



 THE EQUALITY TRUST

**Joint Submission to the Commission on Race and Ethnic
Disparities 'Open Consultation on Ethnic Disparities and Inequality
in the UK'**

Background

- The Equality Trust works to improve the quality of life in the UK by reducing economic and social inequality. The Equality Trust is working with others to build a social movement for change. The Equality Trust analyses and disseminates the latest research, promotes robust evidence-based arguments and supports a dynamic network of campaign groups across the country. The Equality Trust, with its partner Just Fair, leads the #1ForEquality campaign which urges the UK Government to enact the socio-economic duty contained in Section 1 of the Equality Act 2010, and builds awareness and capability for local authorities to implement the duty at the local level.
- Just Fair is a UK charity that is working to realise a fairer and more just society by monitoring and advocating economic and social rights in the UK. Just Fair ensures that law, policy, and practice comply with the international and domestic human rights obligations. Just Fair is committed to increasing public awareness of human rights law and the capability to use it. Just Fair, with its partner The Equality Trust, leads the #1ForEquality campaign which urges the UK Government to enact the socio-economic duty contained in Section 1 of the Equality Act 2010, and builds awareness and capability for local authorities to implement the duty at the local level.
- Compassion in Politics is a think tank working to put compassion, cooperation, and inclusion at the heart of politics. It is campaigning to introduce a “compassion threshold” into UK policy-making and to reform procedures, traditions, and processes in politics to create an environment which is respectful, kind, and inclusive. It also provides training to NGOs, businesses, and charities on compassionate ways of working and communication.

Executive Summary

1. Since before the COVID-19 pandemic, people of specific race and ethnic groups in the UK have been facing disproportionate rates of violations to their human rights including their right to work, fair and just working conditions, adequate living conditions, mental and physical health, education and social security.¹ These disadvantages that arise from significant disparities in socio-economic status are well documented.
2. Empirical evidence demonstrates a strong correlation between high levels of inequality and worse outcomes for all. For example, in more equal societies people live longer, are less likely to be mentally ill or obese and experience lower rates of infant mortality, whereas inequality increases property and violent crime.
3. Moreover, inequality is plainly both a cause and result of failures in human rights protection. The connection between economic inequality and discrimination on the grounds of specific characteristics protected by the in-force provisions of the Equality Act 2010, namely sex, race and disability, is well established.² Reducing those historic inequalities is simply not possible without addressing the material conditions under which they materialise and take root.
4. The COVID-19 pandemic, and the wider governmental and societal response, have brought inequalities into sharp focus. There is widespread evidence that Black, Asian and minoritized ethnic (BAME) people are disproportionately affected by the socio-economic impacts of the pandemic.³ The UK Government must take specific, positive measures to ensure the protection and equal enjoyment of rights for groups particularly affected by the current crisis. The UK Government's response to the COVID-19 will be more effective and sustainable if it adopts an intersectional approach – by mitigating the disproportionate impact of COVID-19 on groups of people who share multiple characteristics. Human rights are an essential part of the COVID-19 recovery.⁴

¹ Just Fair, 'Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018 Written submission' (2018) http://justfair.org.uk/wp-content/uploads/2018/09/Just_Fair_15_Alston_Submission-FINAL.pdf; Just Fair, 'Written Submission to the Economic Affairs Committee Inquiry into Employment and COVID-19' (2020) <http://justfair.org.uk/wp-content/uploads/2020/09/Employment-and-COVID-Written-Evidence-to-Economic-Affairs-Committee.pdf>; Just Fair, 'Written Submission to the Treasury Committee Inquiry into Tax and COVID-19' (2020) <http://justfair.org.uk/wp-content/uploads/2020/09/Tax-after-Coronavirus-Written-Evidence-Submitted-by-Just-Fair-to-the-Treasury-Committee.pdf>; Just Fair and Migrants Rights Network, 'Written submission to the inquiry into the Impact of COVID-19 on homelessness and the private rented sector' (2020) <https://committees.parliament.uk/writtenevidence/3531/pdf/>; Just Fair, 'Written Submission to Women and Equalities Select Committee inquiry into unequal impact of COVID-19 pandemic' (2020) <https://committees.parliament.uk/writtenevidence/3466/pdf/>

² Equality Act 2010, Section 4.

³ (n1).

