



House of Commons

House of Lords

Joint Committee on Human
Rights

Appointment of the Chair of the Equality and Human Rights Commission

Twelfth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Publication

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1 Introduction

1. This Report follows our pre-appointment hearing with Baroness Kishwer Falkner, the Government's preferred candidate for the post of non-executive Chair of the Equality and Human Rights Commission (EHRC). The hearing was held jointly with Women and Equalities Committee on 11 November 2020. This is the third time that the post of Chair of the EHRC has been subject to the process of a pre-appointment hearing, the first being held by the Joint Committee on Human Rights in 2012 and the second being held jointly by this Committee and the Women and Equalities Committee in 2016. We understand that the Women and Equalities Committee will publish a report in similar terms to this Report.

2 Background

The role and function of the Equality and Human Rights Commission

2. The EHRC was established by the Equality Act 2006 and has operated since 2007. It is a statutory Non-Departmental Public Body, independent of government. The Commission is sponsored by the GEO (Government Equalities Office) and the Minister for Women and Equalities, now in the Cabinet Office. A framework document¹ between the Commission and its sponsor department formalises this relationship in terms of accountability and governance.

3. The EHRC took over the functions of the three existing equality Commissions, the Disability Rights Commission, the Equal Opportunities Commission and the Commission for Racial Equality. Its remit was extended to cover a wider range of protected characteristics; age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion and belief, sex, sexual orientation as well as human rights.

4. It is responsible for equalities in England, Scotland and Wales; human rights in England and Wales and shares responsibility for human rights in Scotland with the Scottish Human Rights Commission.

5. The EHRC has a general duty to encourage and support the development of a society in which:

- a) people's ability to achieve their potential is not limited by prejudice or discrimination;
- b) there is respect for and protection of each individual's human rights;
- c) there is respect for the dignity and worth of each individual;
- d) each individual has an equal opportunity to participate in society; and
- e) there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights.²

6. The Commission's website says its role is to make rights and freedoms a reality for everyone:

We use a range of powers to do so, by providing advice and guidance to individuals, employers and other organisations, reviewing the effectiveness of the law and taking legal enforcement action to clarify the law and address significant breaches of rights.³

1 Equality and Human Rights Commission, [How we work with government](#), [accessed 18 November 2020]

2 Equality Act 2006, [section 3](#)

3 Equality and Human Rights Commission, [How we work with government](#), [accessed 16th November 2020]

7. The Tailored Review of the first ten years of the EHRC was published in November 2018.⁴ The Review found that the EHRC could point to a variety of successes but that it lacked a clear set of priorities, including that it was not seen as a robust regulator or enforcer of the law.

8. The 2006 Act states that there must be between 10 and 15 Commissioners including a Chair, Deputy Chair, Scotland Commissioner, Wales Commissioner, and a Commissioner who is or has been disabled. The recruitment of four Commissioners took place at the same time as the Chair's recruitment and the appointments were announced on the same day as the pre-appointment hearing.⁵

9. The Board holds the Chief Executive Officer and the staff to account by monitoring performance against the EHRC's strategic priorities and ensuring effective use of resources. Two statutory committees advise the EHRC about the exercise of its functions in Scotland and in Wales.

4 HM Government, [Tailored Review of The Equality and Human Rights Commission](#), November 2018

5 ["New Equality and Human Rights Commissioners appointed"](#), Government Equalities Office, Equality and Human Rights Commission, and The Rt Hon Elizabeth Truss MP, 11 November 2020

3 Non-executive chair of the EHRC

Overview

10. The post of non-executive Chair of the Equality and Human Rights Commission is a statutory appointment. The previous Chair, David Isaac CBE, was appointed in 2016 and ceased to be Chair in August 2020. We thank him for his service and wish him well for the future.

11. David Isaac's predecessors were Baroness Onora O'Neill, who served from 2012 to 2016, and Trevor Phillips OBE, who was the first Chair serving from 2007 when the Commission was established to 2012.

The appointment process

12. Recruitment to the post is through open competition. The Rt Hon Liz Truss MP, Secretary of State for International Trade and President of the Board of Trade, and Minister for Women and Equalities is responsible for the post. The person specification and eligibility criteria for the role (Appendix C) are as follows:

- a strong understanding of and demonstrable commitment to equality and human rights which is credible;
- a commitment to exercising impartial and independent judgement, drawing sound conclusions that differentiate and weigh up competing arguments that are capable of justification under close scrutiny;
- the ability to lead a major high-profile organisation, including ability to chair the board and provide effective challenge and support to the organisation;
- outstanding relationship building skills, with the ability to command respect, build networks quickly and work with and through others to achieve objectives;
- an understanding of a political landscape in Great Britain and an ability to develop a strong and credible relationship with Ministers and senior Whitehall officials;
- excellent communication skills, including the ability to operate effectively and comfortably as an ambassador for the organisation;
- the ability to lead and develop the Commission with a diverse membership that represents often competing priorities;
- the ability to understand and interpret financial information and to provide effective challenge to the Chief Executive on the regularity and propriety of the EHRC's spend and business activities; and
- high standards of integrity, commitment to public service values, and an understanding of the principles and practices of corporate governance. Applicants will be assessed against these criteria in their application and any subsequent interview.

