fresh pair of eyes and the credibility of having demonstrated long-term commitment to campaigning on disability issues”, and, it says here, “David agreed”. There was no suggestion at this point that that role was going to be abolished, even though you knew that the disability committee was coming to an end a few days later.

David Isaac: That is not correct. Certainly in so far as the statutory disability committee was concerned, it knew that the disability commissioner role was likely to be abolished and there was anxiety about how disabled people would be represented in the work of the commission going forward. It is not the case that the statutory disability committee did not know that the board was minded to abolish the disability commissioner post.

Q22 **Chair:** I am sorry to interject, Philip. Why did you advertise for a disability commissioner if you had already decided you did not want one?



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David Isaac: At that stage, the disability commissioner post existed. There was a delay during the appointment process, because the interviews took place in the Christmas of last year. We were hoping that the Secretary of State would make an early appointment and would have appointed a disability commissioner. In the intervening period, the statutory disability committee was abolished. We still had not had a disability commissioner appointed and the recommendation that there should be a general commissioner appointment in the form of Lord Shinkwin was then confirmed by the Secretary of State before the general election.

Q23 **Chair:** The role of the disability commissioner and the disability committee are entirely separate and not linked.

David Isaac: We linked them.

Chair: It is set out in the framework between the EHRC and the GEO that you will have a disability commissioner. It is not linked to the existence of a disability committee.

David Isaac: They are not linked in terms of the statutory position of the statutory disability committee, but we took the view as a board, liaising with stakeholders, that when the sunset clause kicked in we would mainstream the disability work and we would no longer have a disability commissioner.

Q24 **Philip Davies:** What does the disability committee think about this?

David Isaac: As you have alluded to, some initially were unhappy and needed to understand our rationale, but the position is that, at the final meeting of the disability committee and in subsequent meetings of that body, they understood the commission's approach and they approved of mainstreaming.

Q25 **Philip Davies:** Why is it that, at this meeting after the final meeting of the disability committee, you told the Secretary of State that they were anxious about there being no one currently in the disability commissioner role?

David Isaac: It is not a secret that some people were concerned about the abolition of the disability commissioner post. Since that particular period in time we have made people comfortable with the fact that disability is mainstreamed and there is no longer a disability commissioner. The important thing in relation to Lord Shinkwin was that he was recommended as a general commissioner by the panel. This is information that has been communicated to him. He was appointed by the Secretary of State as a general commissioner, and it was only Lord Shinkwin having attached these conditions to his engagement with the commission that has resulted in him failing to attend board meetings. I am very keen that Lord Shinkwin should engage with the commission. He is taking up an important commissioner post, which we currently



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cannot fill. I would suggest that that is having an adverse impact on our ability to mainstream disability and to do our work in the disability arena.

- Q26 **Philip Davies:** It is not unreasonable for somebody to apply for a position, to be appointed to it and then expect that position to be in place, is it? It is not an unreasonable expectation if you apply for a particular post, you are appointed to a particular post and then you are told subsequently, "Oh actually, do you know what? That post that you applied for and that you were appointed to does not exist any more".

David Isaac: It is not if the period between the application and the appointment is so long that, during that period, the statutory disability committee has expired and the board has taken the decision, in principle, that the disability commissioner post no longer exists.

- Q27 **Chair:** Mr Isaac, why did you never communicate this to the candidates?

David Isaac: At that stage, the Secretary of State had not made a decision. We had no idea who the candidate who was successful, or candidates who might be successful, might be.

- Q28 **Chair:** You do not think it is entirely reasonable to expect, if you have applied for a job, that if the employer or the organisation had changed the job, you would tell the candidate that the job had changed. That is extraordinary. There are very few people who would not find that somewhat odd.

Rebecca Hilsenrath: I would just say a couple of things, if I may. First of all, Lord Shinkwin was not appointed to the role of disability commissioner. He made an application that was successful in regard to being a general commissioner.

- Q29 **Philip Davies:** Hold on a minute. This completely flies in the face of the meeting that you had with the Secretary of State. It says quite clearly here, in the notes of that meeting before the end of March, "The Secretary of State confirmed the decision to appoint Lord Shinkwin".

David Isaac: Yes, but that was as a general commissioner.

- Q30 **Philip Davies:** No, hold on a minute. It then goes on to say, following on from that—this was obviously good news—"David said that he went to the final meeting of the disability committee yesterday and they were anxious about there being no one in the disability commissioner role currently". You do not have to be a genius to work out that you were the one who was linking the two things together. It was at this meeting. It is quite clear that the Secretary of State was appointing Lord Shinkwin to be the disability commissioner.

David Isaac: No, that is not correct.

Philip Davies: This is what you were discussing at the meeting.

David Isaac: No, it is not correct.



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Q31 **Philip Davies:** So this is inaccurate. The records of your meeting are inaccurate.

David Isaac: I do not believe that that is what that record actually says.

Philip Davies: It does.

David Isaac: I think you are inferring.

Philip Davies: No, I am not inferring. I am reading out what it says, word for word.

Rebecca Hilsenrath: It is a matter of fact and of record that the panel did not recommend him to be appointed as a disability commissioner and the Secretary of State did not appoint him as a disability commissioner.

Philip Davies: Hold on a minute.

