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Editorial: Call for implementation of socio-economic duty in England & Wales

The case for the implementation of the socio-economic duty in England and Wales under S1 of the Equality Act 2010 (EA) is gaining strength as can be seen in this edition of Briefings.

Ample evidence of the socio-economic inequalities in the UK today, if such were needed, is contained in the report of the special rapporteur on extreme poverty and human rights. Published in May and presented to the UN Human Rights Council at the end of June, Professor Philip Alston's report records the devastating impact of the government's austerity policies on UK society. Despite being the world's fifth largest economy with a booming economy, high employment and a budget surplus, one fifth of our population, 14 million people, live in poverty, and 1.5 million of them experienced destitution in 2017.

Using figures provided by the Institute for Fiscal Studies, the National Audit Office and other independent sources, he reports that close to 40 per cent of children are predicted to be living in poverty by 2021; life expectancy is falling for certain groups; the legal aid system has been decimated; benefit rates for working-age people have remained frozen and housing benefit decimated. Women, racial and ethnic minorities, children, single parents, persons with disabilities and members of other historically marginalised groups face disproportionately higher risks of poverty.

Stephen Heath, in his article about Mind's engagement with the Mental Health Act review echoes Professor Alston's recognition that living in poverty can take a severe toll on people's physical and mental health. In his article he argues persuasively that there is institutional race discrimination in aspects of the mental health service which, as a result, is failing some BAME communities. Among a range of causes of mental ill-health is socio-economic inequality which 'is associated with higher rates of suicide and mental illness, by exposing individuals to a wide range of stressors, including negative life events as well as diminishing their hopes and expectations for a positive future with meaningful opportunities for work and life'.¹

Another example of the need for a legal duty to reduce inequalities of outcome which result from socio-economic disadvantage is highlighted by Marc Willers QC and Tim Baldwin. In their article they outline the government's inability or unwillingness to tackle the discrimination and inequalities faced by Gypsies, Roma and Travellers, providing an overview of the socio-economic disadvantages these ethnic groups face.

Disappointingly, in a May 2019 challenge to government austerity measures which has decimated housing benefit, the SC has dismissed the claimants' argument that the revised housing benefit regulations have had a discriminatory impact on lone parents. In *DA and Ors, R (on the application of) v Secretary of State for Work and Pensions* [2019] UKSC 21 the government successfully justified the regulations on the basis that imposing a cap on benefits achieves fiscal savings and incentivises parents in a non-working family to obtain work. In his dissenting judgment Lord Kerr stated the obvious: 'One can only incentivise parents to obtain work if that is a viable option.

The evidence in this case overwhelmingly shows that ... this is simply not feasible. In particular, lone parents are placed in an impossible dilemma. If they go out to work, they must find the resources for childcare. Those in the DA and DS groups will routinely find it impossible to obtain employment which will remunerate them sufficiently to make this a sensible choice. They also face the difficulty of obtaining suitable childcare, irrespective of whether they can afford it.'

The work being done on implementing the socio-economic duty in Scotland is welcome and should blaze a trail for its implementation in England and Wales. The Scottish government's interim guidance on reducing inequalities of outcome caused by socio-economic disadvantage reflects the complexity of putting the duty into operation.

Agreement on how to define and measure low income and wealth is critical given that the UK has no official measurement of poverty. This permits the Prime Minister to state that the numbers of people living in absolute poverty is at a record low a view which so clearly clashes with Alston's findings.

The Scottish guidance recognises the clear links between the aims of the socio-economic duty and the s149 EA public sector equality duty and notes that those who share particular protected characteristics are often at higher risk of socio-economic disadvantage. As Willers and Baldwin argue in Briefing 897, involving the community through consultation and participation in defining measurements of socio-disadvantage, effective outcomes and the methodology of implementing the duty, will be critical to its success.

The DLA will follow with interest the three-year implementation phase in Scotland; it urges members to join with it and those MPs supporting the early day motion² on the commencement and enforcement of the s1 EA duty and demand that immediate steps are taken to implement the duty in England and Wales.

Geraldine Scullion
Editor

1. Racism and Mental Illness in the UK Apu Chakraborty, Lance Patrick and Maria Lambri <https://www.intechopen.com/books/mentaldisorders-theoretical-and-empirical-perspectives/racism-and-mentalillness-in-the-uk>
2. <https://edm.parliament.uk/early-day-motion/51058/commencementand-enforcement-of-the-socioeconomic-duty-s1-of-the-equality-act>