



Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

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From the Chair of the Joint Committee on Human Rights

Baroness Smith of Malvern

Minister for Women and Equalities

[Delivered by Email]

05 January 2026

Dear Jacqui,

Thank you for your letter, dated 19 December 2025, informing me of the Government's intention to make two interim direct appointments to the Equality and Human Rights Commission Board. I appreciate your courtesy in writing to me to provide advance notice of these appointments, which I note were announced on 22 December.

I would be grateful if you could assist me with two queries in relation to the announcement. I should make clear that these queries are not intended to imply any criticism of the individuals appointed, but instead to help ensure clarity and transparency.

First, could you confirm under what legislative authority these appointments have been made? I note that the Equality Act 2006 Sch.1 para.3(2) provides that "The appointment of a Commissioner must be expressed to be for a specified period of not less than two years or more than five years." No apparent mention is made of a power to make interim appointments for shorter periods and so it would be helpful to have clarification of the power that has been used to appoint the two interim commissioners for a period of one year.

Second, for what reason did the Government choose to make direct appointments, rather than following its usual process? Under the Governance Code produced by the Commissioner for Public Appointments in accordance with the Public Appointments (No.2) Order in Council 2023, there should generally be a competition for these roles. Para.3.6 of the Code provides that: "In exceptional cases, ministers may decide to appoint a candidate without a competition. The decision must be made public alongside the reasons for doing so. Ministers must consult the Commissioner for Public Appointments in good time before the appointment is publicly announced." I note that the Commissioner has approved these appointments, but I am interested to know more about why this was felt to be an exceptional case.

The Government's public announcement of the December appointments cites the reduced strength of the Board, together with the need for the Board to reach its quorum of five. I note that the Equality Act 2006, Sch.1 para.1(1), requires the SoS



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to appoint not less than 10 individuals as members of the Commission. However, the Department must have been aware well in advance that the Board was below strength, and could have made different arrangements. Indeed I note that in July of last year the Women and Equalities Committee of the House of Commons wrote to the Secretary of State to urge her to appoint a Wales Commissioner as soon as possible.

Turning to the quorum requirement cited, the Equality Act 2006, Sch.1 para. 6, provides that the Commission determines its own quorum, although at least five Board members must be involved in setting the quorum. It would therefore have been open to the Board to agree to amend its own quorum to allow the Board to continue to meet and function until such time as appointments could be made in the usual way.

I would therefore be grateful if you would explain for what reason the Government did not ensure that the usual transparent and open appointments process could take place in a timely manner, instead of proceeding as it has done.

Yours sincerely,

Lord Alton of Liverpool

Chair, Joint Committee on Human Rights

Cc: Ms Sarah Owen MP, Chair, Women and Equalities Select Committee, House of Commons