Rebecca Hilsenrath: Can I just go on to answer the Chair's question?

Q32 **Philip Davies:** No, I do not want you to go on and answer anything else at the minute. Heidi Allen, my colleague, asked a parliamentary question about this, to which she got a reply. Let me get this straight. Are you denying that the Secretary of State confirmed the decision to appoint Lord Shinkwin before the end of March? Are you denying that? At this meeting, it says quite clearly here, "The Secretary of State confirmed the decision to appoint Lord Shinkwin".

David Isaac: I have to say I do not have sight of the papers.

Q33 **Philip Davies:** Did she confirm that to you before the end of March?

David Isaac: The Secretary of State made the appointment of Lord Shinkwin as a general commissioner on the eve of purdah. That is what I know.

Q34 **Philip Davies:** I am not asking that. I am asking you, at the end of the meeting before the end of March, whether she confirmed to you the decision to appoint Lord Shinkwin, yes or no.

Chair: Can I point out that what Mr Davies is referring to is a note that we have been given, not by the Government. I have to be clear on that.

David Isaac: I have not had sight of this, which is why I am hesitating.

Q35 **Philip Davies:** It does not matter whether you have had sight of it or not. I am asking you a factual question. Before the end of March, did you attend this meeting with the Secretary of State, where she confirmed the decision to appoint Lord Shinkwin?

David Isaac: She made it clear that she was minded to appoint Lord Shinkwin as a general commissioner.

Q36 **Philip Davies:** Thank you very much. In your answer to Heidi Allen, when she asked about the decision to abolish the role of disability



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commissioner, the answer that she got back from the chief executive said that the board formally agreed on 11 May that the role of the disability commissioner should cease. If Lord Shinkwin was appointed or you were told that he was going to be appointed before the end of March, by definition, seeing as you had not decided to abolish the job until 11 May according to what you have said, he must have been appointed to be the disability commissioner, because the decision to abolish that post was not made until 11 May.

Rebecca Hilsenrath: Sorry, just to make it clear, the decision not to appoint Lord Shinkwin as disability commissioner was not directly related to the fact that the post had been abolished. That was the recommendation of the panel, which was accepted by the Secretary of State, to appoint him as a general commissioner. Those things are matters of record. It has nothing to do with the fact that the role itself was abolished. It was abolished by a formal decision on 11 May, but that came at the tail end of a very long process, during which the commission and board reflected, reviewed, consulted, looked at the governance arrangements going forward and came to a view that was formally noted on 11 May.

Philip Davies: He applied for a job as the disability commissioner.

David Isaac: He did among others, correct.

Philip Davies: That was advertised as a disability commissioner.

David Isaac: Correct.

Q37 **Philip Davies:** The decision was made to appoint him before 28 March. You knew that decision was going to be made before 28 March, when the position still existed.

David Isaac: Correct.

Philip Davies: It was only abolished two months later and you are telling me that he was never intended to be appointed as a disability commissioner. To be perfectly frank, I just do not believe what you are saying. It just does not make any sense.

David Isaac: I am sorry, it does make sense, in the sense that you need to take an incremental view. I have not seen that note of the meeting with the Secretary of State, but the reality was that she did indicate that she was minded to appoint Lord Shinkwin. The view was that she was minded to appoint him as a general commissioner. The panel, as I said, recommended that he should be appointed as a general commissioner, because of the change to the statutory committee and the consultations that had actually taken place in relation to the future of the disability commissioner role. I think you are conflating two different things.

Q38 **Chair:** With respect, Mr Isaac, I do not think we are conflating anything. Somebody applies for a job; they are given it; but then, in the meantime,



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without telling the candidate, it has been changed.

David Isaac: Chair, he was not appointed until the eve of purdah.

- Q39 **Chair:** If I could just finish my point, why is your process so lacking in transparency? Who was appointed as the disability commissioner then? You clearly thought you needed somebody to fill the post. It is part of your framework agreement with the department that you have a disability commissioner. It is set out in black and white. You already have commissioners for Scotland and Wales. Why are you not mainstreaming the work of the Scotland and Wales commissioners? Why are you deciding to abolish the disability commissioner and not to abolish the Wales and Scotland commissioners?

David Isaac: Those are statutory requirements in relation to our founding documentation.

- Q40 **Chair:** Just because it is not statutory, you think it is not worth having a disability commissioner.

David Isaac: No, we have taken a view, and perhaps Rebecca can add to it, in terms of our overall approach towards disability, that we should mainstream disability in the way in which I outlined it. This is not an attack on Lord Shinkwin. It is important to appreciate how long the delay was before a formal appointment was actually made. Our work in relation to disability is incredibly important and continues to be at the heart of what the commission does, notwithstanding the fact that we no longer have a disability commissioner.

- Q41 **Chair:** The world will take a view on the fact that the EHRC has decided to abolish the role of a disability commissioner in a way that is clearly out of step with the disability committee. Philip has referred to their views within this official document that we have had sight of, and they will also take views that you still think it is worth having separate Scotland and Wales commissioners, but not one for disability. That just seems a very odd sense of priorities.