13. The post is not salaried but is remunerated on a per-diem basis of £500 per day, for approximately 1–2 days a week up to 100 days per year. Baroness Falkner envisaged taking up the post in December 2020.

14. On 15 June 2020, the Minister for Women and Equalities wrote to the Chair of the Joint Committee on Human Rights to announce the Government’s intention of consulting the relevant Select Committees over the appointment of a new Chair of the EHRC when the term of the then Chair, David Isaac, ended in August 2020 (See Appendix A).

15. The recruitment campaign for the new Chair of the EHRC was launched on 29 June 2020 and 32 applications were received. On 7 September, the Panel interviewed four shortlisted candidates and identified two candidates appointable for the post.

16. The Minister for Women and Equalities decided to appoint Kishwer Falkner, Baroness Falkner of Margravine due to her significant leadership experience and commitment to equality. The Minister’s decision was published on GOV.UK on 15 October 2020⁶ and she wrote to both Committees on the same day.

17. The Women and Equalities Committee wrote to the Government Equalities Office on 30 June to ask for further information on how it would advertise the role, how it would ensure a diverse range of candidates can apply and what the selection process would be. The Minister for Women and Equalities said that the process was conducted in accordance with the Governance Code for Public Appointments. Further details of the appointments process are set out in Appendix B.

The role

18. The Chair is responsible to the Department for ensuring that the EHRC fulfils its statutory purpose as set out in the 2006 Act, and that the EHRC’s affairs are conducted with probity. The 2006 Act sets out the role of the Chair as to:

- preside over meetings of the EHRC;
- perform such functions as may be specified in the terms of his/her appointment; and
- perform such other functions as may be assigned to him/her by the EHRC.

19. The Chair has particular responsibility for ensuring the Board operates effectively to fulfil its responsibilities, makes collegiate and inclusive decisions, and provides effective strategic leadership.

20. The Framework Document states that the sponsor Department and the EHRC shall meet at least as often as the following:

- Annual meeting between the Minister for Women and Equalities and the EHRC Chair and Chief Executive around the time of publication of the EHRC’s Annual Report and Accounts, to review the previous year’s performance; and

6 [“Minister for Women and Equalities selects new EHRC Chair”](#), Government Equalities Office, Equality and Human Rights Commission, and The Rt Hon Elizabeth Truss MP, 15 October 2020

- The Minister for Equalities will meet the EHRC Chair and Chief Executive quarterly.

Guidelines for pre-appointment hearings

21. The Liaison Committee says that elect committee pre-appointment hearings have the following purposes and objectives:

- scrutiny of the quality of ministerial decision-making, which is a proper part of ministerial accountability to Parliament;
- providing public reassurance, in addition to the processes of the Office for the Commissioner of Public Appointments, that those appointed to key public offices have been selected on merit;
- providing public evidence of the independence of mind of the candidate; and
- enhancing the appointee's legitimacy in undertaking his or her function, including providing the public with an insight into the candidate's views on the policy issues related to the role.⁷

The candidate

22. Baroness Falkner is a member of the House of Lords. She has been a crossbencher since 2020, was non-affiliated in 2019–20, and a Liberal Democrat member between 2004 and 2019. She served on the Liberal Democrat frontbench from 2004 to 2015. During her membership of the Lords, she has served on eight select committees and joint Lords-Commons committees. She is a former member of the Joint Committee on Human Rights (2004–2010). She is currently a member of the Bank of England's Enforcement Decision Making Committee.

23. Prior to joining the House of Lords, Baroness Falkner worked as Chief Executive of Student Partnerships Worldwide and before that at the Commonwealth Secretariat, as its Chief Political Officer.

24. In her CV, Baroness Falkner describes herself as:

An experienced leader and strong communicator with high-level experience across parliament, government, and media. Public policy expertise in foreign affairs and human rights, economics and financial services and higher education. Experienced Non-Executive Director at senior board level in housing, involving strategic guidance, organisational transformation and regulation. Active public and media engagement, including in senior international and domestic fora.

25. Baroness Falkner's full CV and letter setting out her candidature for the role of Chair of the EHRC can be found at Appendices D and E.

The pre-appointment hearing

26. The two Committees held a pre-appointment hearing with Baroness Falkner on 11 November 2020. A transcript of the hearing is available on the Committees' websites.⁸

27. The hearing followed the Liaison Committee's guidelines for pre-appointment hearings and questioned Baroness Falkner on the following areas: the appointment process and her CV; the organisation, strategy and funding of the EHRC, Baroness Falkner's approach to the EHRC's human rights remit, her approach to the EHRC's equalities remit, and the relationship between the EHRC and Parliament.