⁴ World Health Organization, 'Addressing Human Rights as Key to the COVID-19 Response' (2020) <https://www.who.int/publications-detail/addressing-human-rights-as-key-to-the-covid-19-response>

5. The extent of wealth and income inequality is of widespread concern in England; yet there is no national policy agenda focused specifically on tackling disadvantage caused by socioeconomic inequality, whether by reducing poverty or promoting inclusive growth. The Equality Trust has been advocating for a cross-departmental inequality reduction strategy, which would also support the Government's commitment to fulfilling Sustainable Development Goal 10. The organisation also recommends the voluntary adoption of Section 1 by local authorities in its Fairness Fifteen manifesto for local authorities.
6. The socio-economic duty in Section 1 of the Equality Act 2010 offers a powerful tool for public authorities to actively consider the way in which their policies and decisions can address economic inequalities.
7. For these reasons, Just Fair has been campaigning to have the duty contained in Section 1 of the Equality Act 2010 brought into force across the UK since 2015 when it made its first submission to the UN Committee on Economic, Social and Cultural Rights as part of the Committee's 6th Periodic Review of the UK's performance under the International Covenant on Economic, Social and Cultural Rights.⁵ In that submission the Just Fair Consortium⁶ urged the Committee to recommend that the UK government bring the duty into force in order that it improve its human rights record. The Equality and Human Rights Commission made a very similar submission to the Committee. The UN Committee acceded to these submissions and included in its 2016 final report a recommendation that the UK Government "bring into force the relevant provisions of the Equality Act that refer to the public authorities' duty on socio-economic disadvantage ... in order to enhance and guarantee full and effective protection against discrimination in the enjoyment of economic, social and cultural rights."⁷
8. In 2017 Just Fair, with its partner The Equality Trust, launched the #1forEquality campaign.⁸ The campaign has attracted a high number of supporters from academia, the law and other areas of public and private life. An Early Day Motion on the commencement and enforcement of the socio-economic duty in the 2017-2019 UK Parliament received support from 83 cross-party MPs.⁹

⁵ CESCR, 'Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland' (2016)
docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW3XRinAE8KCBFogOHNz%2FvuCC%2BTxEKA118bzE0UfQhJkxxOSGuoMUxHGypYLjNFkwxnMR6GmqogLJF8BzscMe9zpGfTXBkZ4pEaiqi44xqil

⁶ Between 2014 and 2016 Just Fair convened a Consortium of more than 80 local and national organisations that gathered and submitted evidence in the last UK review by the UN Committee on Economic, Social and Cultural Rights. <http://justfair.org.uk/Just-fair-consortium>

⁷ CESCR, 'Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland' (2016)
docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW3XRinAE8KCBFogOHNz%2FvuCC%2BTxEKA118bzE0UfQhJkxxOSGuoMUxHGypYLjNFkwxnMR6GmqogLJF8BzscMe9zpGfTXBkZ4pEaiqi44xqil

⁸ <https://1forequality.org/>

⁹ <https://edm.parliament.uk/early-day-motion/51058>

9. Just Fair and The Equality Trust have been increasing public awareness and capability to implement the socio-economic duty in England, hosting informative workshops on the socio-economic duty for North East of England, London, and Greater Manchester local authorities, Combined Authority councillors and officers, and politicians. The latter workshop saw 61 attendees register and reflected the level of cross-party interest in using the duty as a tool to tackle socio-economic inequality locally.¹⁰
10. This submission responds to Questions numbered 7 and 10 in the Commission's call for evidence. The response is two-fold, outlining first the reasons for implementing the socio-economic duty in England, and international and national recommendations made by cross-sector and cross-party representatives who support enactment of the duty across the UK. And second, evidence of best practices in local implementation of the duty by local authorities and councillors in England.
11. This submission confirms the view that the bringing into force of the duty in England would make a tangible and significant contribution towards reducing the adverse consequences of economic inequality and improve the extent to which human rights are protected, and thereby guarantee benefits to all people, including those who are marginalised and excluded.
- **How could inequalities in the health outcomes of people in different ethnic groups be addressed by government, public bodies, the private sector, and communities? [Question 7]**
 - **Can you suggest other ways in which racial and ethnic disparities in the UK could be addressed? In particular, is there evidence of where specific initiatives or interventions have resulted in positive outcomes? Are there any measures which have been counterproductive and why? [Question 10]**
12. It has been ten years since the Equality Act 2010 came into force. This Act brought together 116 pieces of legislation to strengthen and harmonise existing equality and anti-discrimination law. The "public sector duty regarding socio-economic inequalities" ("the socio-economic duty") contained in Sections 1-3 (Part I) requires public bodies: "when making decisions of a strategic nature about how to exercise [their] functions [to] have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."¹¹
13. Successive UK Governments have failed to commence the socio-economic duty in England, which means that public authorities in England are not technically bound by Section 1. Meanwhile, in April 2018, the Fairer Scotland Duty came into force as