David Isaac: There are a few issues there that I would choose to disagree with. The statutory disability committee had mixed views, so it is not correct to say that the whole of the statutory disability committee, while it existed, was opposed to the idea of the abolition of the disability commissioner. It is true, as Mr Davies says, that some were concerned, but we have ended up in a position where, in the new transitional arrangements and where we end up with our new stakeholder disability advisory committee, all of the people who are currently applying for positions there accept that there will no longer be a disability commissioner. That is not a statutory requirement.

Rebecca Hilsenrath: Could I just make a couple of points, Chair? First of all, in relation, as David says, to our decisions and conversations around the role of disability commissioner, it has been very much a positive step taken in order to mainstream all the protected



characteristics on an equal footing. It is about how our ways of working have changed. I am very happy to talk to you in detail but, I would say, during the time that we have abolished the disability committee and moved on in our ways of working, we have published the biggest report on disability ever undertaken in this country. We are currently undertaking a housing inquiry into independent living and disability access to housing across the country. We are very proud of our record in this place. I am happy to talk about that later.

Secondly, I would like to come back to the point when you said that the process lacked transparency. You will know that David has called, on the 10th anniversary of the founding of the commission, for us to be more accountable to Parliament. We completely agree that the process is far from ideal.

Coming back to Mr Davies's comments about what the Secretary of State said or did not say when she was minded to appoint Lord Shinkwin in that letter of March or whenever it was, we work with the Government Equalities Office and with the Secretary of State's office in relation to these appointments. It is a very long drawn-out process. We do not know what is going on some of the time. The appointment is made at the point that the Secretary of State writes to the candidate. Until that point, we are not able to say anything to the candidate. We are not able to make any sort of public comments. We have a certain amount of influence and the process is obviously something that involves a panel, which David sat on, but that dislocation from the fact that we are the commission, but the Secretary of State makes the appointment, is not ideal.

Q42 Chair: It may not be ideal but, ultimately, you have made the decision to abolish this position. What have disabled people's organisations said to you about that decision?

David Isaac: I would suggest that it has been a mixed response. Initially, there was some anxiety about it, but we have explained what we are doing in relation to mainstreaming. Rebecca's point in relation to the ground-breaking disability report that we have published recently demonstrates our real commitment to disability and to changing the lives of disabled people in this country. On that basis, people are satisfied that the commission is working hard to advance the interests of disabled people.

Chair: Your decision has not been universally agreed.

David Isaac: It was not at the time, but it is probably fair to say that the evidence that we are able to demonstrate of the outcomes that we are delivering for disabled people and the work that we are doing have satisfied people that the abolition of the disability commissioner post will not prejudice the work of the commission and our commitment to disabled people.



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Q43 **Chair:** Just before we move on, if that is okay, on Monday Baroness Vere told the House of Lords that you, David, had agreed a compromise with Lord Shinkwin. Is that true?

David Isaac: I have no information and have had no discussion with Lord Shinkwin whatsoever. I am not privy to details of any agreement reached.

Q44 **Chair:** Do you not think you should, as Chair, be trying to work with a commissioner who has been appointed to your organisation?

David Isaac: I have endeavoured to communicate on many occasions with Lord Shinkwin. I agree with you: in my role as Chair I should do that. I believe that I have done everything that I reasonably can, including asking the Secretary of State, the Government Equalities Office and members of his own party in the Lords to facilitate discussions. Sadly, those have not been possible.

Q45 **Chair:** What undertaking will you give to the Committee today that you will rectify this situation, which seems to result from poor communication with somebody who is now part of your organisation? You may point out to this Committee that it is not ideal for disabled people to have the person representing them not able to participate in your organisation's meetings.

David Isaac: Chair, I do not agree that he is the only person who represents disabled people on the board of the commission. We have made it clear that he was offered the post of a general commissioner. I welcome his engagement with the commission. I am keen to talk to him and I would ask him to abandon the conditions that he has attached to engagement. I would like him to take up his position as a general commissioner.

Q46 **Chair:** What were the conditions? Sorry, I am not aware of that.

David Isaac: I do not know whether it is appropriate for me to go into the detail here. Lord Shinkwin attached a number of conditions before he was prepared to engage with the commission and to take up his position as a general commissioner.

Q47 **Chair:** Such as what?

David Isaac: That we appoint him as the disability commissioner is one of the three.

Q48 **Philip Davies:** Can I just ask, before I move on to something else, if you have ever put any pressure on Lord Shinkwin about how he should vote in the House of Lords on any particular issue, in that it should be in line with the view of the Equality and Human Rights Commission, or anything like that?

David Isaac: I absolutely have not. We have had discussions about potential conflicts of interest in relation to the way in which Peers who are members of the commission discuss their voting record and their voting



intentions with the commission to avoid surprises. That is something that has worked in the past, but we are not and would never seek to influence a decision by a Peer.

- Q49 **Philip Davies:** This governance framework is really not worth the paper it is written on any more. Is that what you are saying as well? Obviously, in there it says that you are going to have a disability commissioner and the disability commissioner will act as an effective ambassador in support of the commission's aims, in particular in relation to disability. That is in your EHRC governance.

David Isaac: That is a historic document, is it not?

Rebecca Hilsenrath: Like all governance frameworks, it is subject to revision. In fact, that has been updated. I think the latest amendments are in the process of being formalised and will be on the website.