28. In the opening questions of the hearing, Baroness Falkner was questioned about the style and approach she would bring to the role. She told the Committees:

Mine is a collegiate approach of calling on the skills and talents of everyone who is there and of great trust in the Public Appointments Commission to deliver the best possible people as Commissioners. The people who have served with me on Select Committees or have been on the Select Committee that I chair would describe my leadership style as one that is, I hope, extremely open, accessible and approachable yet firm in keeping objectives and aims in my line of vision all the way through. That is what I hope I will be able to do.⁹

29. It is essential that the chair of the EHRC can demonstrate political impartiality and be free from any conflict of interests. Baroness Falkner was a Liberal Democrat Peer for the period between 2005 and 2019, and for much of that period was a Front Bencher so she was asked how she would overcome the risk of a perception of political partiality. She replied:

Since 2016–17, it is pretty evident, if you look at my record, that I have taken different policy positions from the Liberal Democrats on points, as I saw them, of principle and policy. I hope that I have an honourable track record of sitting on eight Select Committees—I have chaired one over four years—where it is impossible to do your job if you are highly partisan.¹⁰

30. Baroness Falkner was asked about the lack of trust and confidence in the EHRC leadership, and its visibility as an enforcer of equality and human rights, as identified in the Joint Committee and Human Rights' report, "Black people, racism and human rights."¹¹ Baroness Falkner said that part of the problem is that the EHRC is constituted in statute:

It is much easier to be visible as a policeman than it is to be visible as a body reliant on statute law, litigation, enforcement powers and so on. If there were scope to have a better advertising, public awareness and educational budget in the Commission's resources, that would be a means of tackling that.¹²

8 Joint Committee on Human Rights, Formal meeting (oral evidence session): [Pre-appointment hearing for Chair of the Equality and Human Rights Commission](#), and Women and Equalities Committee, Formal meeting (oral evidence session): [Pre-appointment hearing for Chair of the Equality and Human Rights Commission](#)

9 [Q6](#) [Baroness Falkner]

10 [Q4](#) [Baroness Falkner]

11 Joint Committee on Human Rights, Eleventh Report of Session 2019–21, [Black people, racism and human rights](#), HL Paper 165 / HC 559

12 [Q17](#) [Baroness Falkner]

The Committees' view is that the role of Chair is both to lead the team and to be visible to the public, especially to those who face discrimination and breaches of their human rights. The fact that the Commission is constituted by statute does not mean it cannot campaign for equality and human rights and it should do so. In other words, the role of Chair is to be a champion for equalities and human rights as well as a regulator.

31. Baroness Falkner was asked about the lack of diversity on the Board of Commissioners. Prior to the recent announcement of four new Commissioners, including Lord Ribeiro, there were no Black Commissioners. Lord Ribeiro, the former President of the Royal College of Surgeons, has been appointed to the Board for one year to provide medical and public health expertise during the Coronavirus pandemic. Baroness Falkner told the Committees:

It is also really important to say that all Commissioners are committed to the agenda of equality and human rights, every single one of them. I am confident about that. It does not concern me so much if we do not have exact representation of the nine protected characteristics among the 12 or 14 Commissioners as long as everybody is across the policy issues that affect the communities of those nine protected characteristics. That has to be the more profoundly important thing: that we have a deep knowledge base that we can draw on as we come to our judgments and decisions.¹³

32. We were concerned that Baroness Falkner in her evidence did not appear to acknowledge the seriousness of the lack of a Black commissioner appointed for a four year period on the same terms as the other new Commissioners. She referenced the announcement made the day of our hearing of the appointment of Lord Ribeiro who has been appointed as a commissioner for one year, to provide medical and public health expertise. This appointment, whilst welcome, is clearly not sufficient to remedy the situation. We hope that Baroness Falkner will acknowledge this.

33. In our view, the under-representation of Black people as Commissioners in recent years is unacceptable. It matters, just as it would if there were, for example, no women, or no one with a disability. The EHRC should also be representative as an organisation at staff levels and there should be a root and branch review of its recruitment, retention and promotion processes to ensure this. The view of the Committees is that the EHRC, as well as supporting integration, should support the value of different cultures and encourage their flourishing.

34. We stress the importance of the Commission as a body independent from government. Autonomy from government and independence guaranteed by statute are two of the six main criteria set out under the United Nations Paris Principles that National Human Rights Institutions are required to meet in order to be accredited by the Global Alliance of National Human Rights Institutions (GANHRI). Baroness Falkner said that:

Ultimately a non-departmental public body is there to advise Government on legislation. I hope that we will be extremely proactive in anticipating legislation and doing so, but it is for Government to implement the changes in statute.¹⁴

13 [Q13](#) [Baroness Falkner]

14 [Q19](#) [Baroness Falkner]

We would emphasise that the role of EHRC is not just to advise government but also to hold it to account and challenge it where necessary including in the courts.

35. In 2019, in its report “Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission”, the Women and Equalities Committee’s said that the burden of enforcement needed to shift away from the individual facing discrimination.¹⁵ Baroness Falkner was asked whether she recognised the description by stakeholders of the Commission being ‘timid’ in using its enforcement powers. Baroness Falkner told the hearing:

I think the Commission has been unfairly criticised sometimes for not being a policeman, in the sense that it uses its enforcement powers, but in order to deliver value for money, its enforcement powers must be used where it can make a strategic difference. While you take up individual cases, you have to be very mindful of the deterrent effect of the individual cases that you are taking up. You are naturally more prone to take up the cases that will apply across a wider breadth of the problem, rather than the single extremely hard case that you are dealing with.¹⁶

36. The Committees felt that this response demonstrated a lack of conviction in relation to enforcement action in relation to equality law. However, in discussing equality legislation, Baroness Falkner made the following comment; “The Commission can perhaps step up a little in terms of the public sector equality duty. Once I get my feet under the desk, if I do, I intend to have a look at that.”¹⁷

