

Prevention in health and social care inquiry: call for proposals.

Response by Just Fair: February 2023

Introduction

Just Fair¹ is a UK charity that is working to realise a fairer and more just society by monitoring and advocating for economic, social, and cultural rights (ESCR) in the UK. We are a member of the Inequalities in Health Alliance ([IHA](#)).

We welcome this opportunity to respond to the call for proposals by the Health and Social Care Committee in advance of their major new inquiry into prevention.

We urge the Committee to consider the impact of the following regarding prevention in health and social care - particularly in reducing inequalities:

- **domestic implementation of our economic, social, and cultural rights (including for example health, housing, social security and just and favourable conditions of work).**
- **the commencement of Section 1 of the Equality Act (the ‘socio-economic duty’).**

Why the Health and Social Care Committee should consider these issues as part of its prevention inquiry.

As a member of the IHA we support their letter to the Chair of this Committee and echo their line, *“The inquiry is a vital opportunity to look at prevention in its fullest sense.”*

In 1976, the UK Government ratified the [International Covenant on Economic Social and Cultural Rights](#).² If our economic, social and cultural rights (ESCR) were brought into domestic legislation, and become legally enforceable across the UK, they could help with prevention in health and social care in three main, interrelated ways:

1. **Better decisions:** legally enforceable ESCR would mainstream human rights into the decision-making processes of public authorities, like the Department for Health and Social Care and NHS England, to ensure compliance with these rights so people in greatest need of support to realise their rights are prioritised.
2. **Better laws:** if lawmakers had to actively consider people’s ESCR when making decisions that impact people’s health, this ‘pre-legislative scrutiny’ could highlight those at particular risk and ensure that mitigations are built in.
3. **Better accountability:** as a matter of last resort, positively framed ESCRs could provide people experiencing unequal access to their rights with a means for redress through legal action in domestic courts.

¹ <https://justfair.org.uk/>

² The covenant includes rights such as: non-discrimination in access to rights (article 2(2)), just and favourable conditions of work (article 7), social security (article 9), adequate standard of living (including food, housing, and clothing) (article 11), mental and physical health (article 12) and education (articles 13 and 14). In ratifying the Covenant, the UK Government agreed to be bound by it. However, without domestic implementation of these rights in UK law, they are not being realised to their full potential as a key tool to help with prevention.

Why the Committee should look at it now and why the Government needs to take action in this area.

As the recent [independent parallel on behalf of civil society in England and Wales](#) submitted to the United Nations Committee on Economic, Social and Cultural Rights ([UN CESCR](#)) illustrates (in particular pages 17-19), across England and Wales people are being failed in the realisation of their ESCR, including in relation to health, social security, and an adequate standard of living.

An opportunity to add value to existing research and evidence.

In 2022, [Tai Pawb](#), the [Chartered Institute of Housing Cymru](#) and [Shelter Cymru](#) released a [publication](#) titled, “The right to adequate housing in Wales: cost-benefit analysis.” This independent research report by [Alma Economics](#) found that the introduction of the right to adequate housing into domestic legislation over 10 years in Wales would generate £11.5 billion in benefits while costing only £5 billion.³

This clearly illustrates that realising one right is not only economically practical, but also has widespread benefits across many areas. **We would encourage the Committee to consider a similar cost-benefit analysis of what the realisation of all ESCR in ICESCR across the UK would mean in terms of prevention in health and social care.**

An area that would benefit from the Committee’s scrutiny – the Socio-economic Duty.

In addition, in Great Britain the Socio-economic Duty contained in Section 1 of the [Equality Act 2010](#) is a powerful lever to address the structural causes of material inequalities and their negative effects on human rights and wellbeing, including in health and social care. However, despite advances in Scotland⁴ and Wales,⁵ successive UK Governments have failed to ‘commence’ the Duty in England. Were it to be in force in England, the Duty would require 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.”

We believe there is great potential in the commencement of this Duty and would encourage the Committee to consider its impact on prevention in health and social care. As noted by the Women and Equalities Committee, *“we recommend the Government commission a pilot to establish the costs and benefits of different approaches to voluntary adoption of the duty in England.”*⁶

³ This includes:

- £5.5 billion improved wellbeing
- £2 billion cost savings to local authorities
- £1 billion savings to NHS Wales
- £1 billion savings to the criminal justice system
- £1 billion additional economic activity
- £1 billion value of new housing

⁴ Fairer Scotland Duty 2018, available here: [Fairer Scotland Duty: guidance for public bodies - gov.scot \(www.gov.scot\)](#)

⁵ A More Equal Wales 2021, available here: <https://gov.wales/sites/default/files/publications/2021-03/a-more-equal-wales.pdf>

⁶ House of Commons Women and Equalities Committee, “Levelling Up and equality: a new framework for change: Levelling Up and equality: a new framework for change” at para 59, available here: [The role of the GEO: embedding equalities across Government \(parliament.uk\)](#)

Further information and contact

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