

Section 1 of the Equality Act 2010: the socio-economic duty A briefing

Introduction

This briefing is intended for local authority officers and councillors in England to assist their understanding of Section 1 of the Equality Act 2010, the socio-economic duty, and their planning for COVID-19 recovery.

What is the socio-economic duty?

It has been ten years since the [Equality Act 2010](#) came into force. This Act brought together 116 pieces of anti-discrimination legislation in order to tackle disadvantage more effectively. The duty contained in Section 1 of the Equality Act 2010 would require public authorities to pay due regard to the way in which their decisions increase or decrease inequalities that result from socio-economic disadvantage.

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.

Why is reducing socio-economic inequalities important?

[Empirical evidence](#) demonstrates a strong correlation between high levels of inequality and worse outcomes for all. For example, in countries with higher levels of income inequality, there are higher rates of poor mental and physical health, obesity, violent crime, imprisonment and substance misuse, as well as lower levels of trust, educational attainment and social mobility.

COVID-19 has foregrounded the issues of health inequalities, gaps in educational provision and access, as well as precarious work. Although these inequalities have been known about for over a decade, it is clear that COVID-19 is disproportionately affecting Black, Asian, and Minority Ethnic people¹, those in the poorest neighbourhoods² and those with co-morbidities.

Current implementation

In April 2018, the [Fairer Scotland Duty](#) came into force as Section 1 of the Equality Act 2010 in Scotland. This duty requires local authorities to actively consider how they could reduce inequalities of outcome in any major strategic decision they make; and to publish a written assessment, showing how they have done this.

¹ ONS (2020) Coronavirus (COVID-19) related deaths by ethnic group, England and Wales: 2 March 2020 to 10 April 2020

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/coronavirusrelateddeathsbyethnicgroupenglandandwales/2march2020to10april2020>

² ONS(2020) Deaths involving COVID-19 by local area and socioeconomic deprivation: deaths occurring between 1 March and 31 May 2020

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsinvolvingcovid19bylocalareasanddeprivation/deathsoccurringbetween1marchand31may2020>

After extensive consultations, the Welsh Government plan to enact the duty on the 29 September 2020 as part of its programme to help public bodies deliver A More Equal Wales.³

Unfortunately, the duty is not yet implemented in England or Northern Ireland. However, there are a number of English local authorities who are undertaking activities designed to tackle socio-economic disadvantage and therefore are acting in the spirit of the duty. [Newcastle City Council](#) and [North of Tyne Combined Authority](#) have gone the furthest and have decided to treat the duty as if it were enacted.

Calls for implementation

In 2016, the UN Committee on Economic, Social, and Cultural Rights called on the UK Government to “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.”⁴ The UK Government has also committed to reduce inequalities, in its sign-up to the UN Sustainable Development Goals, which features reducing inequalities as [Goal 10](#).

Since 2017, [Just Fair](#) and [The Equality Trust](#) have been working together as part of the #1ForEquality campaign to push the UK Government to enact the socio-economic duty. 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.⁵

Why the duty is important now

In recovering from COVID-19, we have the opportunity to rebuild a more equal society. The socio-economic duty offers a powerful tool for public authorities to actively consider the way in which their policies and strategic decisions can address inequalities.

Further reading:

[The Equality Trust: The Socio-Economic Duty](#)

[Just Fair: Local Authorities are Paving the Way](#)

[Just Fair: Tackling Socio-Economic Inequalities Locally](#): Research report

[Just Fair: Tackling Socio-Economic Inequality in the UK](#)

[Greater Manchester Poverty Action: Briefing on Socio-Economic Duty](#)

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³ Welsh Government/ Llywodraeth Cymru (2020) Written Statement: A More Equal Wales – Commencing the Socio-economic Duty <https://gov.wales/written-statement-more-equal-wales-commencing-socio-economic-duty-0>

⁴ Committee on Economic, Social, and Cultural Rights (2016) Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW3XRinAE8KCBFogOHnz%2FvuCC%2BTxEKAI18bzE0UtfQhJkxxOSGuoMUxHGypYLjNFkwxnMR6GmqogLJF8BzscMe9zpGfTXBkZ4pEaigi44xqil>

⁵ UK Government (2017) Commencement and enforcement of the socio-economic duty - S1 of the Equality Act. EDM #591 <https://edm.parliament.uk/early-day-motion/51058/commencement-and-enforcement-of-the-socioeconomic-duty-s1-of-the-equality-act>