37. Asked about the EHRC’s enforcement powers as they relate to human rights, Baroness Falkner acknowledged that since the Commission’s establishment these had been weaker in comparison to enforcement powers to do with equalities. We were pleased to hear her say that this imbalance ought now to be re-visited and that stronger human rights enforcement powers are probably needed.¹⁸

38. We had a concern that Baroness Falkner said that “no rights are absolute”. Whilst the example she gave, of freedom of expression, is not an absolute right, others such as freedom from torture, are absolute. We would like her to communicate more clearly in future on the human rights and equalities laws.¹⁹

39. The EHRC’s budget has significantly reduced following successive spending reviews since its establishment in 2007 when its annual budget was £70.3 million. Its bid in the current spending review is £17.1 million. The Tailored Review noted the reduction in the EHRC’s budget since 2007 and concluded that “a clear purpose and set of priorities should be the starting point to determine the right level of resources.”²⁰ Asked whether she felt that the Commission has the right amount of resources Baroness Falkner’s told us that; “It potentially has the right amount of resources to do what it is doing today. I would go so far as to say that what it is doing today, on its extremely limited resources, is delivering real value for money.”²¹

15 Women and Equalities Committee, Tenth Report of Session 2017–19, [Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission](#), HC 1470

16 [Q12](#) [Baroness Falkner]

17 [Q16](#) [Baroness Falkner]

18 [Q25](#) [Baroness Falkner]

19 [Q33](#) [Baroness Falkner]

20 HM Government, [Tailored Review of The Equality and Human Rights Commission](#) , November 2018

21 [Q11](#) [Baroness Falkner]

40. Finally, when asked how she would judge success of her appointment in two years' time, Baroness Falkner said:

My personal win would be to leave the Commission in a better place than I found it. That means a Commission that is cohesive and focused. I would want to make it more visible as well as credible. I put a lot of store by credibility. It would be terribly important to me that it is credible with its stakeholders. If I were to leave it in a stronger position in that regard, with a budget that enables it to carry out what its functions are, I would be content, in humility, with what I might have achieved.²²

Conclusion

41. The issues that the Committees identified through the pre-appointment hearing are critical to how the Commission utilises its duties and powers to meet the significant challenges that Britain faces at this time. At points in the hearing we had reservations that Baroness Falkner's interpretation of the role was overly focused on the managerial and administrative side. Being a visible and passionate advocate for rights and equality is critical to success in this role.

42. On consideration, we find that Baroness Falkner is a suitable candidate for the role of Chair and expect that she will address these issues when she takes up the role. The Committees believe that an initial appointment of two years would give sufficient opportunity for the candidate to show how she intends to achieve her aims for the organisation, and to address the concerns set out in this report. We are content for the Minister to proceed with the appointment of Baroness Falkner as Chair of the Equality and Human Rights Commission. We look forward to working with the new Chair.

Appendix A: Letter from Rt Hon Liz Truss MP, Minister for Women and Equalities, to Rt Hon Harriet Harman MP, Chair of the Joint Committee on Human Rights

Pre-appointment Scrutiny for new Chair of the Equality and Human Rights Commission

The current Chair of the Equality and Human Rights Commission, David Isaac, is due to step down from the Commission in August 2020 as his term of appointment comes to an end.

The Cabinet Office is preparing to launch an EHRC Chair recruitment campaign to succeed David in the week commencing 22 June 2020. This post is subject to pre- appointment scrutiny by the Joint Committee on Human Rights and the Select Committee on Women and Equalities and I am writing to advise you of the selection process before the recruitment exercise begins. Please find enclosed annexes providing further information on the proposed job description, person specification, proposed outline of the timetable for the campaign and publicity strategy.

I would be happy to consider any comments your committee has on these. I am writing similarly to Caroline Nokes, as Chair of the Select Committee.

ELIZABETH TRUSS

15 June 2020

Appendix B: The appointment process

Selection process for a new Chair of the Equality and Human Rights Commission (EHRC)

The recruitment campaign for a new Chair of EHRC was launched on 29th June 2020, the Minister for Women and Equalities having previously written to the Women and Equalities Committee and the Joint Committee on Human Rights to notify them about the campaign. The vacancies were initially advertised until Monday 3rd August, however the Minister for Women and Equalities decided to extend the deadline until Sunday 9th August to increase the quality and diversity of the field. The opportunity was promoted widely via HMG Public Appointments website and was shared with the Commission and other interested stakeholders with connections to diversity networks. We received 32 applications for the role of Chair.

The Advisory Assessment Panel (Panel) was chaired By Lord Kakkar, Senior Independent Panel member. The other Panel members were Antonia Romeo, Permanent Secretary at the Department for International Trade, and Pamela Dow, Director in the Cabinet Office. Catherine Vaughan, Director General and Chief Operating Officer for the Department for International Trade sifted the applications on behalf of Antonia Romeo. No panel member declared a conflict of interest except a routine professional knowledge of some of the candidates.

The Panel carefully assessed the candidates against the essential criteria outlined in the job specification at the Panel sift meeting on 21st August. The Panel members assessed the evidence of relevant up-to-date experience and skills presented in the candidate's CV and supporting statement, and compared these with other candidates. The Panel only selected for interview candidates who were clearly able to demonstrate meeting all essential criteria and whose applications were particularly strong. The Minister for Women and Equalities was content with the short list of candidates.

