

The socio-economic duty

Submission by Just Fair to CRAE call for evidence on CERD review of the UK

May 2024

This submission was written by [Just Fair](#) and endorsed by [Greater Manchester Poverty Action](#) and the [Equality Trust](#).

As the Committee on the Elimination of Racial Discrimination noted in their Concluding Observations in 2016, “several provisions of the Equality Act 2010 have not yet been brought into legal effect, including section 9 (5) (a) on caste-based discrimination and section 14 on dual discrimination.”¹

One additional area which we would like to highlight is the UK Government’s ongoing failure to commence the socio-economic duty contained in Section 1 of the Equality Act 2010.

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.” This 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).

Despite the inaction of the UK Government, the devolved governments in Scotland² and Wales³ have brought the duty into force and across England we are witnessing a growing number of local and combined authorities either voluntarily adopting the duty or opting to act in the spirit of the duty. Indeed, one in seven local authorities across England have now adopted the duty, including Labour and Conservative controlled local authorities.⁴

In 2023, along with Greater Manchester Poverty Action, we collected a series of case studies about the impact of adopting the duty.⁵ One key conclusion we drew was that the duty is helping to address intersecting inequality. We noted that socio-economic disadvantage intersects with, and is

¹ Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland by the United Nations Committee on the Elimination of Racial Discrimination, paragraph 7.

² Fairer Scotland Duty 2018, available here: [Fairer Scotland Duty: guidance for public bodies - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/fairer-scotland-duty/guidance-for-public-bodies/pages/1-introduction-and-overview/pages/1-introduction-and-overview.aspx)

³ A More Equal Wales 2021, available here: <https://gov.wales/sites/default/files/publications/2021-03/a-more-equal-wales.pdf>

⁴ More information is available in this recent briefing from Greater Manchester Poverty Action: <https://www.gmpovertyaction.org/wp-content/uploads/2022/06/SED-findings-briefing-FINAL-DRAFT-002.pdf>

⁵ The socio-economic duty in action: Case studies from England and Wales, Just Fair and Greater Manchester Poverty Action, July 2023. Available here: <https://justfair.org.uk/wp-content/uploads/2023/07/The-socio-economic-duty-in-action-Case-studies-from-England-and-Wales-1.pdf>

compounded by, other axes of inequality, potentially relating to other protected characteristics, meaning efforts to tackle socio-economic disadvantage can also reduce other inequalities.

- For instance, the introduction of a driving licence bursary by Merseyside Fire and Rescue Service (who adopted the duty in 2021) benefited women and people of colour, who are disproportionately less likely to hold driving licences.
- As Councillor Carole Williams of Hackney Council wrote, *"Those who have been discriminated against or disadvantaged because of a protected characteristic are more likely to be socio-economically disadvantaged as well, as a result of discrimination and / or disadvantage. So, it really does not make sense to exclude consideration of socio-economic status and disadvantage if we want to tackle key inequalities."*

We believe that the commencement of the socio-economic duty could be a vital tool for building a fairer society for children. This duty could help in two main areas:

- Better decisions: the commencement of Section 1 would mainstream the socio-economic duty into the decision-making processes of public authorities, so that children in greatest socio-economic need are prioritised.
- Better laws: if lawmakers had to actively consider the socio-economic duty when making laws, this 'pre-legislative scrutiny' could highlight the particular risk in terms of socio-economic need and ensure that mitigations are considered.

Recommendation

We would ask the Committee on the Elimination of Racial Discrimination to join a growing number of UN human rights committees in calling for the UK to commence the socio-economic duty, including the Committee on the Rights of Persons with Disabilities.

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