- Q50 **Philip Davies:** We will get a new one in due course. If I could just move on to something else, you have trumpeted all these wonderful things that you have been doing on behalf of different groups and organisations. I just wondered what evidence there was that the changes in the law that you have secured have stopped discrimination in people's day-to-day lives.

Rebecca Hilsenrath: I think we could talk about the impact of the work that we have done in three different areas, if that is helpful to you. I am happy to come back to them. We have a clear strategic influence. An example of that was our race report, which we published just over a year ago, which prompted the Prime Minister to undertake the race disparity audit, the findings of which were published last month.

On a more case-by-case basis, we have had a number of significant successes in the court recently, which have led to the improvement of lives across a number of groups of individuals in a number of areas. I could cite the UNISON case in relation to ET fees. When fees were imposed at employment tribunals, we saw discrimination cases fall within the region of 50% across all protected characteristics. The fact that fees are no longer payable means that twice as many people who are suffering discrimination are going to be able to take cases to tribunal.

We have done a lot of work internally, since our reorganisation last year, to change the way we work, and have improved measurement models and evaluation frameworks, so that what we do can more easily show measured success and impact across a number of indicators. I am happy to talk to that in detail.

- Q51 **Philip Davies:** The problem I have is that you do not really seem to practise what you preach as an organisation. The last time you came before the Committee, you may recall that you were unable to answer a number of questions. One of them was how many complaints you had from your own staff about discrimination. We asked you to send through a list. It is pretty excessive really, the number of discrimination claims



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made by members of your own staff to you as an employer. It is rather bizarre, is it not? You could not make it up really.

If we go through these, in 2010-11, there was a legal victory for a pregnant woman in the armed forces, where a female officer brought a case against the RAF, in which she claimed she had been removed from her job and had her promotion prospects delayed because she was pregnant. You trumpeted that. In the very same year, your organisation settled a maternity claim for one of your employees who was before an employment tribunal.

You then go on about *Dixon-Wilkinson v. Central Bedfordshire Council*, and the fact that the council unlawfully discriminated against the couple's son in the provision of education and associated services, by refusing to make transport available to enable him to participate in an after-school club. In the very same year as you did that, you had a disability reasonable adjustment grievance upheld and a disability discrimination case settled before the employment tribunal, not to mention further cases settled before them in 2013 and again in 2015, on reasonable adjustments.

In 2013-14, you say that you have done all of these things to make equal pay, make sure people are paid the same and all the rest of it. Yet in 2014, you had an equal pay grievance upheld against your own organisation. Where is the evidence that, as an organisation, you practise what you preach? You trumpet all of these changes in the law and all these cases you are taking up while, at the very same time, you are being rumbled by your own staff for actually doing the things that you are trumpeting that you are taking other people to task for.

Rebecca Hilsenrath: Like any other organisation, of course we have grievances against us and of course we face employment tribunal claims.

Philip Davies: These are upheld.

Rebecca Hilsenrath: I do not say that with any pride. It is an inevitability. It is obviously important that we have processes by which people can raise concerns. I would say that, over the course of the last few years, the number of grievances and the number of claims have fallen very steeply. That is as a result of change of leadership and change within the organisation. We are currently facing a number of employment tribunal claims, as a result of further redundancies in the reorganisation last year, which followed among other things the cuts made under the spending review. That is not something I welcome and it is something that we are looking at going forward, but it is not something that will come as a surprise to anybody looking at a public sector organisation dealing with reorganisation and redundancies. I believe I am right in saying that, at the moment, we only have a single grievance, which is actually linked to one of those claims. The number of grievances in the organisation has fallen very sharply indeed.

Q52 **Philip Davies:** How long have you been at the organisation?



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Rebecca Hilsenrath: Nearly four years.

Q53 **Philip Davies:** Are you not embarrassed that your body, which is given taxpayers' money to supposedly stamp out discrimination in the workplace, has such an appalling record of discrimination in the workplace? Are you not embarrassed about that?

Rebecca Hilsenrath: I am actually very proud of the changes that have taken place at the EHRC, while I have been there and while David has been there. We have seen these claims falling. We published our gender pay gap this year; we do not have a gender pay gap. Women are paid, on average, 8.2% more than men and 7.5% on a mean basis.

Q54 **Philip Davies:** That is a gap, is it not?

Rebecca Hilsenrath: It is a gap, and it reflects the fact that we have a number of women appointed to senior roles within the commission, which obviously impacts on pay. We also have figures in relation to disability and ethnicity, which we need to address, but they are not large. Our disabled members of staff do not have a pay gap on a median measure. On a mean measure, it is 6.6%. On ethnicity we have a 2.3% gap in favour of ethnicity on a mean basis, and 6.6% on a median basis. Our figures compare favourably if you look at the breakdown of our workforce against the Civil Service, and the Civil Service itself compares favourably against the rest of the country. There is nothing in the way we run our organisation that I have to be ashamed of at all. I am very proud of the way that we work.

David Isaac: It was a point that, Mr Davies, you made last time in relation to the way in which the commission needs to be an exemplar. I took what you said very seriously and, as Rebecca has made clear, this is a work in progress. Most of the figures that you refer to are historic. We flagged when we saw you in January the change programme that we were involved in. I am confident that, moving forward, things are improving, but it is a work in progress. Your point that we are an exemplar is a really important one, which we are working hard to address.