On 7th September, the Panel interviewed the four shortlisted candidates. The interviews consisted of a short presentation, followed by questions that tested candidates' skills and expertise against the job description, which is annexed to this note (Annex B). Taking account of performance at interview together with all other evidence obtained, the Panel identified two candidates appointable for this post. The Panel's assessment was objective, impartial and evidence based, and they assessed the candidates solely on merit.

The Minister for Women and Equalities decided to appoint Kishwer Falkner, Baroness Falkner of Margravine due to her significant leadership experience and commitment to equality. Her decision was published on GOV.UK on 15th October and the Minister for Women and Equalities wrote to both Committees on the same day.

The process was conducted in accordance with the Governance Code for Public Appointments.

Appendix C: Role of the EHRC Chair, person specification and eligibility criteria

Role of the EHRC Chair

This is both a challenging and exciting time to join the Equality and Human Rights Commission. We are seeking a strong, strategic leader who will continue to develop the Equality and Human Rights Commission (EHRC) and set the Commission's overall direction to reflect its crucial role as an independent equality body and National Human Rights Institution. This appointment fulfils the requirement of the Equality Act 2006 that the Secretary of State should appoint a Chair to the Commission. Although the Commission is an independent organisation, the Chair is accountable to the above sponsoring Minister.

The Equality Act 2006 sets out the role of the Chair as follows:

- preside over meetings of the Board; and
- undertake functions set out in his/her terms of appointment and those assigned to him/her by the Board.

The roles and responsibilities the Chair are set out in the Commission's Governance Manual.²³

The Chair has particular responsibility for ensuring the Board operates effectively, makes collegiate and inclusive decisions, and provides effective strategic leadership on matters such as:

- formulating the Board's strategy for discharging its statutory duties and delivering its functions, including consulting on its Strategic Plan;
- leading the Board and, in partnership with the Chief Executive, setting the overall direction, policy and plans for the Commission;
- encouraging high standards of propriety and promoting the efficient and effective use of resources throughout the organisation;
- representing the views of the Board to the general public;
- building and maintaining positive and effective working relationships with Ministers, Parliamentarians and other Senior Stakeholders, both nationally and internationally;
- representing the Commission as a visible national champion for equality and human rights;
- supporting Commissioners, including the Chief Executive, in undertaking their roles, including agreeing objectives, and undertaking annual appraisals; and

23 <https://www.equalityhumanrights.com/en/publication-download/equality-and-human-rights-commission-governance-manual>

- establishing a relationship of trust with the Chief Executive, informing him/her of key developments in a timely manner and seeking advice and support as appropriate.

Working in partnership with the Chief Executive, and other members of the Board, the Chair will have responsibility for:

- strategic leadership of the Board in setting the overall direction, policy and plans for the Commission;
- encouraging high standards of propriety and supporting the Chief Executive to promote the efficient and effective use of staff and other resources in the context of financial constraints; improvement
- representing the EHRC in discussions with Ministers and forging strong relations with Whitehall, Parliament, and various strategic partners, domestically and internationally;
- supporting Commissioners, including the Chief Executive, in undertaking their roles, including agreeing objectives and undertaking annual appraisals;
- raising the external profile of the EHRC; including through high-profile enforcement involving inquiries and investigations;
- articulating a clear vision of how the EHRC can support fair and effective enforcement of the equality law in Great Britain, and working collaboratively with the Government Equalities Office to maximise the EHRC's impact.

In addition, as a member of the Board, the Chair shares corporate responsibility for:

- agreeing the Commission's strategic plan and business plan and priorities and ensuring delivery of its business plan;
- ensuring that the Commission has proper internal controls, systems and processes in place to safeguard the use of public funds and manage risk; and
- promoting and protecting the EHRC's position, values, mission, vision, integrity, image and reputation.

Whilst the Chair has overall responsibility for the performance of the Board, all members of the Board have an important individual and collective role in working with the Chair, the Chief Executive and the Senior Management Team to evolve the strategic direction of the body, to ensure delivery goals, and to ensure that it fulfils the governance, financial management, and efficiency standards required of it as a public body.

Person specification and eligibility criteria

All candidates must demonstrate, in their CV and supporting letter, how they meet the selection criteria for the post, through their knowledge, skills and experience.

Candidates should be able to demonstrate the following essential selection criteria:

- a strong understanding of and demonstrable commitment to equality and human rights which is credible;
- a commitment to exercising impartial and independent judgement, drawing sound conclusions that differentiate and weigh up competing arguments that are capable of justification under close scrutiny;
- the ability to lead a major high-profile organisation, including ability to chair the board and provide effective challenge and support to the organisation;
- outstanding relationship building skills, with the ability to command respect, build networks quickly and work with and through others to achieve objectives;
- An understanding of a political landscape in Great Britain and an ability to develop a strong and credible relationship with Ministers and senior Whitehall officials;
- excellent communication skills, including the ability to operate effectively and comfortably as an ambassador for the organisation;
- the ability to lead and develop the Commission with a diverse membership that represents often competing priorities;
- the ability to understand and interpret financial information and to provide effective challenge to the Chief Executive on the regularity and propriety of the EHRC's spend and business activities;
- high standards of integrity, commitment to public service values, and an understanding of the principles and practices of corporate governance.

