Office for Equality and Opportunity: Equality law call for evidence - Socio-Economic Duty

June 2025

Introduction

In 2017 the 1forEquality campaign was launched. The campaign seeks the effective commencement, implementation and enforcement of Section 1 the Equality Act – the socio-economic duty – across Great Britain in order to improve the fulfilment and protection of everyday rights, and reduce inequality. This response has been developed by members of the campaign and is endorsed by civil society organisations, with over 100 signatories listed at the end of this submission.

Please note that more detail on the points raised in this submission can be found in individual organisational submissions to the call for evidence and in the notes of an expert roundtable shared with the Office for Equality and Opportunity.

Rather than responding to the questions within the call for evidence individually, we have laid out our key recommendations for effective enforcement of the duty, with a brief explanation of each recommendation. We believe that this approach will provide the information the questions seek to gather.

Recommendations for the effective commencement of the socio-economic duty

1. **Focus on outcomes - priorities or outcomes should be set for the duty, some applying nationally, in addition to latitude for locally set ones.**

Currently there is a concern amongst duty-bearers and stakeholders that there is a focus on decision-making process, rather than outcomes and this must be rebalanced for the duty to be effective. Having clear outcomes is key to being able to measure progress and success. These outcomes could be in relation to inequalities in education, health, housing, crime rates, or other matters associated with socio-economic disadvantage.[1]

2. **Take a holistic approach – including effective combined/cumulative impact assessments**

If used effectively, combined/cumulative impact assessments can avoid duplication of effort across various duties (such as the Public Sector Equality Duty), help decision-makers understand issues in a more factual way, understand the range of ways a decision can impact those impacted by it with intersectional analysis informed by diverse stakeholder voices, examine the mitigations available and ultimately make better-informed decisions. However, if combined impact assessments are used, completion needs to be appropriate to avoid tick-box consideration; duty-bearers must give thorough consideration to the issues and requirements. There is also a need to ensure that the usefulness and impact of any assessment is not diluted, and to ensure the development of approaches and methods to allow public bodies to demonstrate how they are meeting all the duties and requirements.[2]

3. **Using data effectively as a tool for decision-making and accountability**

Research by Just Fair identifies that, "understanding how to identify and measure socio-economic disadvantage remains a challenge for local authorities".[3] Identifying a core set of proxy indicators is important to ensure systematic and consistent action, identify cumulative impact and track actual impact. There is also a need for budgetary or decision-specific flexibility on the data used to assess and mitigate socio-economic disadvantage. The guidance produced by the Scottish Government on the Fairer Scotland Duty provides some 'key links' on data sources, but new statutory guidance, or associated resources should go further and set out both facts and sources regarding socio-economic disadvantage and the inequalities of outcome associated with it. There is a clear role here for centralised support – in terms not only of guidance issued by the UK Government, but also potentially a co-ordinator to oversee work on the duty. It is also important to encourage duty bearers to partner with civil society organisations who hold data – such as universities, charities, unions and think tanks, to maximise data available to inform evidence-based decisions.

4. **Ensuring buy-in from senior leadership and management**

A key learning on the effectiveness of the duty from the 2021 Equality and Human Rights Commission (EHRC) report is the importance of buy-in, including and importantly from senior leadership of public bodies subject to the duty.[4] In Just Fair's 2018 report,[5] research

---

[1] Equality Act 2010, Explanatory notes, paragraph 23
[2] EHRC, 'Evaluating the socio-economic duty in Scotland and Wales', March 2021, p.60
[3] Just Fair, 'Tackling socio-economic inequalities locally: Good practices in the implementation of the socio-economic duty by local authorities in England', 2018, p. 22
[4] EHRC, 'Evaluating the socio-economic duty in Scotland and Wales', March 2021, p.7, 30, 39, 52, 54
[5] Just Fair, 'Tackling socio-economic inequalities locally: Good practices in the implementation of the socio-economic duty by local authorities in England', 2018, p. 14

highlighted that it is essential that someone senior, the Leader or an Executive Member, champion the work on tackling socio-economic disadvantage and communicate clearly and consistently why it is a priority in the particular context of each public authority subject to the duty. Effective leadership must direct adequate resources to the implementation of the duty, including training and guidance to equip personnel to undertake the community engagement, data analysis and positive interventions necessary to reduce socio-economic disadvantage.