Rebecca Hilsenrath: I have recently asked my senior staff to take forward a really important programme on positive action. We have just set up new internships and work experience schemes for 2018, specifically targeted at students and pupils from the BME community and socioeconomically disadvantaged communities, with a view to having them come into the commission and work with us during next year. That is one of a raft of initiatives that we are undertaking to improve our work in this area and to make us the exemplar organisation that David wants us to be.

Q55 **Chair:** Before we move on to Eddie's line of questioning, can I just ask a particular question about the Equality Advisory and Support Service? Are you happy with the intelligence you are getting on that, in terms of



sorting out the issues that you need to be working on?

Rebecca Hilsenrath: We have never disguised the fact that we believe the helpline should be returned to us. We are working with it. We are trying to improve the rate of referrals and the quality of information. It is not what we would like it to be and we are going to be working hard. I think we have two years until it is re-let. Our view, which we have spoken to and will continue to push, is that it should come back to us and that would be a more effective service.

Q56 **Chair:** Do you see any new priorities coming out of the new race disparity audit?

Rebecca Hilsenrath: We welcome the race disparity audit. We particularly welcome the view that there should be a coherent strategy across government in order to make improvements. We have published a roadmap, which identifies the areas that we think need focus and attention in order to make improvements in this area. We have done that collaboratively with Operation Black Vote, with the Runnymede and with Business in the Community. We particularly identified areas in relation to education, employment, health, housing and criminal justice, where we think real efforts need to be made in order to make a difference. We know that the Prime Minister's race disparity audit identified real gaps in relation to public sector services, which very much echoes what we said a year ago, when we published our own report.

David Isaac: Given the interest of Government and the leadership that Government have provided by publishing the information, I have met with the First Secretary of State and the Secretary of State for Local Government. We want to be not just in dialogue with them but actively working to develop the execution of the plan. That may well change some of our priorities in relation to that area of our work. It is a really important opportunity, and we must not squander it.

Q57 **Philip Davies:** Finally, this thing, the Equality and Human Rights Commission, is 10 years old. "Legal cases that changed Britain"—I did not notice any of the ones against you in there. It is a bit partial, is it not?

David Isaac: I do not believe it is partial. We are the guardian of equality and human rights in this country. We have important statutory powers. We are, as Rebecca has made clear, vulnerable in the sense that, while we try to do whatever we can in the way in which we treat our own staff, some people are going to be disgruntled. That does not undermine the really important work that we have done in the last 10 years to change the face of equalities and human rights in this country. I endorse what Rebecca has said. We are really proud of what has been achieved and we are working hard, as we move forward in the next 10 years, to drive real change. I am very focused on outcomes and we are now delivering improved outcomes.

Q58 **Eddie Hughes:** I feel like that moves smoothly on to the next question.



You are focused on outcomes. Your performance indicators seem to be process-focused. They are very narrow, so what work are you doing to develop more measures of impact?

David Isaac: We are in the process of reviewing our KPIs. I am going to hand over to Rebecca. My observation coming in as chair was that they were too basic. They were not driving the right behaviours. Actually, I discovered that we needed more nuanced KPIs that are really going to deliver the outcomes that I have referred to. To give you an example, you cannot just measure our success on the basis of successful cases. The way in which we work, either writing letters before action, bringing cases to clarify the law or dealing with particular matters, cannot be dealt with in such binary terms, so we are looking at that in great detail.

Rebecca Hilsenrath: I could not agree with you more. I think that they are very narrow. By way of an example, although this is not one of the narrowest ones, we have a KPI for the success of our cases and we have endless conversations about this because, in fact, if the success rate is too high, it means we are not taking the right cases. There is something about making sure that we have the confidence to go out to places where the success chances are not necessarily guaranteed.

We are currently revising our approach to KPIs. Coming back to what I said earlier, we have also revised our entire approach to how we plan work. This links together the indicators and our measurement framework, which we use to report back in our triennial review *Is Britain Fairer?* about regression and advance, in relation to equalities and human rights outcomes across the country.

The work that goes towards our business plan and our strategic plan is taken forward against the same domains—areas of life that make up the measurement framework and our report. That enables us to look in a very granular, very specific and very measurable way at the work we do. We look at any particular piece of work and say, “What is the aim?” and then working backwards, “What is the output?” Before that, “What are the activities we need to do to get to those outputs and what are the assumptions they are built on?” Those give us very measurable outputs and outcomes, and they also allow us to look at what we are going to achieve in the short term and the longer term. This is going to provide us with a much better way of looking at how we measure our own progress.

Q59 **Eddie Hughes:** In your last oral evidence, you said you were happy to have a KPI related to the number of cases you might bring. You are sticking with that. Are you reviewing that figure for 2017-18?

Rebecca Hilsenrath: I would be very happy to have a KPI around the number of cases that we bring. We are currently reviewing our KPIs this week, as we speak, so we will be able to come back and let you know about what they are.



Q60 Eddie Hughes: Do you think how many cases you take relates back to a point of impact?

Rebecca Hilsenrath: It is a methodology point. That is less about how we impact on a particular area, but it is about how much we are using our legal powers. That is an important point, on which we should be accountable to the board.

