Impact report
2019-20
## Impact report 2019–20

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The Equality and Human Rights Commission stands up for freedom, compassion and justice in changing times.

It’s our job to uphold and promote the important principles of equality and human rights, so that everyone in Britain can make the most of their rights, is treated fairly, with dignity and respect, and has the chance to lead a fulfilling life.

Our work is driven by a simple belief: if everyone gets a fair chance in life, we all thrive.

Our unique legal powers allow us to have a real impact on people’s lives, and we are using these powers more robustly and more intelligently than ever before.
Looking back over the last twelve months, I believe this has been one of our most successful years to date.

I’m confident that in all we do we never lose sight of the fact that our work is about making the lives of everyone in this country better. If each of us has a fair chance in life, society thrives. Here are just a few ways in which we have made that happen.
Strength through our legal powers

Our unique legal powers allow us to change people’s lives, and we are using them more robustly and intelligently than ever before.

We considered over **300** alleged breaches of equality and human rights law

We started **8** formal enforcement procedures with employers, leading to **6** legally binding agreements

We entered into **15** section 23 agreements without investigations

We took on **34** new strategic legal cases, including cases on:
- the implementation of Universal Credit
- mistreatment of detainees
- age assessments of children seeking asylum

We supported **22** discrimination cases under our legal support project for transport

We closed **3** inquiries and have **1 ongoing**, along with **2 major** investigations
An education system for everyone
We want to see schools that are truly inclusive places. Where children are educated without discrimination and difference is understood, respected, supported and celebrated.

This is vital for children like Bobby. Bobby has ADHD, sensory processing difficulties, and emotional and social difficulties arising from trauma in his early childhood.

In September, with our support, his parents won a case against his school, Ashdown House. The school had unlawfully excluded him for aggressive behaviour that is often seen in children with similar diagnoses.

Many parents who have SEND children do not have the energy, let alone the funds, to fight in the courts. We are all just trying to stay afloat and keep our families together, which is not always easy.

We were passionate that the school's decision needed to be challenged, even if it wasn’t going to benefit our family. We had to fight our son’s case as children are sent to school to learn what is right and wrong and, as parents, we had to demonstrate this to him. Our son is now in a new school that meets his needs and he is doing extremely well.

We would like to thank the Equality and Human Rights Commission for funding this case to protect vulnerable children. Without their support, our society will not progress to become tolerant and understanding of the diverse needs of SEND children.

Bobby’s father

The ruling ordered the school to readmit Bobby, provide him with extra tuition and make a full apology. Winning his case will protect the rights of thousands of children with special educational needs (SEND) who are at risk of school exclusion.
Case study

This year, we also supported Ruby Williams, who was repeatedly sent home from school because of her afro hair.

Ruby, who was 14 at the time, was preparing for her GCSEs. She was told her natural hair was against the school's uniform policy, distracted other pupils and blocked their view of whiteboards. Ruby became anxious about going to school and was worried about being singled out by teachers in front of her classmates.

“My daughter first faced issues at school in September 2016 regarding her natural afro hair. In January 2018, we went to the EHRC and they accepted us onto a project to fund legal proceedings in similar cases to ours. We had exhausted all other avenues – without this funding we would not have been able to continue fighting for justice for our daughter.

Although the legal outcome is not straightforward, it is significant and we believe it will deter other schools behaving in similar ways. We will be forever grateful for the support we've received, which has continued. We have been continually supported with compassion shining through at all times. Thank you from the bottom of our hearts.”

The Williams family

Although the school did not accept liability, Ruby received £8,500 in an out-of-court settlement after we funded a race discrimination claim on her behalf. The school also removed the policy from its website.
A society free from racial discrimination

Our inquiry into racial harassment in British universities revealed that 24% of ethnic minority students have experienced racial harassment on campus. Yet, two-thirds had not reported the incident to their university.

Over 1,400 students and university staff took part in our research. The stories they shared exposed the damaging effect of racial harassment and microaggressions on achievement, career progression and mental health.

The higher education sector responded positively to our inquiry, which recommended that universities should introduce better mechanisms to tackle harassment experienced by staff and students.
Universities UK has since formed a taskforce looking at racial harassment experienced by both staff and students. It will develop new guidance for the sector and make recommendations for addressing the challenges in this area.

