

Caroline Nokes MP  
Chair, Women and Equalities Committee  
House of Commons  
London SW1

Monday 22 June 2020

Dear Chair,

### **Coronavirus and the impact on people with protected characteristics**

Thank you for the opportunity to provide oral evidence to the Committee on 20 May 2020. As promised, I am writing to provide additional information in response to some of the questions raised during the session.

#### **Pregnancy and maternity**

In my evidence, I outlined our view that the furlough scheme and the support scheme for self-employed people need to take account of the fact that people go on maternity and parental leave, and that they shouldn't be disadvantaged because of that. I was asked about a situation where a pay rise awarded whilst an employee was on maternity leave had not been included in calculations relating to furlough pay and whether this would constitute a breach of the Equality Act 2010 because a male worker would not be disadvantaged in this way.

It is our view that the example given could potentially amount to indirect sex discrimination. However, indirect discrimination will be lawful if it can be objectively justified, so we would need to better understand the government's reasons for drafting the relevant part of the furlough scheme in the way that it did, in order to say whether it is likely that this is lawful or not.

I was also asked whether it is "possible for a business to legally and legitimately make a pregnant woman on maternity leave redundant without it being deemed discriminatory". The rules relating to redundancy and pregnancy and maternity discrimination are clear that a redundancy will be (a) an act of pregnancy discrimination if the employee is selected because they are pregnant or on maternity leave or (b) in the case of an employer selecting employees for redundancy from a wider pool of employees carrying out the same role, an act of indirect sex discrimination if the employer's selection criteria place a woman who is pregnant or on maternity leave at a particular disadvantage. However, if the employee's role is

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genuinely redundant and the selection criteria are objective and fair, then an employer can make an employee who is pregnant or on maternity leave redundant. If an employee on maternity leave is made redundant then they have the right to be offered any suitable alternative employment in preference to other employees.

We cover an employer's obligations in our [guidance for employers](#), which has been updated to take into account coronavirus considerations. We are keeping this guidance under review and are updating it with new examples as the pandemic develops.

David Isaac and I were also asked about a judicial review application by the Child Poverty Action Group regarding maternity pay and what we are doing on this issue. We are aware of this application and share the concerns raised by CPAG about the impact of the different treatment of Maternity Allowance and Statutory Maternity Pay in the calculation of Universal Credit awards. We await the outcome of the judicial review.

### **Homelessness among care leavers and looked after children**

I promised to look for information on homelessness among care leavers and looked after children. [A guide to looked after children statistics in England](#), published by the Department for Education (DfE), provides a range of statistics on care leavers and looked after children, based on information submitted annually by local authorities in England. In addition, the Ministry of Housing, Communities & Local Government (MHCLG) publishes [quarterly data on statutory homelessness](#).

While this data is helpful, more detailed information would be helpful to build a comprehensive understanding of the issues involved and the true extent of the problem. For example, in London a [quarterly report](#) drawn from the 'Combined Homelessness and Information Network' (CHAIN) database presents information about people seen rough sleeping by outreach teams. It would be useful if this type of data were available for other regions.

Centrepont produced a [report](#) in 2017 on care leavers' experience of homelessness, which notes that some 14 per cent of care leavers have slept rough. However it is

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difficult to secure data on the impact of coronavirus in this context because of the lag in publication of data from MHCLG (the [current statistics](#) were published in May 2020 and cover Quarter 4 of 2019). We also understand from Centrepoint that while the Everyone In campaign was very positive in moving rough sleepers into accommodation, it did not address the issues for people in hidden homelessness (e.g. ‘sofa surfing’), whose precarious housing situation may have been exacerbated by the crisis. In relation to another question raised by the Committee, we understand from Shelter that there was a lack of guidance for people in (overcrowded) temporary accommodation, many of whom also use shared facilities.

### **Engagement between the Commission and Government Ministers**

David was asked whether we have been in touch with the Secretaries of State for the Home Office, Department for Work and Pensions and the Department of Health and Social Care. I can confirm that we last wrote to the Secretary of State for Health and Social Care on 1 June. We had previously written to the Secretary of State for Work and Pensions and the Secretary of State for the Home Office on their reappointment after the General Election in December 2019. We have also written to all MPs on a number of occasions recently, for example to brief them on human rights and equality aspects of the Coronavirus Act 2020.

As David noted at the session, while we have had good engagement with officials within Government departments, we are seeking a greater level of engagement from Government Ministers and would welcome the Committee’s continued support in this regard.

### **Domestic Abuse services for protected characteristics groups**

I was asked whether the Government is doing enough to provide resources for refuge accommodation and domestic violence services, particularly for disabled women and the LGBT community. I explained that we have provided advice for the Domestic Abuse Bill and have made some suggestions about improvements that could be made to it. We have long-standing concerns about funding for specialist domestic abuse services. Working together with ERAW, Safe Lives and Barnardo’s and in consultation with the specialist children’s and violence against women and girls (VAWG) sector, we have proposed an amendment to the Bill that would ensure adequate domestic abuse

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service provision, properly funded, and provided to all survivors without discrimination, including survivors with insecure immigration status. Our evidence to the Bill Committee can be read [here](#).

I hope that the Committee finds this information useful, and look forward to a constructive ongoing working relationship with the Committee.

Yours sincerely,



Melanie Field  
Executive Director – Strategy and Policy, and Wales

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