5. **Working in partnership with people with lived experience of socio-economic disadvantage**

The involvement of people with lived experience of socio-economic disadvantage is at least as crucial to the data needed for effective implementation of the duty as traditional sources of quantitative data, and they must be involved not only in data collection, but also in monitoring and evaluation. But to do this work effectively, it will often require duty bearers to fundamentally alter the way in which they engage with people affected by socio-economic disadvantage through a radical process of reimagining expertise, and recalibrating working processes. Members of the 1ForEquality Campaign laid out some key principles when working in partnership with people with lived experience of socio-economic disadvantage:

1. Recognise that knowledge about how best to tackle poverty and inequality by enacting the socio-economic duty is not limited to policymakers, academics and advocates; valuable insights are held by those in communities who have lived experience of socio-economic disadvantage.
2. Understand that meaningful involvement is not about gathering many stories or 'case studies', but about understanding the collective experience, and differing issues across diverse identities to understand intersectional effects, ensuring that it is accurately and truthfully represented. This includes involving people from the outset, committing to processes of engagement (rather than single events) and exploring how diverse forms of expertise are best incorporated into policymaking. This requires a shift from transactional consultation to inform decision-makers, towards truly participatory approaches, with co-production, shared power and joint decision-making. We point to best practice guidance from Olivier de Schutter, to guide the development of this work. [6]
3. Accept that real success comes when there is a bringing together of different types of expertise (lived experience and other learned expertise such as statistical analysis or policy knowledge) through collaboration and co-production
4. Adopt a non-extractive approach, giving due remuneration, appreciation and trauma-informed care to people bringing lived experience insights through participatory approaches, such as co-production, that build trust and lead to meaningful change.

---

[6] UN Office of the High Commissioner for Human Rights (UN OHCHR). 2012. Guiding Principles on Extreme Poverty and Human Rights, https://www.ohchr.org/sites/default/files/Documents/Publications/OHCHR_ExtremePovertyandHumanRights_EN.pdf
De Schutter, O. (2024). Statement on the Future EU Anti-Poverty Strategy by the United Nations Special Rapporteur on Extreme Poverty and Human Rights, https://www.srpoverty.org/2024/10/15/statement-on-the-first-eu-anti-poverty-strategy
De Schutter, O. and ATD Fourth World. (2024). Capturing and Combatting the Hidden Dimensions of Poverty Through the IDEEP (Inclusive and Deliberative Elaboration and Evaluation of Policies) Tool, https://www.srpoverty.org/2024/02/09/tool-for-the-inclusive-and-deliberative-elaboration-evaluation-of-policies-ideep/

It is also important to think about who is impacted by socio-economic disadvantage – for example the voices of children and young people, and those with other protected characteristics will be crucial in this work.

6. **Effective monitoring and evaluation**

Clearly defined outcomes as detailed above will be critical for monitoring and evaluation. In addition, the EHRC is the regulator for the duty and it has undertaken some important work in relation to the duty in Scotland and Wales.[7] However we believe there should be an increased role for a regulator, including use of powers as laid out in the Equality Act 2006, in order to ensure effective enforcement of the duty. Consideration should be given to what enablers and barriers there may be to a regulator using its power – including adequate resourcing and clear direction from government about the intention of enforcement.

In addition there must be a role for people with lived experience in monitoring and evaluating the duty – and also for civil society, including trade unions. On this point we note the Make Equality Real campaign's proposal for a public commission to assist the work of the duty and believe there could be an important role for such a commission in monitoring and evaluating the duty.

