

Matthew Rycroft, Permanent
Secretary
Shona Dunn, Second Permanent
Secretary
Home Office
Sent via email

Wednesday 23 September 2020

Dear Matthew and Shona,

Assessment of the Home Office's compliance with the Public Sector Equality Duty

I wrote to you on 12 June formally notifying you of the commencement of an assessment, using our powers under s31 of the Equality Act 2006, of how and whether the Home Office met its Public Sector Equality Duty (PSED) obligations when developing and implementing so-called 'hostile environment' immigration policies between 2014 and 2018.

I write to you now to share progress, as the Home Secretary prepares to update Parliament on the Department's formal response to the Williams Windrush Lessons Learned Review. We will also be making this letter public along with a short statement, to update stakeholders.

Over recent months we have received a range of evidence from the Home Office, and we are grateful to your team for their efforts to identify and provide that evidence promptly and so enable our assessment to proceed at pace. We sought evidence across three areas:

1. The steps the Department took to understand (particularly through
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stakeholder engagement) the potential and actual impacts (including unintended impacts of the relevant policies on Black members of the Windrush generation and their descendants);

2. How the Department used this information to inform policy development, implementation and monitoring, including advice to Ministers; and
3. The extent to which the Home Office more generally embedded the PSED in its processes, policies and practices at all levels of the organisation.

Throughout this process we have also been engaging organisations representing the people impacted by these policies, to ensure their perspectives and experiences are properly reflected in our assessment.

We are now carefully considering the findings and recommendations we are able to make on the basis of this evidence. We do not anticipate reaching a formal position on whether the Home Office complied with the PSED in developing and implementing hostile environment policies until the end of September, in advance of our report being published in late October. However, we can inform you that we have identified significant areas for improvement in rigour and consistency of the Department's performance of the Duty during this period. The improvement actions we consider are needed fall into three main areas:

- **Understanding:** the potential and actual impacts, including unintended impacts, of Home Office policies on ethnic minority and other protected characteristic groups by strengthening the approach to identifying and gathering information, particularly through effective stakeholder engagement;
- **Acting:** to improve the way that the Home Office uses the PSED to inform decisions at each stage of policy formation, implementation and review at both official and Ministerial level; and
- **Embedding:** the Duty to strengthen culture and understanding around equality at all levels of the organisation, including through ongoing consultation with expert partners.

You will be aware that the our team has been working closely with yours to ensure that our emerging findings can inform the development of the Department's

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implementation plan to respond to the Williams Review, which we understand will be published shortly. We have welcomed the constructive and transparent nature of that engagement, as well as the Home Secretary's earlier commitment to accept the Williams recommendations in full.

We are hopeful that, in order to deliver fully on this commitment, the Department will be in a position to specifically commit to delivering an action plan to implement our recommendations, working with the Commission on an ongoing basis. These recommendations will be future-focused, practical steps for how the PSED should be used as an essential safeguard to help ensure that the serious injustices highlighted by the Williams Review cannot be repeated in future.

A person to whom a recommendation is made as the result of a section 31 assessment is required by statute to have regard to it. As I have said, the Home Office will have the opportunity to make representations on the findings and recommendations set out in our report before it is published.

I would like to suggest a conversation on this at the appropriate time, to help ensure this opportunity is taken for Home Office to deliver on its aim of building a fairer, more humane and compassionate immigration system.

Yours sincerely,



Rebecca Hilsenrath, Chief Executive

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