Applicants will be assessed against these criteria in their application and any subsequent interview.

For this post, a person cannot be appointed as a Board Member if he or she is employed in the Civil Service of the state, has unspent criminal convictions, is subject to bankruptcy, or disqualification as a company director. There must be no employment restrictions, or limit on your permitted stay in the UK.

Appendix D: Baroness Falkner's supporting statement

Supporting statement for application for Chair of EHRC

This letter is in support of my application for the post of Chair, Equality and Human Rights Commission. My professional experience and personal interests are well-aligned with the work of the EHRC. I have comprehensive knowledge of the Commission's statutory functions and overall priorities and believe that I can fill the role to the benefit of all its stakeholders, in government and society.

My commitment to equality and non-discrimination is long-standing and predates the Equality Act 2006. During the passage of the Act in the House of Lords, I supported the consolidation of the different equality strands into a single Commission. Ever since, I have continued to engage with its work on equality and diversity compliance as well as human rights, including as a former member of Parliament's Joint-Committee on Human Rights.

My impartiality and independent judgment are routinely in play as a regulator at the Bank of England: since 2018, I have been a member of the Bank's newly created Enforcement Decision-Making Committee (EDMC), which rules in complex and contested enforcement cases arising from the Bank's regulatory role. Our decisions require strongly impartial and sound judgment not least because they can be challenged in Court. They are reputationally significant and need to be seen to be just so as to have a deterrent effect. This work requires sensitivity to the diversity of views on the panel as well as an ability to both challenge and persuade others to cohere around, and support, a final outcome—usually in the light of media scrutiny. Working jointly on investigations with the FCA, a parallel regulator, also engenders strong relationship-building while respecting our different regulatory mandates.

I have extensive experience of chairing boards and parliamentary committees. At Hyde Group, one of the UK's leading housing associations, I served as Chair for Hyde Southbank Homes (HSH), its largest independent subsidiary. My task at HSH was to reform governance at Board and Executive level for it to deliver a more effective operational performance, as well as to repair relations with its multiple stakeholders, prior to it being amalgamated within the Group structure. In the House of Lords, I was appointed to chair the EU Financial Affairs committee. After 2016, this became a more demanding leadership role. Our remit to assess the UK's budget and exit bill with the EU was carried out under intense public scrutiny, and my challenge was to forge a consensus within a committee that comprised senior politicians holding strongly divergent views on Brexit and the HM Treasury's approach to negotiations.

In my long-standing engagement in public life dating back to the 1990s, I have worked with all UK governments, irrespective of political complexion. This included working with the FCO ENDPB The Westminster Foundation for Democracy, membership of PM Blair's Taskforce on Muslim Extremism, and nomination as the UK candidate for OSCE High Commissioner on National Minorities by PMs Cameron and May. In several different frontbench (Lib Dem) or select committee roles, I have worked across most Whitehall

departments. I have also maintained strong relationships with Ministers in my work on the steering committee of *Koenigswinter*, the Anglo-German conferences (three per year) that attract enthusiastic participation at cabinet and ministerial level.

Recognising that effective challenge of the EHRC's executive team is a vital to good chairing, and for delivering the Board's oversight role, I am well versed in scrutinising and interpreting financial information from previous NED and Chair roles. Additionally, as an EDMC member, I am required to have a forensic grasp of a companies' accounts are a means to understanding its performance and corporate governance. Moreover, I understand well the distinction between the Chief Executive's and Chair's roles, having occupied both roles in my professional life, and see the value that an effective board can bring in supporting the executive.

In my wide-ranging engagement in public life, I have maintained personal authority through demonstrable integrity, non-partisanship and resilience in adversity. I have also maintained a deep commitment to equality and human rights from the outset of my personal journey and have retained my engagement with international practice and legal frameworks over thirty years. In my work at The Commonwealth Secretariat and with the United Nations, I have seen first-hand that the UK is viewed as a leading exponent and exemplar of a strong legal framework in the Human Rights Act 1998, with an outstanding national human rights institution.

I am well-versed in the EHRC's journey in the first decade since its establishment and have read the recommendations of the Tailored Review of 2018 with interest. The current Framework Document between the Cabinet Office and the Commission is a clear iteration of the expectations of both parties with respect to the EHRC's performance and delivery against its strategic objectives. The corporate governance of the organisation will be highly relevant to it achieving these objectives as it devises its next strategic and business plans, against an extremely challenging environment in both policy and budgetary terms. I see the relationship between the Commission, the Government Equalities Office, parliament and Ministers as critical to delivering the Commission's unique mandate for a fairer Britain, while respecting the independence of EHRC.

I hope this brief outline of my values, capabilities, skills and experience will result in a further conversation with the selection panel.

Kishwer Falkner, 28 July 2020

Appendix E: Baroness Falkner's CV

Name: **Kishwer Falkner (Baroness Falkner of Margravine)**

Nationality: **United Kingdom**

Education: B.Sc. (Econ) Hons. International Relations, London School of Economics (LSE); M.A. International Relations and European Studies, University of Kent

Profile: An experienced leader and strong communicator with high-level experience across parliament, government, and media. Public policy expertise in foreign affairs and human rights, economics and financial services and higher education. Experienced Non-Executive Director at senior board level in housing, involving strategic guidance, organisational transformation and regulation. Active public and media engagement, including in senior international and domestic fora.