David Isaac: I believe it drives outcomes, because we have unique legal powers. I was appointed as chair with an outcomes-focused agenda. If we do not use those legal powers, and we use them by threatening to use them as well as initiating them, we will not drive change, so I agree with you that we need to use them more. The KPIs need to reflect what we need to do to improve outcomes.

Rebecca Hilsenrath: In fact, we are using them. If you look at our figures, we are using more of our funding and we are funding more cases this year than we have in previous years. David has been very effective in asking us to focus on making sure that we do use all of our powers. We are also looking to use our investigation powers more than we have in the past. We can talk about the number of cases, and I referred to some earlier, that we have had in the courts this year, which have had a real impact in the Supreme Court and the Court of Appeal on wheelchair accessibility to buses, employment tribunal fees, as I have already mentioned, and the detention of young asylum seekers without age-appropriate assessments. These have impacts across thousands and, in some cases, millions of people and we are able to measure that and are held accountable on that to the board.

Q61 Eddie Hughes: The business plan commits you to having a success measure annexe, but that is not available on the website. Is there a reason for that?

Rebecca Hilsenrath: I did not know that it was not, but I am very happy to provide our impact model to the Committee.

Q62 Tulip Siddiq: I have a graph here that shows that, between 2016 and 2017, there was a significant increase in legal costs and, at the same time, a reduction in research and policy development costs. The figures I have here exclude the staff costs, but I wondered whether this was a deliberate choice and whether, in the future, this will continue. Was it a deliberate choice in the balance of your work?

Rebecca Hilsenrath: There are a couple of reasons for that. First of all, in 2015 we published our triennial review, which obviously happens every three years. During the years that we publish it there will obviously be an increased amount of funding for research work. That is one factor there.

Another factor is what we have just been talking about. We have been trying to focus on using our legal functions more and investing more in them. One example of that is that, from January to March last year, we



ran what we called a disability access to justice pilot, which was a new way of using legal funding. The Committee will know that we use our litigation powers strategically, but this was an instance when we were able to use a certain amount of money, around £200,000, to help nearly 100 people with disability discrimination claims. That was, first of all, very useful in terms of helping individuals who would not otherwise have got help. That was one of the criteria for being able to give assistance: that there was no other assistance available, for whatever reason. Many of them came back to us afterwards and said thank you, because there was no other help.

The information we got from the project also helped to feed in strategically to the work we were doing in relation to disability. This year, we are looking at running a similar project, but with more funds available, around £0.5 million, in relation specifically to issues arising in relation to education. That has just started and will run for the next six months. That is an example of what you will see reflected in using more resources in relation to our legal powers.

David Isaac: When we appeared in front of the Committee in January, you were anxious about the amount of resource and money that was being allocated to research. It really confirmed my own anxiety that, while we have done excellent research in the past and will continue to do that because we need to be evidence-based, we need to use our legal powers as we have just described. We are now increasing the amount of money that we spend on legal and mediation. It has increased in the last year to 36% of our expenditure.

Rebecca Hilsenrath: If I could just add one more thing, we have talked about this before and it is quite important for us to be able to say. We need to use our legal powers more. I absolutely agree with David and with the Committee about that, but the research that we do is important. First of all, we need to be able to use our legal powers on an evidence base. Secondly, the research itself has led to quite an important impact. I referred to the research that we did on race, by way of an example, because that led directly to the Prime Minister's race disparity audit. Our disability report, which I also mentioned earlier, has led directly to influencing the Welsh Assembly Government's work in relation to the independent living framework that they are developing. Our modern apprenticeship work led directly to targets being set by the Wood commission in Scotland on diversity in apprenticeships.

I could come up with another few examples, but it is quite important that research can have a real impact on its own merits. Finally, I would just add that we have been having important conversations with GEO on this. It is important to them and to us that we share thinking around research to make sure it is not duplicative. That also goes to some of the Committee's concerns.

Q63 **Tulip Siddiq:** David, in a blog post, you talked about wanting greater



powers on the 10th anniversary of the commission. Do you believe you have used your existing enforcement powers to the full? Was that the reason you called for greater powers?

David Isaac: I am on the record as saying that we have unique powers already. I mentioned that this morning. We need to use them as much as we possibly can. The new powers that I am calling for would enable us to be more agile than the current powers actually permit, for example to call for information where we suspect an unlawful act has been committed, rather than having to begin a full investigation. That would be one such example, being able to visit premises where we suspect that there are unlawful activities, particularly in relation to disability, to ask that we have the powers to act as conciliators restored. All of these would be really helpful additional powers to enable us to move more swiftly to ensure that we do not have to undertake a very large investigation, for example. Those things are useful, but they tend to be really quite clunky and I would quite like us to be more able to be agile.

Q64 **Tulip Siddiq:** Historically, let us say in the past 10 years, has there been a time when you have managed to stop discrimination by using your powers to step in? Is there an example you can give us?

David Isaac: There are lots of examples where we have used our existing powers. Our investigation in relation to the Metropolitan Police, for example, has really changed the way in which the Metropolitan Police approach diversity in their policies. We undertook an investigation in relation to them. Please do not think I am suggesting that our current powers are not adequate to drive some change and to deliver the outcomes that we have been talking about.

