

Section 1 of the Equality Act 2010: the socio-economic duty A briefing for London local authorities

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 2010¹ 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?

Poverty in the UK remains a significant issue. 14.4 million people in the UK are living in families in poverty. Poverty rates are highest in London (29%).²

COVID-19 has foregrounded existing socio-economic inequalities, disproportionately affecting people who are Black, Asian, and Minority Ethnic (BAME),³ disabled,⁴ and/or on the lowest incomes.⁵

Current implementation

In April 2018, the Fairer Scotland Duty came into force as Section 1 of the Equality Act 2010 in Scotland.⁶ This duty requires local authorities to actively consider how they could reduce

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

² Social Metrics Commission (2020) Measuring Poverty 2020 <https://socialmetricscommission.org.uk/wp-content/uploads/2020/06/Measuring-Poverty-2020-Web.pdf>

³ ONS (2020) Coronavirus (COVID-19) related deaths by ethnic group, England and Wales: 2 March 2020 to 10 April 2020; Runnymede Trust and ICM (2020) Over-Exposed and Under-Protected The Devastating Impact of COVID-19 on Black and Minority Ethnic Communities in Great Britain <https://www.runnymedetrust.org/uploads/Runnymede%20Covid19%20Survey%20report%20v2.pdf>

⁴ ONS (2020) Coronavirus (COVID-19) related deaths by disability status, England and Wales: 2 March to 15 May 2020 <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/coronaviruscovid19relateddeathsbydisabilitystatusenglandandwales/2marchto15may2020>

⁵ 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>

⁶ 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/>

inequalities of outcome in any major strategic decision they make; and to publish a written assessment, showing how they have done this.

After extensive consultations, the Welsh Government plans to enact the duty later in 2020 as part of its programme to help public bodies deliver A More Equal Wales.⁷

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 Council⁸ and North of Tyne Combined Authority⁹ 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.”¹⁰ The UK Government has also committed to reduce inequalities, in its sign-up to the UN’s Sustainable Development Goals, which features reducing inequalities as Goal 10.¹¹

Since 2017, Just Fair¹² and The Equality Trust¹³ have been campaigning together for the UK Government to enact the socio-economic duty in England. 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.¹⁴

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](#)

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

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

⁷ 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>

⁸ <http://justfair.org.uk/north-east/1forequality-north-east/>

⁹ <http://justfair.org.uk/north-of-tyne-combined-authority-implement-socio-economic-duty/>

¹⁰ 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=4slQ6QSmlBEDzFEovLCuW3XRinAE8KCBFqOHNz%2FvuCC%2BTxEKAI18bzE0UfQhJkxxOSGuoMUxHGypYlJNFkwxnMR6GmqogLJF8BzscMe9zpGfTXBkZ4pEaigi44xqiL>

¹¹ <https://sustainabledevelopment.un.org/sdg10>

¹² <http://justfair.org.uk/>

¹³ <https://www.equalitytrust.org.uk/>

¹⁴ 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>