Current positions

Member, House of Lords, 2004–

Crossbencher since 2020, non-affiliated 2019–20, Liberal Democrats 2004–19, served on LibDem frontbench 2004–15. During my membership of the Lords, I served on eight select committees and joint Lords-Commons committees and chaired the EU Sub-Committee on Financial Affairs.

Member of Panel, Bank of England Enforcement Decision Making Committee, 2018

The EDMC is the BoE's decision-making body in relation to contested enforcement cases across all the areas where the Prudential Regulation Authority of the Bank is the UK regulator: prudential regulation, financial market infrastructure and resolution. We serve as the final stage in enforcement cases prior to action in the courts and work independently as well as in conjunction with the Financial Conduct Authority.

Advisory and Academic Roles

Member, LSE Economic Diplomacy Commission, UK, 2019–2020

This body of ca. 20 distinguished experts is reviewing what the UK's economic and financial priorities should be post-Brexit. The Commission will take evidence from late 2019 with the aim of reporting in 2020.

Visiting Professor, The Policy Institute, King's College London, 2015–20

Engagement with the broader KCL community including as a member of the Advisory Board of the Centre of European Law at the Dickson Poon School of Law.

Member, British Königswinter Committee, 2012–

Königswinter (Anglo-German) conferences provide senior level strategic dialogue across the two countries' domestic and international priorities. Attended by UK and German Cabinet members, legislators, and business leaders, it is supported by the FCO, German Foreign Ministry and UK and German business.

Member, Council, St George's House, Windsor Castle, 2007–13, reappointed 2014–20

Founded by H.R.H. The Duke of Edinburgh and now represented by the Princess Royal, St George's House convenes senior leaders to address current issues through 'quiet diplomacy' and promotes 'thought leadership'.

Past Appointments**Distinguished Fellow, Munk School of Global Affairs, University of Toronto, 2018–20**

Engagement with UoT faculty and students in debates around contemporary challenges, both globally and in the UK, through occasional lectures, articles and blog posts.

Member, British Library Advisory Council, 2015–18, reappointed 2018–20

Supports the work of the Library on strategic issues such as its digitization, international collaboration, outreach as well as its commercial footprint and site expansion.

Chairman, EU Sub-Committee on Financial Affairs in House of Lords, 2015–19

The Sub-Committee is responsible for oversight of the UK budget contribution to the EU and for the regulation and supervision of financial services. Under my chairmanship, the committee produced five substantive reports on the UK's budget contribution, the European Investment bank and on the regulation of financial services.

United Kingdom Nominee for High Commissioner for National Minorities at the Organisation for Security and Cooperation in Europe (OSCE), 2016–17

I was nominated by the Prime Minister and Foreign Secretary as the UK nominee to OSCE, which has a membership of 53 countries including Russia. OSCE High Commissioner appointments are normally drawn from Cabinet level rank, but my nomination as a woman from an ethnic and religious minority signalled the increasing importance of human rights and ethnic minorities within its member states. My nomination received the backing of the EU but was eventually vetoed by Russia.

Chancellor, University of Northampton, 2008–2016

Over my eight-year period as Northampton's inaugural Chancellor, we accomplished a successful strategic re-think of the future of the university. This resulted in regenerating the town centre through building a new campus (£330 million), enabled by the first UK government infrastructure guarantee. The new Waterside campus has pioneered the use of the latest technology and innovation for new methods of teaching and learning. My role was to offer advice and guidance, working with the Vice-Chancellor in communicating the strategic plan to its alumni and stakeholders and acting as Northampton's 'ambassador'. During my tenure we recruited a new Vice-Chancellor, improved governance and implemented a significant change programme, which has put Northampton on a more sustainable footing as it has expanded to 13,000 students, with 40 per cent from BAME communities, often the first in their family to attend a university.

Non-Executive Director, The Hyde Group, 2006–2015

Chairperson, Hyde Southbank Homes, until amalgamation into the Hyde Group, 2010–11
Member, Group Remuneration and Appointment Committee, 2010–15.

Trustee, Hyde Charitable Trust, 2006–15

Hyde is a housing association with assets of ca. £3 billion, turnover of £351m, and underlying surplus £95m (2016 figures correct at the end of my term). My nine-year term as NED at Hyde was a period of expansion as well as consolidation after the financial crash. With a diminishing government grant, we revised our strategic plan and carried out extensive organisational transformation. As chair of the major subsidiary, Hyde Southbank Homes, I prepared it for amalgamation into the main group. The Group raised a £200 million+ bond, and repositioned itself more commercially, all taking place in a heavily regulated industry. Throughout the period, I was also a trustee of Hyde's Foundation, which assisted with the social and financial inclusion of Hyde tenants in some of the most disadvantaged communities where it provided housing.

Chief Executive, Students Partnership Worldwide (SPW), 2003–04

A London-based International NGO dedicated to youth volunteering in developing countries in Africa and Asia, employing ca.150 staff across six countries. SPW volunteers lived and worked within local communities, teaching secondary school students English, Maths and life skills focusing on community organising and employability in some of the poorest countries.