¹⁰ <http://justfair.org.uk/celebrating-10-years-of-the-equality-act-2010/>;

<http://justfair.org.uk/just-fair-workshop-tackling-inequality-in-greater-manchester-with-local-authorities/>

¹¹ <https://www.legislation.gov.uk/ukpga/2010/15/section/1>

Section 1 of the Equality Act 2010 in Scotland.¹² After extensive consultations, the Welsh Government also plans to enact the duty in 2021 as part of its programme to help public bodies deliver A More Equal Wales.¹³

14. Were it to be in force in England and Northern Ireland, the socio-economic duty would complement the Public Sector Equality Duty in Section 149 of the Equality Act 2010 which requires public bodies to have “due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities” on the grounds of the nine listed “protected characteristics” (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
15. Although the socio-economic duty does not oblige public authorities to achieve reductions in socioeconomic inequalities or the disadvantages that flow from them, it would require them to consider how the exercise of all of their functions affects, or could affect, those experiencing socio-economic disadvantage and how the authority could positively contribute to reducing it. In order to demonstrate compliance with the duty public authorities would have to adopt effective and transparent processes which measure the impact of their decisions on socio-economic disadvantage.
16. Both the Equality and Human Rights Commission (EHRC)¹⁴ and the UN Committee on Economic, Social and Cultural Rights have called on the UK Government to bring the socio-economic duty into effect.¹⁵ After an official mission to the UK in 2017, the UN Special Rapporteur on Racism noted with concern the Government’s disregard for the duty.¹⁶ In announcing its project into the Grenfell Tower disaster in December 2017, the EHRC specifically stated that it will examine whether the socio-economic duty, “if in force, would have made any difference to what happened”.¹⁷ The duty would also help the UK abide by the Sustainable Development Goal No. 10 to reduce material inequality nationally.¹⁸

¹² Scottish Government (2018) Fairer Scotland Duty: interim guidance for public bodies <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/pages/2/>

¹³ <https://gov.wales/socio-economic-duty-overview>

¹⁴ <https://www.equalityhumanrights.com/en/publication-download/progress-socio-economic-rights-great-britain>

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GBR/CO/6&Lang=En

¹⁶ OHCHR, End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland (2017)

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E>

¹⁷ <https://www.equalityhumanrights.com/en/following-grenfell>

¹⁸ Just Fair is the author of the chapter on reducing inequalities (SDG No. 10) in the first analysis of the UK’s compliance with the Sustainable Development Goals, coordinated by UK Stakeholders for Sustainable Development (UKSSD). The report will be made public in July 2018.

17. Enactment of the socio-economic duty was recently recommended as a tool to tackle structural racism. In the recently published report ‘An Avoidable Crisis: The disproportionate impact of Covid-19 on Black, Asian and minority ethnic communities’ (the Lawrence Review), Baroness Doreen Lawrence investigates the reasons why, in the early weeks of the COVID-19 pandemic, Black, Asian and minoritised ethnic (BAME) communities were dying at a disproportionate rate.¹⁹ Baroness Lawrence writes “Despite being aware of the disproportionate impact of Covid-19 on the UK’s Black, Asian and minority ethnic communities, the Government has not done enough to protect people ahead of the second wave.”²⁰ To tackle structural racism, the Lawrence Review recommends that the UK Government enacts Section 1 of the Equality Act 2010 which covers socio-economic disadvantage.²¹
18. Debbie Abrahams MP recently said that in the New Year she will be presenting a private members’ bill aimed at introducing the socio-economic duty into law.²² Debbie Abrahams MP is co-Chair, with Baroness Warsi, for the All-Party Parliamentary Group (APPG) for Compassionate Politics. Christian Wakeford MP has also declared his support for enacting Section 1 of the Equality Act.²³ This reflects the increasing support for enacting the socio-economic duty across UK Parliament’s political parties.
19. Cross-sector momentum is also building. The Inequalities in Health Alliance (IHA), launched by the Royal College of Physicians, is a coalition of organisations (including The Equality Trust) with an interest in improving the health of the UK population, which has come together to campaign for a cross-government strategy to reduce health inequalities.²⁴ Including nearly 80 organisations in October 2020, the coalition also urged the UK Government to use the duty to address health inequalities.²⁵