Rebecca Hilsenrath: In fact, this year we have used two of our powers, one that we had not used before and one that we had used only once before. It is the same power actually—interdict in Scotland and injunction in England and Wales. We used that interdict power in relation to a bed and breakfast organisation in Scotland, which was advertising in such a way that would discourage people from the gay community from staying there. That case was withdrawn on the threat of the interdict. We have applied for an injunction in relation to Fergus Wilson, who is a landlord who was reported in the press to be using discriminatory practices in relation to renting out his accommodation. We are absolutely not worried about using these powers. It is important for us to do so. It is also the case that some parts of the powers that we have are not agile, as David said. In fact, the Section 20 investigation power that David referred to takes time and involves quite a lot of preliminary work. It is not the kind of thing where you just go in and have an impact in 24 hours.

David Isaac: One other area that is probably worth mentioning is in relation to our role in pay gaps, for example. Moving forward, we would actually like the ability to issue notices and to introduce civil penalties, because everybody is going to be looking at the information in relation to



pay gaps, as I am sure this Committee is. We are in discussions with the Government Equalities Office about our role in relation to that and whether we can secure more resource. If we have the current powers, we will not be as agile as we would like to be in our role, in relation to monitoring pay gap information and driving change in relation to that pay gap.

Q65 Tulip Siddiq: It sounds like calling for greater powers is a way of speeding up the process, which is fair, but do you think speeding up the process could lead to serious mistakes or failures, if you are rushing things?

David Isaac: No, I do not. It would just complement the range of powers that we currently have and give us the ability to be more responsive to the particular situations, as they present themselves. The usual approaches that we apply, the checks and balances, would continue to apply, even in relation to those new agile powers.

Rebecca Hilsenrath: We are a public sector organisation. We are under an obligation to act proportionately and reasonably, and that will always apply, whatever we do. In many ways, as David said, some of the powers that we are calling for would avoid the need to undertake something that might seem more heavy-handed, like an investigation, because we will get the result more easily.

Q66 Tulip Siddiq: My final question is: how did the Government respond to these proposed changes?

David Isaac: They have been quite sympathetic. They are listening to the points that we have made and these matters will probably be discussed in the tailored review, which will happen next spring.

Q67 Rosie Duffield: I want to talk about your independence from Government really. Your call for accountability to Parliament suggests that your independence is not secured by the framework that you have agreed with the GEO. Is this the case? You yourself have said that the framework contains some improvements.

Rebecca Hilsenrath: I would start by saying that the commission is independent from Government, and it is really important to understand that. Our independence is covered by the Equality Act 2006. If you look at the way we act, we act independently. As an example of that, only last week we wrote to the Home Office in relation to the "Panorama" programme showing abuse of detainees at Brook House by G4S security. We are asking for them to institute an independent inquiry in relation to that incident and in relation to public procurement practices, where these functions are outsourced by Government. That has had a lot of wide coverage. It is not the act of somebody who is not independent.

What we are talking about is accountability to Parliament. We believe that will enhance the way we operate. We have had a long conversation here about how our commissioners are appointed and how effective that



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is. We think these sorts of issues will be removed by a process that shows us accountable to Parliament and where we are able to come here to talk about our business plan, our strategic plan and our annual report and accounts, and where the chair is appointed by Parliament through this Committee. The chair and/or this Committee appoint the commissioners and the chief executive.

We think that our budget line should be distinct, so that that is quite clearly ring-fenced in terms of the amount of resources that we have and the Government set aside for us. We think that the current withdrawal Bill going through Parliament and the process of Brexit makes it more important that this country has a mechanism internally, domestically, which is not only independent but seen to be independent and reports directly to Parliament to ensure that Government are adequately and appropriately held to account.

Q68 Rosie Duffield: Are you happy with the level of control that the Government have over the commission's discretionary programme funding?

Rebecca Hilsenrath: The controls over discretionary programme funding have not actually applied in this year. We believe that, going forward, that mechanism has fallen away.

Q69 Rosie Duffield: Has the commission ever been delayed or prevented from undertaking work due to the controls on that?

Rebecca Hilsenrath: It has not while I have been the chief executive, or while we have been at the commission.

David Isaac: No, we do not believe so.

Q70 Tulip Siddiq: Rebecca, earlier on you mentioned the forthcoming review of the commission. I wondered if there would be further budget cuts as a result of the review and whether the impact of another review on the staff would mean there would be even lower morale among the staff.

Rebecca Hilsenrath: We currently are working within a budget set up to the end of the spending review period. Any further developments on that front or any further cuts would be something that, at the moment, we are unaware of. I would say a couple of things. Internally, we have been through a very significant organisational change. The Committee is aware of that, because we have reported back on it. It has obviously taken up a huge amount of time and energy, and it has been challenging. I think that we have come through the worst of it and morale is improving. At the commission, we have instigated a large number of new ways of working. I referred earlier to how we measure impact going forward. We have had a number of new appointments. We have a clear direction. People at the commission are very committed to what they do. We have a very values-driven approach to our work and this is what engages people and motivates them.



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I think that the morale issue at the commission has very much moved towards being a place where people are forward-focused and busy with what they are doing. I further think that, if we need to take on board further cuts from the Government, the new ways of working that we have instigated are going to help us to be more effective with fewer resources. I would hope that would minimise the impact.

