

Rt Hon Caroline Nokes MP
Chair, Women and Equalities
Committee
House of Commons

From: Baroness Kishwer Falkner,
Chairwoman
Our ref: 812Nokes

By email only

15 December 2021

Dear Caroline,

Equality Impact Assessments and Pay Gap Reporting

Thank you for your letter of 23 November.

You asked, first, how we assess whether a Government department has complied with the Public Sector Equality Duty (PSED) and whether this ever involves examining Equality Impact Assessments.

We draw on a range of information to determine whether departments have complied with their PSED, including the information that the department itself has published on its compliance as well as our own research and intelligence, gathered from the Equality Advisory and Support Service and stakeholders. Where we are concerned about potential non-compliance, we contact the department to ask how they considered equality issues in their decision-making. This includes reviewing relevant documentation, including any Equality Impact Assessments, which we encourage departments to publish for reasons of

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transparency. We did this recently with the Department for Business, Energy and Industrial Strategy (BEIS) in respect of their post-Covid economic recovery strategy.

We are prepared to use all the regulatory tools at our disposal if we still judge there to be potential non-compliance. This includes taking formal legal enforcement action.

You also asked whether we would carry out an assessment of compliance, and, if needed, serve notice. Last year we used our powers (under section 31 of the 2006 Equality Act) to conduct a formal assessment of the Home Office. We found they had failed to comply with their PSED when developing and implementing immigration policies. Instead of serving a compliance notice, we reached a legally-binding agreement that they implement our recommendations. We similarly concluded an agreement with the Department of Work and Pensions which required them to implement an action plan to improve equality analysis in the design and delivery of their services.

Finally, you asked for a copy of the reply I received from the then Chancellor of the Duchy of Lancaster on ethnicity pay reporting, which I have attached. We understand that BEIS is developing guidance for employers on ethnicity pay reporting and expect to hear more when the Government's response to the report of the Commission on Race and Ethnic Disparities is published. In the meantime, we have been in touch to reiterate our offer of support.

Yours sincerely,



Baroness Kishwer Falkner
Chairwoman