“This important report has brought into focus the urgent need to address the issues university staff and students are facing, ranging from direct prejudice to micro-aggressions.

We are determined to have the right culture at Cambridge and have put in place a wide-ranging series of initiatives to equip staff and students with the confidence to talk about race, and identify and challenge racism.

"Professor Eilís Ferran, Pro-Vice-Chancellor, University of Cambridge"

“I am deeply concerned by your finding that racial harassment is an everyday occurrence for many students and staff in British universities, and I am keen to urge leaders to do all they can to take action in response to your report.

I welcome the call within your report for greater ownership on preventing and tackling racial harassment across all institutions. Governing bodies have a pivotal role to play and this is why I have also written to the Committee of University Chairs (CUC), to encourage them to take proactive steps to work with university leaders to take responsibility for tackling the issues outlined in your report.

"Rt Hon Chris Skidmore MP, former Minister of Universities"
A society free from racial discrimination

Case study

As well as shining a light on systemic injustices, we used our unique legal powers to challenge policies and practices that cause disadvantage.

Sandeep and Reena Mander couldn’t picture their life without a family, but they were told not to apply to become adoptive parents because White applicants would be given preference. Eventually, they decided to take legal action.

We supported them through the process and worked to raise awareness of their case, concerned that the policy applied by the council amounted to racial discrimination.

We knew what happened to us wasn’t an isolated event. People were being racially discriminated against when applying to adopt throughout the whole country.

It is why Reena and I brought this case to court. We wanted to ensure what happened to us can never happen again. We wanted to ensure adopting in the UK is open to everyone who is eligible. We are very thankful that the Equality and Human Rights Commission backed our case.

What happened three years later wasn’t a victory for us, it was a victory for all those children looking to find a family to give them the stability in life they desperately need. It was also a victory for all of those families who are willing to open up their homes.

Sandeep Mander

The judge ruled in favour of their claim, meaning that other ethnic minority British couples will be protected from discrimination during the adoption process.
As the UK leaves the European Union, the way our laws protect our human rights will change. We are working to safeguard against any watering down of existing rights and to strengthen the legal framework across Britain.

In October, we launched Humanrightstracker.com to make the UK’s human rights record transparent and the Government accountable.

The human rights tracker enables civil society organisations, academics, parliamentarians and legal professionals to learn about the UK’s human rights duties under UN treaties and identify where the Government is falling short.

This year, we successfully influenced a UN review on the UK’s compliance with the Convention Against Torture. Of the concerns we raised, 71% were reflected in the UN Committee’s recommendations.

We also reported against the International Covenant on Civil and Political Rights, highlighting long-standing issues – such as concerns around immigration detention – as well as emerging issues, including the human rights challenges posed by facial recognition technology.

In our final year as Chair of the Commonwealth Forum of National Human Rights Institutions, we focused our work on raising the profile of the Forum and the work of its members. To secure its future, we voted to establish a permanent secretariat for the Forum.

“I’m thrilled that the Equality and Human Rights Commission has developed this new human rights tracker. The effectiveness of the international human rights framework depends significantly on the involvement of civil society organisations in holding Government to account on their obligations.

It is absolutely crucial that the extreme inequalities experienced by Gypsy, Roma and Traveller communities play a part in this – a human rights tracker to increase an understanding of human rights, and the treaties that protect them, will be of great help. I will certainly be using the tracker in our campaigning and advocacy work!”

Abbie Kirkby, Advice and Policy Manager at Friends, Families and Travellers
At the heart of our human rights work are people in the most vulnerable situations, who are at risk of serious breaches of their fundamental rights.

Case study

Bethany is a young woman with autism. She was detained under the Mental Health Act for more than two years, mostly in solitary confinement away from her family, and has been restrained repeatedly.

We funded Bethany’s court case, to ensure she is treated with dignity and respect.

“As a parent it was heart-breaking witnessing the abuses Beth was suffering by being detained in isolation. The support of EHRC in the legal action made those responsible fully aware of their complicity.

As a direct result, appropriate care for Bethany was provided. A large open plan flat instead of a cell, a bedroom with her own belongings and a bed instead of a mat on the floor.