Chief Political Officer, Political Affairs Division, Commonwealth Secretariat, London, 1999–2003

The Secretariat is the executive arm of The Commonwealth (54 Member States). I was responsible for specific briefs providing expert advice to the Secretary-General, Ministerial Committees and Working Groups. I was also part of the delivery team for the bi-annual Commonwealth Heads of Government Meetings, where I coordinated cross-departmental priorities into the future work programme.

Director of Policy (1997–99), Director of International Affairs (1993–99), and Senior Researcher (1992–93), Liberal Democrats, London

I was responsible for working groups formulating policy on the EU, foreign affairs, trade, development and defence. Additionally, I worked with the *Westminster Foundation for Democracy (WFD)* to provide constitutional, governance and democratic institutions advice to countries in Africa, East and South Asia and Latin America.

Personal Background

I was born in Pakistan and have lived and worked across the Middle East, USA, France and Germany. I naturalised as a United Kingdom citizen in 1983.

Appendix F: Baroness Falkner's declaration of interests

Name: **Baroness Falkner of Margravine**

Role: **Chair, Equality and Human Rights Commission**

Part 2: Relevant pecuniary interests

Please list your or close family members' or associates' relevant pecuniary interests. These might include:

- a) any business interests (for example your employment, trade, profession, contracts, or any company with which they are associated); and
- b) any wider financial interests (for example trust funds, investments, and assets including land and property);
- c) sponsorship or payments for specific activities not covered in (a) or (b) (e.g. one-off speaking engagements, or study tours) which may have a direct bearing on the business of HMG or EHRC, or which a fair minded person might reasonably think could influence your judgment.

I am a member of the House of Lords and speak/have amended legislation or voted occasionally on matters relating to equalities and human rights.

My membership of the Bank of England's Enforcement Decision Making Committee has no direct bearing on the business of HMG or EHRC other than implementing the provisions of legislation and regulations covering the financial services sector in the cases to which I am assigned. The Bank operates a strict conflict code for each committee member prior to their assignment to individual cases.

My husband is an academic at the London School of Economics.

My daughter is a researcher at the public policy thinktank, Policy Exchange.

Part 3: Relevant non-pecuniary interests

Please list your or close family members' or associates' relevant non-pecuniary interests. These might include membership or active involvement with any:

- a) public bodies
- b) political parties
- c) campaigning groups
- d) professional and trade bodies
- e) charities and other voluntary and community sector bodies

I am a member of the advisory board of the Dickson-Poon School of Law at King's College, London.

Date: 25th October 2020

Kishwer, Baroness Falkner of Margravine

Declaration of Interests

Lord Brabazon of Tara

- No relevant interests to declare

Lord Dubs

- No relevant interests to declare

Baroness Ludford

- No Interests declared

Baroness Massey of Darwen

- No relevant interests to declare

Lord Singh of Wimbledon

- No Interests declared

Lord Trimble

- No Interests declared

A full list of members' interests can be found in the [Register of Lords' Interests](#).

Formal minutes

Wednesday 25 November 2020

Virtual Meeting

Members present:

Ms Harriet Harman MP, in the Chair

| | |
|------------------|---------------------------|
| Fiona Bruce MP | Lord Brabazon |
| Ms Karen Buck MP | Lord Dubs |
| Joanna Cherry MP | Baroness Massey of Darwen |
| Dean Russell MP | Lord Singh of Wimbledon |

Draft Report (*Appointment of the Chair of the Equality and Human Rights Commission*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 42 read and agreed to.

Several papers were appended to the Report.

Resolved, That the Report be the Twelfth Report of the Committee.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till 9 December at 2.30pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 11 November 2020

Baroness Kishwer Falkner

[Q1-41](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2019–21

| | | |
|----------------------|--|------------------|
| First Report | Draft Jobseekers (Back to Work Schemes) Act 2013 (Remedial) Order 2019: Second Report | HC 149 HL 37 |
| Second Report | Draft Human Rights Act 1998 (Remedial) Order: Judicial Immunity: Second Report | HC 148 HL 41 |
| Third Report | Human Rights and the Government's Response to Covid-19: Digital Contact Tracing | HC 343 HL 59 |
| Fourth Report | Draft Fatal Accidents Act 1976 (Remedial) Order 2020: Second Report | HC 256 HL 62 |
| Fifth Report | Human Rights and the Government's response to COVID-19: The detention of young people who are autistic and/or have learning disabilities | HC 395 HL 72 |
| Sixth Report | Human Rights and the Government's response to COVID-19: children whose mothers are in prison | HC 518 HL 90 |
| Seventh Report | The Government's response to COVID-19: human rights implications | HC 265 HL 125 |
| Eighth Report | Legislative Scrutiny: The United Kingdom Internal Market Bill | HC 901 HL 154 |
| Ninth Report | Legislative Scrutiny: The Overseas Operations (Service Personnel and Veterans) Bill | HC 665 HL 155 |
| Tenth Report | Legislative Scrutiny: Covert Human Intelligence Sources (Criminal Conduct) Bill | HC 847 HL 164 |
| Eleventh Report | Black people, racism and human rights | HC 559 HL 165 |
| First Special Report | The Right to Privacy (Article 8) and the Digital Revolution: Government Response to the Committee's Third Report of Session 2019 | HC 313 |