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<p>Q1: Is the guidance in the Code of Practice sufficient to help you meet the duties imposed on public authorities by Part 7 of the Immigration Act [2016] and set the necessary standard of spoken English? If not, please suggest what additions are necessary.</p> <p>No amount of guidance in the draft Code of Practice can save what is an irredeemably unworkable scheme, for which the 'Impact Assessment' establishes there is no need and introduces a pernicious complaint system which is unprecedented in UK employment law and also in terms of Ombudsman procedures.</p> <p>It is unclear upon what constitutional basis the provisions of the Bill are intended to apply to the public sector in Wales and would appear to have even more chaotic consequences if ever implemented in Wales.</p> <p>Further examination of these matters is contained in Annex 2 to this response.</p>	
<p>Q2: Is the Code of Practice clear in its alignment with any existing legal obligations that you must adhere to, such as the Equality Act 2010 or Welsh Language (Wales) Measure 2011? If not, please suggest how it could be better aligned with those obligations or any others not already included.</p> <p>The provisions in Part 7 of the Immigration Bill 2015 are unlawful under EU law, certainly Article 39TEU and also Article 3.1 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011. This conclusion would be fatal to their legality but, in any event, they may well be unlawful under Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('the Race Directive') and, in relation to disability, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('the Framework Directive')</p> <p>Article 39TEU and the 2011 Regulation are directly effective and therefore override the provisions of the Equality Act 2010. Nevertheless, it is arguable that this proposed scheme contravenes the 2010 Act both in relation to race and disability.</p> <p>Further examination of these matters is contained in Annex 1 to this response.</p>	

Q3: Do you have an existing minimum language standard for your customer-facing workers? If so, please provide details and confirm if you are satisfied that your existing standard meets your obligations under Part 7 of the Immigration Act [2016].

Q4: Do you have, or are you aware of, any existing best practice for establishing a necessary level of English or Welsh fluency that would be useful to reflect in the Code of Practice? If so, please give details.

Q5: What would be the impact of extending the Code of Practice to voluntary and private sector suppliers that you contract with? Please explain your answer.

Q6a: What will be the additional cost to your organisation to implement this duty? Please provide detailed estimates.

Q6b: From your perspective, would implementing this policy have a specific impact on the country, region or business sector which you operate in? Please explain your answer.

Q6c: If you are a local government body, to what extent would this new duty constitute a New Burden for your organisation? Please explain your answer.

Q7: How many workers will this new duty affect in your organisation? Please provide details such as employment status.

Q8: If complaints handling were to remain at the discretion of your organisation, what do you envisage as the basic process for enforcing it and for dealing with workers who do not meet the requisite language standards? Please provide details of your current process for dealing with complaints and escalation route from members of the public; any complaints data you currently publish, and the likely cost of expanding the process to include language-related complaints.