Beth’s staff team is now made up of people who all understand how to support her autism in ways that do not involve restraint and seclusion. Beth is finally loving a life of freedom and fun, and her family are free from the trauma of witnessing her suffering.

No one should endure the horrors Beth did. Thank you EHRC for helping us.”

Bethany’s father
More than 10,500 organisations in Britain with 250 or more employees reported their gender pay gap for 2019, following our successful enforcement action against late reporters.

In this reporting year we published a list of organisations that failed to meet the deadline. We wrote to 50 organisations that had failed to report and entered into legal agreements with six employers to make sure they publish on time in future.

Sexual harassment at work has never been far from the headlines. To help employers protect workers, we published guidance and tips on preventing harassment at work, and wrote to leading employers and industry groups asking them to step up and protect their staff. It has become our most downloaded piece of guidance, with more than 18,000 views so far, and well-known high street brands have agreed to take action, including Barclays, RBS and Tesco.
The day after we published the guidance, the Government Equalities Office launched a survey to collect data to determine the nature and prevalence of sexual harassment – a recommendation from our earlier report ‘Turning the tables’ (2017).

The Government has consulted on some of our main policy and legal recommendations, including our call for employers to have a preventative duty to tackle harassment. It is also supporting our call for a statutory code of practice based on our technical guidance.

“We are hugely supportive of the Equality and Human Rights Commission’s new sexual harassment guidance report.

It will go a long way to ensuring employers, workers and their representatives understand the extent and impact of harassment in the workplace, the law in this area and best practice for effective prevention and response.”

Dame Heather Rabbatts, Chair, TIME’S UP UK
Influencing governments and policy
Influencing governments and policy

Case study

We uphold equality and human rights laws in a number of ways. This includes using our expertise to influence the development of stronger laws and policies protecting human rights.

In August 2019, we backed a judicial review of the Scottish Government’s policy on restraining and secluding pupils. It followed an investigation by the Children and Young People’s Commissioner Scotland which revealed this was mostly unmonitored. The investigation also uncovered inconsistencies across local authorities using restraint to discipline pupils.

The judicial review was successful and we have secured a change in policy and practice that will better protect children who are restrained, particularly if they are disabled or have additional support needs.

“

The impact of my son being restrained has been a source of great distress to him and to our family. When you entrust your child to school, there is an expectation that they will be kept safe from harm but instead, my son returned home from school scared and injured. He has been detrimentally affected emotionally, socially and academically as a result.

However, now that he has moved to a new school with a child-centred ethos and where his rights are respected, my son’s education experience has been far more positive: he is settled, his confidence is blooming and he is happy. Our experience proves that making small changes to better consider children’s needs can make a significant and positive difference.

Ms S, parent of L in whose name the judicial review was taken

The Scottish Government has now agreed to update its guidance on restraint, based on human rights. It will review how effective it is after one year and consider making a statutory change if needed. It will also introduce a new recording system for the use of seclusion and restraint.
Influencing governments and policy

Case study

We have also worked to make sure that people with mental health conditions and learning disabilities are better protected from the misuse of chemical restraint in prison.

We funded a disabled prisoner’s application for judicial review of the Justice Secretary’s decision to make PAVA spray available to prison officers in adult male prisons.

“Systems for protecting people in prison from discrimination and unlawful use of force are woefully inadequate. It is hoped that as a result of our client’s challenge, greater scrutiny will be brought to bear on incidents where PAVA is drawn on or discharged against a prisoner.”

Clare Hayes, of Deighton Pierce Glynn, acting on behalf of the claimant

As a result of our legal challenge, the Ministry of Justice has committed to make changes to the rollout. These commitments include providing robust guidance and training for prison officers using PAVA, monitoring the use of PAVA across the country, and involving prison race and equality liaison officers in reviews of the use of force in prisons.
Contacts

This publication and related equality and human rights resources are available from our website.

Questions and comments regarding this publication may be addressed to correspondence@equalityhumanrights.com. We welcome your feedback.

For information on accessing one of our publications in an alternative format, please contact: correspondence@equalityhumanrights.com

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EASS

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Telephone: 0808 800 0082

Textphone: 0808 800 0084

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