EXPLANATORY MEMORANDUM TO

THE EQUALITY ACT 2006 (DISSOLUTION OF THE DISABILITY COMMITTEE) ORDER 2014

2014 No. 406

1. This explanatory memorandum has been prepared by the Department for Culture Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Equality Act 2006 (Dissolution of the Disability Committee) Order 2014 provides for the dissolution of the Equality and Human Rights Commission's ("EHRC") Disability Committee ("the Committee") and repeals Part 5 of Schedule 1 to the Equality Act 2006 relating to the Committee. It also makes consequential amendments to Part 2 of that Schedule to remove references to the Committee.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 In accordance with its statutory duties under the Equality Act 2006 the EHRC established the Committee to undertake specific functions in the field of disability equality. No other such statutory committees were or have since been established in respect of any other equality strands.

4.2 The Secretary of State is obliged to dissolve the Committee following an independent review and subsequent recommendation from the EHRC on how long the Committee should continue in existence.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 The Secretary of State has made the following statement regarding Human Rights:

In my view the provisions of the Equality Act 2006 (Dissolution of the Disability Committee) Order 2014 are compatible with the Convention rights.

7. Policy background

- *What is being done and why*

7.1 The Equality Act 2006 requires an independent review of the Committee to take place after a five year period. The independent review has been completed and evidence of the impact of the Committee's activities during the past five years was assessed in order to determine when it should be dissolved. The independent reviewer submitted a report to the EHRC and the EHRC made its recommendation to the Secretary of State as required by the Equality Act 2006.

7.2 The Equality Act 2006 requires that as soon as is reasonably practicable after receiving a recommendation from the EHRC, the Secretary of State shall by order dissolve the Committee and repeal that part of the schedule relating to the Committee with effect from the time specified in the Order. The Secretary of State has decided that the Committee should be dissolved on 31 March 2017, which is consistent with the independent reviewer's recommendation.

7.3 The functions of the Committee will revert to the EHRC upon the Committee's dissolution and no savings are expected to be made as a result of the repeal. The EHRC is able to create a non-statutory mechanism replacing the Committee if the board of commissioners so desire.

8. Consultation outcome

8.1 The independent reviewer carried out a consultation exercise as part of her functions. The consultation opened on 13 December 2012 and closed on 6 March 2013. A copy of the consultation paper can be found at the link below: http://www.equalityhumanrights.com/uploaded_files/consultations/dc_review_final.pdf

8.2 The review team notified over 38,000 stakeholders about the consultation and made direct contact with 915. Of the 79 responses received (0.2% of those notified) 52 were from organisations and 27 from individuals. A copy of the report, including the consultation results, can be found at the link below: http://www.equalityhumanrights.com/uploaded_files/independent_review_report_final_for_web.pdf

8.3 When asked about awareness of the activities of the Committee since 2007, 30% of the respondents reported that they were unaware of the Committee's activities. When asked if the Committee had made a difference since 2007, 43% of respondents thought it had made a difference, however 30% thought that the Committee had made no difference or had made a negative impact and 27% did not know.

8.4 The results established that the Committee has a low profile amongst those interested in disability issues; however 69% of respondents thought that the Committee should continue as a statutory committee. The main reason for stakeholders wanting the Committee to remain in place is because a non-

statutory replacement would be seen, by them, as a 'down-grading'. However, no statutory committees exist for any of the other protected equality characteristics and the Committee's functions will remain with the EHRC (including where relevant, with its statutory Welsh and Scottish committees) upon dissolution of the Committee.

9. Guidance

9.1 No guidance is required for the dissolution of the Committee; the EHRC will continue to work to eliminate disability discrimination.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies since the functions of the Disability Committee will be retained by the EHRC (and where relevant with its Welsh and Scottish committees) when the Committee is dissolved.

10.2 There is no impact on the public sector since the functions of the Disability Committee will be retained by the EHRC (and where relevant, with its Welsh and Scottish committees) when the Committee is dissolved.

10.3 A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation change does not affect small business.

12. Monitoring & review

12.1 The success criteria for this instrument is to remove the Committee from statute. The Government has not committed to monitoring the impact, if any, of dissolving the Committee. The EHRC and the independent reviewer have both envisaged that the Committee might be replaced by a non-statutory mechanism, and the EHRC Board is indeed likely to replace the Committee with non-statutory arrangements. The Government Equalities Office will continue to work closely with the EHRC to discuss the treatment and effective discharge of functions previously delegated to the Committee.

13. Contact

13.1 Mike Gibbs-Murray at the Government Equalities Office (Tel: 0207 211 6548 or email michael.gibbs-murray@culture.gsi.gov.uk) can answer queries regarding this instrument.