



19 April 2021

By Email only

Dear Baroness Falkner and fellow Commissioners

Thank you for your [prompt response](#) to the [open letter](#) we published on May 7, and for your statements [in the media](#) this weekend encouraging open debate, respect and tolerance. We are pleased to hear your assurance that the EHRC is committed to “acceptance without exception” of people across **all** protected characteristics, not privileging any particular group.

We agree with you that the independence and impartiality of the civil service and of all public servants is profoundly important, and the Commission’s role in setting the expectation and tone for this, and in relation to equality and diversity, are critical.

**We particularly welcome the decision to end the Commission’s involvement in the Stonewall Diversity Champions scheme.**

Our concerns about the links between public bodies and Stonewall were underlined this week by the findings of the [“Reindorf Review”](#) about no-platforming at Essex University. We attach a copy of the report, which we hope all Commissioners will read.

Reindorf notes that, as a Stonewall Champion, the university adopted policies which reflect “the law as Stonewall would prefer it to be, rather than the law as it is”, and created a “culture of fear”, of career damage or loss of livelihood for those (particularly women) with dissenting views.

In particular, she highlights the tendency to present any dissent from the dogma that “trans women are women, including defence of the current law, as “harassment” and a direct attack on “trans rights”. She observes: “Logically, arguing that the law should remain as it is cannot be an attack on trans rights, unless one takes the view that the law itself fails to enshrine rights which exist independently of it.”

The problems that Reindorf uncovered at Essex University are replicated across the public, corporate and voluntary sectors, with 25% of the UK’s workforce explicitly under the supervision of the Stonewall scheme, and many others adopting similar policies, including under pressure from national, local authority and foundation funders. The scheme incorporates features deliberately designed to extend its influence beyond the member organisation itself to its partners, suppliers, contractors and users.

This affects both institutions' internal culture and their external actions as service providers, and as analysts, opinion formers, policy-makers and regulators. This is what the scheme is designed to do. As Stonewall itself says in its [annual report](#), the aim of the scheme is to "transform institutions" by "empowering them as advocates and agents of change in wider society." It explicitly seeks to change the law rather than to uphold it. It is not a coincidence that Stonewall has targeted Whitehall departments, regulators, schools and universities to lead the scheme.

It is naive to think that the EHRC, as the UK's national equality body, has been immune to this influence. This week's [open letter from the LGBT+ Consortium](#) expressing "frustration and disappointment" that the EHRC intervened in Maya Forstater's appeal in support of freedom of belief suggests that an expectation has built up amongst these organisations that they are entitled to view the EHRC as an agent serving their community, rather than as a servant of the whole of UK society and upholder of the law as set by parliament.

The Commission confirmed in the recent High Court hearing that it views private guidance saying trans-persons **must** be allowed to access single-sex services of the opposite sex regardless of the needs of and detriment to others to be **directly inconsistent with law**. The EHRC said that it "has taken steps to bring that to the attention of service-providers whose guidance makes this erroneous statement."

Yet the Essex University policy, supervised and endorsed by Stonewall, makes exactly this erroneous statement. And in today's *Times*, [a spokeswoman from Stonewall](#) continues to defend it, saying that "our advice on the Equality Act is based on guidance provided by the Equality and Human Rights Commission which was recently reaffirmed in the High Court."

Leaving the Stonewall Champions Scheme is a first step for the EHRC. We ask you to think deeply about the damage that this close association has done to the organisation's culture and reputation, and the nation's culture of tolerance, plurality and respect for the rule of law.

The Reindorf Review recommended that Essex University develop a strategy for repairing relationships between trans and nonbinary members and those with gender critical views. This process of truth and reconciliation is one that needs to be undertaken across institutions, beyond this single university.

We hope that the EHRC will undertake a review and investigation of the impact that your relationship with Stonewall and wider LGBT consortium has had on your internal culture and external work, perhaps by appointing an external investigator as Essex University did. Independence is critical to your ability to fulfil your mandate to conduct research, analyse law, undertake enforcement and litigation, develop practical guidance to help employers and service providers navigate their obligations, and promote good relationships between different groups.

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**Directors, Sex Matters**