Local implementation of the socio-economic duty

20. Through its work on social justice and human rights it has become apparent to Just Fair that, despite the absence of any legal duty to do so, many local authorities in England are explicitly addressing the impact of socio-economic inequality on the residents in their area when devising and implementing their policies. Newcastle City Council²⁶ and North of Tyne Combined Authority²⁷ have gone the furthest and decided to treat the duty as if it were enacted.
21. Just Fair decided to research some of these authorities to better understand their motivations and practices in this context. In 2018, Just Fair’s research involved desktop research and interviews with (among others) 20 individuals in seven local authorities: the Metropolitan Boroughs of Manchester, Newcastle, Oldham and Wigan; the Unitary

¹⁹ <https://www.lawrencereview.co.uk/chapters/foreword>

²⁰ <https://www.lawrencereview.co.uk/chapters/foreword>

²¹ <https://www.lawrencereview.co.uk/chapters/executive-summary>

²² <https://www.independent.co.uk/voices/coronavirus-inequality-lawrence-report-government-level-up-b1396983.html>

²³ <https://www.thetimes.co.uk/article/nobody-should-face-a-bleaker-future-because-they-were-born-in-the-north-nbj6tz0vn>

²⁴ <https://www.rcplondon.ac.uk/projects/inequalities-health-alliance>

²⁵ <https://www.rcplondon.ac.uk/about-rcp/whos-who/people/inequalities-health-alliance>

²⁶ <http://justfair.org.uk/north-east/1forequality-north-east/>

²⁷ <http://justfair.org.uk/north-of-tyne-combined-authority-implement-socio-economic-duty/>

Authorities of Bristol City and City of York; and the London Borough Council of Islington.²⁸

22. The most tangible evidence for implementation is the availability of systematic assessments of the impact of decision-making on those residents who are socio-economically disadvantaged, alongside policy agendas focused on the needs of these residents.²⁹

How and why are local authorities in England implementing the socio-economic duty on a voluntary basis?

23. Five features were identified as essential to local authorities' efforts to initiate and sustain work to tackle socio-economic disadvantage and to ensure that such work is rigorous and systematic.
24. **Strong and visible leadership:** A senior member, the Leader or an Executive Member of the local authority, should work on tackling socio-economic disadvantage and communicate clearly and consistently why it is a priority. Without exception the authorities interviewed for this research demonstrated a clear political will at executive level to tackle socio-economic disadvantage. While the language used to express this differs, clear messages from political leadership was evident in all the authorities and conveyed through their stated priorities and the rhetoric of tackling socio-economic disadvantage being "the right thing to do". The authorities see the benefits as accruing not only to those residents experiencing socio-economic disadvantage, but also, indirectly, to all residents and to the authority itself in defining the expectations of what can and should be delivered with fewer resources. Councils clearly identify themselves as having a purpose to protect the most disadvantaged and excluded. There is also a strong feeling that it is necessary to have, as far as possible, cross-party support at a local level for this agenda.
25. **Culture change:** Ensure tackling socio-economic disadvantage survives changes in political administration, council leadership, corporate strategy or national policy agendas.
26. **Engaging with residents, civil society, and voluntary and community sector organisations:** Create a dialogue between council representatives and the public about fairness in decision-making. More than one council spoke of the power of dialogue between council representatives and the public about fairness in decision-making. Directly understanding the lived experience of people's lives provides a clear driver and justification for targeted action. Understanding people's lived experience provides a clear driver for, and greater engagement with, council members and staff, voluntary and civil society organisations, residents, and other stakeholders. This approach supports participative and problem-solving conversations on effective strategies to tackle socioeconomic disadvantage.
27. **Meaningful impact assessments to understand residents' needs:** This involves recognising the connection between the socioeconomic duty and the existing Public

²⁸ <http://justfair.org.uk/wp-content/uploads/2018/06/Just-Fair-June2018-Tackling-socio-economic-inequalities-locally.pdf>

²⁹ <http://justfair.org.uk/wp-content/uploads/2018/06/Just-Fair-June2018-Tackling-socio-economic-inequalities-locally.pdf>

Sector Equality Duty, recognising that discrimination and disadvantage may impact specific groups, and developing a cross-council systematic and transparent evaluative framework to compare and contrast the immediate and cumulative impact of approaches that implement socio-economic duty for COVID-19 Recovery. Where there is a strong stated commitment to tackling socio-economic disadvantage, it is generally correlated with a high value being placed on demonstrating a detailed and meaningful understanding of the needs of residents and communities in both quantitative and qualitative terms. Undertaking systematic and transparent assessments of impact on tackling socioeconomic disadvantage within all council decision-making provides some of the most tangible and clear evidence of a council's commitment to reducing inequality. It also provides a valuable insight into how the socio-economic duty would be implemented if in force. This practice is heavily influenced by, and generally aligned with, the equalities impact process adopted by councils to meet the requirements of the Public Sector Equality Duty.