7. **Support with monitoring and implementation - including central support hub and sharing of resources**

In implementing the duty in Scotland, the work of the Improvement Service was recognised as particularly helpful in providing a central contact point, providing training and gathering best practice.[8] We recommend a similar model of a central support hub be established across Great Britain to facilitate commencement of the duty. This should include not just the sharing of case studies, but of training, templates and other useful ways the duty has been used. Work by members of the 1ForEquality campaign[9] has illustrated innovative ways the duty is being used in England and Wales, and there is great potential for duty bearers to share good practice with one another.

8. **Statutory guidance and sufficient resourcing**

Two key steps in effective commencement of the duty are valuable, considered statutory guidance and effective resourcing. Effective guidance and resourcing are key to leading public authorities to give active, high-quality and informed consideration to reducing the inequalities that result from socio-economic disadvantage. Those already subject to the duty, or using it voluntarily have clearly articulated an appetite for this.

9. **Defining a strategic decision broadly**

The statutory guidance must clearly define what is meant by a 'strategic decision'. For the duty to be effective, a broad definition must be provided – such as has happened in both Scotland and Wales. Consideration should be given to providing examples of what constitutes a 'strategic decision' as this has been noted as having been useful in Scotland.[10]

---

[7] EHRC, 'Evaluating the socio-economic duty in Scotland and Wales', March 2021
[8] EHRC, 'Evaluating the socio-economic duty in Scotland and Wales', March 2021, p.32
[9] Just Fair and Resolve Poverty, "A Practical Guide for Local Authority Implementation of the Socio-Economic Duty in England", 2021
[10] EHRC, 'Evaluating the socio-economic duty in Scotland and Wales', March 2021, p.30

10. Expanding authorities under the duty

The 1 for Equality campaign strongly encourages expanding the authorities to whom the duty applies in order to ensure its widest effectiveness. As such the equivalence of the lists of authorities the duty applies to in Scotland and Wales should be used as at least a minimum position for the duty's application.

The current list of authorities that the duty applies to outlined in section 1(3) of the Equality Act 2010 must be updated, and two main approaches could be considered. One approach could be to take the lists from Scotland and Wales and to include the equivalent authorities in section 1(3) in relation to England as a baseline and expand from this, or, as with the section 149 Equality Act 2010, the duty could be made to apply to all 'public authorities'. That class could then be subject to specified inclusions or exclusions, similar to section 150 and schedule 19 of the Act (which governs section 149). The duty could be applied only to the public functions of bodies for which only certain of whose functions are public (again, similar to section 149(2)). If such an approach was taken it would be important to have regard to the potential of other bodies to make decisions impacting significantly on socio-economic disadvantage.

A more expansive list of public authorities subject to the duty will aid duty-bearers engaging in multi-agency partnerships and Joint Strategic Needs Assessments, where a consistent standard across the board will facilitate effective joined-up working. This will enable various agencies to achieve greater collective impact on tackling the complexity of reducing socio-economic inequalities than any authority could achieve in isolation.

11. Non commencement of section 1(6)

The UK Government should not commence subsection 6 when the rest of section 1 is commenced. A commencement order should be made only for section 1, clauses 1(1)-1(3). As organisations, we believe that rights are universal – they apply to anyone without any distinction - including immigration status. On this basis we are opposed to the premise of subsection 6.

However we also believe it to be open to misapplication and difficult to apply. The subsection is about any inequalities experienced by a person **as a result of** being subject to immigration control. Very careful implementation and monitoring of the use of this clause would be required to ensure it was not being improperly applied, otherwise duty bearers could be opening themselves to judicial review. This subsection would place public authorities in the difficult position of navigating seemingly contradictory clauses, considering the Public Sector Equality Duty, discrimination on the grounds of race or nationality and international human rights obligations. Further, in practice, and in the way we have seen the duty being used in Scotland, Wales and through voluntary adoption in England, it can be hard to separate out people subject to immigration control from people who are not in the context of a strategic decision.

12. Activation date

We recommend that the UK Government shortly announce an activation date for the duty via a Commencement Order. This would allow duty bearers to begin preparations. An activation date is also important to ensure deadlines are clear, to prevent slipbacks, and the duty is given enough time to 'bed down' with duty bearers before any potential changes in national political administration occur.