Q71 **Tulip Siddiq:** Has there been much conversation with the staff about it?

Rebecca Hilsenrath: We are not aware of any forthcoming cuts.

Q72 **Chair:** Just turning specifically to the budget and expenditure, how does your budget compare to other similar human rights and equality institutions around the world? Is it roughly the same, larger or smaller?

Rebecca Hilsenrath: That is quite a difficult question to answer, because the other national human rights institutions come in a very wide variety of, first of all, size and they range from being far, far smaller from us to being quite a lot bigger.

Q73 **Chair:** Which country would have a bigger budget than you?

Rebecca Hilsenrath: I am afraid I would have to write to you with the detail, which I am very happy to do.

Chair: Would you be able to?

Rebecca Hilsenrath: I am happy to do so. I would add that they have different functions, so we are not directly comparable, for example, other than to another organisation that is a combined national equality body and national human rights institution, and is looking at a similar range of functions, which makes it quite a complex field. We would be very happy to write to you with details.

Q74 **Chair:** That would be helpful. Your annual report and accounts show that your funding will reduce by around 15% between 2016-17 and 2019-20. It would be useful to set that in context. It is quite difficult to do that otherwise as a Committee. It would be helpful to get that information.

Rebecca Hilsenrath: I am happy to. Sorry, I do not know whether I misunderstood Tulip's question earlier. In terms of forthcoming cuts, that reduction in the budget has already been accommodated, in relation to the organisation. The reduction is not going to impact going forward, just to be clear.

Q75 **Chair:** I think you were clear on that, yes. Will that reduction be brought about solely through redundancies that are already within the system? How are you accommodating that?

Rebecca Hilsenrath: It has already been covered by the reorganisation that we undertook last year. There will be no further reduction in head count.

Q76 **Chair:** There is nothing more to come on that. You are set for the future.



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Rebecca Hilsenrath: No, that is why we went through everything we went through last year.

Q77 **Chair:** Does the risk of insufficient funds feature on the commission's risk register?

Rebecca Hilsenrath: I think the adequacy of resources is one of our strategic risks, yes.

Chair: You have that at the top of your agenda to look at on a continuing basis.

David Isaac: We do. We continue to be in discussion with the Secretary of State and the GEO, in relation to the ongoing funding situation and the impact that it might have on any future work.

Q78 **Chair:** You are content that, with your current budget as it is set out, you are able to continue your work effectively and, to use the chairman's words, have a "muscular approach" to the work that you do, in terms of enforcement.

Rebecca Hilsenrath: I would say a couple of things. We have reorganised in such a way that, together with the vision of the board and the work that we are doing to improve impact, and so on and so forth, we will be having just as much impact as before the spending review. In terms of what I was saying earlier about parliamentary accountability, a budget line that was specific to the commission would be very helpful in reassuring us going forward that our budget will be more protected in future Governments, because it is always about planning ahead.

David Isaac: There are particular areas—I flagged pay gap work, for example—where we will have an important role. In relation to that work, we are in discussions about how we can ask for more resource. We have cut our cloth according to what we have been allocated. We have been realistic and we are, within the envelope of our funding, marshalling our resources in accordance with our strategic priorities. The muscular regulator use of our powers is obviously one that is resulting in more funding and resource being allocated to those particular activities, as you have heard from us this morning. If we are successful in arguing for further powers, we would need additional funding. If we were to play a greater role in conciliation, for example, if we were to take back the helpline, those are areas where we would obviously be asking for additional support. I endorse what Rebecca says: our ability to make those points to Parliament would perhaps mean that we could be more successful in gaining more funding.

Q79 **Chair:** I am sure there are a few other things that I would have liked to have covered in the session today, but we have run out of time unfortunately. Can I just underline that the previous Committee had some sympathies with you around the idea of reporting to Parliament? The first two areas of questioning today indicate that the commission still has work to do on making sure that your processes are transparent and



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clear to the outside world, whether they are around the handling of conflicts of interest or whether they are around the changes in the commissioners and the appointment of a disability commissioner. If you can perhaps reflect on that, it would be useful to hear any more comments you want to make. I do not know whether I am speaking on behalf of the Committee, but I would be hugely disappointed if there still is not a resolution to your relationship with one of your commissioners. I would urge you to make that a top priority and perhaps proactively, following this meeting, approach Lord Shinkwin to resolve the situation.

David Isaac: Can I respond, Chair? Obviously those are important points. We will reflect on them and we do take these matters very seriously. In relation to approaches towards conflict of interest, as I said at the very start, we will look again and ensure that, within my own firm and the commission, we resolve these issues, so that you do not have to bring matters to our attention.

In relation to Lord Shinkwin, we have gone into some of the detail this morning. I will undertake to the Committee to make contact with Lord Shinkwin again. As I have said, I am very keen that he takes up his position as commissioner, but you can only be involved in dialogue if both parties agree to discuss the matters with each other. Please accept that I believe we have done all we reasonably can to ensure that that dialogue happens, as I said earlier.

Chair: Give it an extra push, I think.

David Isaac: An extra push, I am very happy to undertake to do that.

Chair: Thank you both for your time this morning. We are really grateful to you for coming in and look forward to seeing you again very soon, I am sure. Thank you.