28. Using data effectively as a tool in decision-making and accountability: Consider quantitative data alongside qualitative evidence of the lived experience of residents. This approach will protect particularly disadvantaged groups. Systematic and meaningful engagement with the people affected by socioeconomic disadvantage is the most compelling justification for the introduction of the duty. The representation this affords to people who may otherwise fall outside the democratic process also provides an opportunity for measures to be effectively co-designed with their intended beneficiaries. A key message from those demonstrating action to tackle socio-economic disadvantage was to “proceed on the basis of available data, even if such data is incomplete”, while acknowledging that further work is needed. It is also important to make sure that quantitative data is considered alongside qualitative evidence of the lived experience of residents. Further, councils were keen to receive support and sharing of good practice in developing and analysing appropriate data.

29. Case study of impacts on local implementation: Some local authorities are consciously trying to address the effects of socio-economic disadvantage in their area and in the case of at least one authority, Newcastle City Council, treating the duty as if it were in force.

All of the council informants in the aforementioned research had implemented the Living Wage for employees, with a number of these, including Newcastle, reviewing this annually in line with the Living Wage Foundation, and thus exceeding the National Living Wage. In some councils, this policy originally arose from the recommendations of Fairness Commissions. While the policy may have been developed independently of the socio-economic duty, some interviewees drew an important connection between voluntarily implementation of the Living Wage and their commitment to the socio-economic duty, both being levers for promoting fairness and equality. Significant numbers of employees have benefited and across the workforces of these councils the action is a key policy lever to reduce the prevalence of in-work poverty, using the council's influence as a large employer. With increasing requirement for pay transparency and action to tackle pay inequality within all sectors of employment, it is evident that such initiatives impact particularly on low-paid, often part-time employees who are predominantly women, and often from Black and minoritized ethnic (BME) backgrounds.

30. Just Fair is struck by the extent to which the best practices being used by the authorities included in the study reflect what would be required of them were Section 1 of the Equality Act 2010 to be in force.
31. Just Fair is encouraged by the evidence-based research and recent workshops with local authorities in England, that Section 1 of the Equality Act 2010 should be in force in all of the UK as it would contribute positively towards a reduction in the extent of disadvantage being experienced on the grounds of socio-economic inequality.

Further steps required by local authorities to implement the socio-economic duty in England

- Understand the interaction of the socio-economic duty with the Public Sector Equality Duty in practice for councils, i.e. working to deliver a “holistic” approach to equalities.
- Greater engagement with council members and staff, voluntary and civil society organisations, residents and other stakeholders to support participative, problem-solving conversations on effective strategies to tackle socioeconomic disadvantage in light of the duty.
- Develop an evaluative framework to compare and contrast the effectiveness of varied approaches to the implementation of the socio-economic duty.
- Support an in-depth study to elucidate how treating Section 1 as a *de facto* legal duty impacts upon how decisions are made, including the role of public consultation and participation.

Steps required by the UK Government to efficiently and effectively reinforce enactment of the socio-economic duty

- Support greater understanding of causation in respect of decision-making and policy development to address socio-economic disadvantage and the resulting impact on residents' lives.
- Support broader access to councils of different types, including two-tier councils and provide opportunities to bring councils together to share practice through the research process.
- Demonstrate compliance will necessitate robust evidence gathering, verifiable impact assessments, and genuine and meaningful engagement with people affected by socio-economic disadvantage.
- Enact Section 1 of the Equality Act 2010 and enforce its implementation.

Note: Section 1 of the Equality Act 2010 would not of itself oblige local authorities to eliminate or even necessarily reduce the inequalities of outcome which result from socio-economic disadvantage in their area. Hence, it will always be the case that such inequalities of outcome will only ever be tackled by authorities where there is the political and institutional will to do so. However it is clear that local authorities will

benefit from having to comply with the duty as it would import the best practices being deployed successfully by the authorities which were the subject of Just Fair's evidence-based research.

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Contact Information

Just Fair

Misha Nayak-Oliver

Campaigns and Advocacy Lead

Misha.nayak-oliver@justfair.org.uk

The Equality Trust

Dr Wanda Wyporska

Executive Director

wanda.wyporska@equalitytrust.org.uk

Compassion in Politics

Matt Hawkins

Co-Director

matt@compassioninpolitics.com