13. Future proofing

Legal scholars, including at the Oxford Human Rights Hub [11], have highlighted the need for non-regression principles to protect from rollbacks across equality and human rights legislation. It is necessary to look beyond the current term of government to the longer-term view. The Socio-Economic Duty, and wider legislation, mark historic steps forward for society and reducing inequalities; however, mechanisms to protect these advances will help to ensure that the potential benefits to society are fulfilled for generations to come.

[11] Oxford Human Rights Hub on non-retrogression
https://ohrh.law.ox.ac.uk/wp-content/uploads/2021/04/The-Impact-of-Brexit-on-Equality-Rights-1.pdf

Warwick, B.T.C. (2025). Concepts of Non-Retrogression in Economic and Social Rights. *Human Rights Quarterly 47*(1), 115-140. https://muse.jhu.edu/pub/1/article/951574

Signatories - Members of the 1 for Equality Alliance:

Amnesty International UK
Equality Trust
Equally Ours
Human Rights Watch
Just Fair
Resolve Poverty
Royal College of Physicians
Thrive

Co-signatories:

#EthnicityPayGap Campaign
4in10 London's Child Poverty Network
Action Disability Kensington and Chelsea (ADKC)
Age UK London
Artists' Union England AUE
Aspire Community Works
BetterforUs Campaign
Baby Bank Alliance
Bakers Food and Allied Workers Union
Birmingham Healthy Air coalition
Black Community Matters
Black South West Network
Brent Mencap
Burnley Pendle & Rossendale Council for Voluntary Service
Burnley, Pendle and Rossendale Council for Voluntary Service
Care Full
Caritas Salford
Caritas Shrewsbury
CEDAWinLAW
ChangeKitchen CIC
Children North East
Children's Rights Alliance for England, part of Just for Kids Law
Church Action on Poverty
Citizens Advice Blackpool
Citizens Advice Newcastle
Citizens Advice Stockport, Oldham, Rochdale and Trafford
City of London Access Group (CoLAG)
Community CVS
Disability Action Haringey
Disability Action in Islington
European Services Strategy Unit
Europia
Fair By Design
Fair Chance Derby Coalition
Fairness Foundation
Faith Network for Manchester
FRIENDSHIP GROUP
General Federation of Trade Unions
George House Trust
Greater Manchester Coalition of Disabled People
Haringey Claimant Justice Campaign
Haringey Claimant Justice Campaign
Haringey Joint Partnership Board
Human Rights Consortium Wales
Humanists UK
Hyndburn & Ribble Valley CVS
I Have A Voice
Inclusion London
Independent Food Aid Network
Institute of Community Reporters
Lancashire Association of CVSs (LACVS)
Magic Breakfast
Majella Greene & Associates Ltd
Manchester City Council
Manchester City Council
Manchester Foundation Trust
Manchester Women's Aid
Maternity Action
Missing People
Mosaic LGBT+ Young Persons' Trust
MOSAICC (Mobilising Outreach, Solidarity, Advocating Inclusive, Connected Communities)
Napo (The Trade Union for Probation and Family Court staff)
Oldham Metropolitan Borough Council
One+All
Porter Nutrition
Positive Money
Poverty2Solutions
PRAN (Poverty Research and Advocacy Network)
Preston Community Network
Programmed for Change
Race Equality First
René Cassin
Renters' Rights London
Save Birmingham
SAZ MEDIA CLUB LIMITED
Scottish Independent Advocacy Alliance (SIAA)
Sector 3
Selnet: Under One Roof Furniture Scheme
SHINE@Nechells POD
Social Benefits Consortium CIC
Social Mobility Foundation
Social Workers Union (SWU)
Southway Housing Trust
Spectrum Derbyshire
Stockport Council
Structural Inequalities Alliance
Survivor Researcher Network CIC
SYNGESIS CIC
The Active Wellbeing Society
The Active Wellbeing Society
The Bridge Group
The Brilliant Club
University of Chester
University of Manchester
University of Sheffield
Unlimited Potential
Vauxhall Law Centre
Vision India Trust
Vox Feminarum: Women's Voices
Women's Budget Group