Dear Harriet,

Thank you for your letter of 19 June, written in your capacity as Chair of the Joint Committee on Human Rights, about caste legislation.

As you acknowledge, this Government completely opposes any discrimination because of a person's origins, including any perceptions of their caste, and we agree that legal protection is necessary to protect people from any caste-related discrimination. However, we have concluded that adequate legal protection already exists through caselaw and therefore have no intention to introduce explicit legislation on this matter.

Our intention to repeal the existing caste duty in the Equality Act 2010 was taken after due consideration of the public consultation that we conducted in 2017. The consultation received over 16,000 responses and about 53% of respondents wanted to rely on the existing statutory remedy and repeal the duty, while only about 18% of respondents wanted the duty to be implemented. The other 22% rejected both options, mainly because they wished the Government to proscribe the concept of caste in British law altogether.

However, the consultation was always intended to be a qualitative exercise not a quantitative one. After analysing all the responses carefully, we were not presented with any persuasive evidence that reliance on caselaw would not provide adequate protection against caste discrimination.

It was clear from the consultation responses that legislating for caste would be an exceptionally controversial issue, and deeply divisive within certain groups. Reliance on caselaw and the existing scope for individuals to bring discrimination claims under the Equality Act is likely to create less friction between different groups and help community cohesion.
However, we appreciate that caste is a significant and sensitive issue for some people, which is why we have committed to issuing guidance before the legislation to repeal the outstanding duty is introduced. The guidance should help employers, service providers and public authorities who may have little awareness of caste consideration. We also want it to be of use to any individual who feels they may have suffered discrimination on grounds of caste.

I appreciate that this is not the response that you may have hoped for, but I hope that setting out our position in detail has been helpful to you.

Rt Hon Penny Mordaunt MP
Minister for Women and Equalities