



Government
Equalities Office

Putting equality at the heart of government

**The Equality Bill:
Duty to reduce
socio-economic
inequalities**

A guide

January 2010

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Foreword

Rt. Hon. Harriet Harman QC MP
Minister for Women and Equality



Equality matters:

- i)** for **individuals**, who deserve to be treated fairly and have the opportunity to fulfil their potential and achieve their aspirations;
- ii)** for the **economy**, because the economy that will succeed in the future is one that draws on the talents of all. We cannot afford to be blinkered by prejudice and discrimination; and,
- iii)** for **society**, because an equal society is a more cohesive one at ease with itself.

We have to tackle the barriers that unfairly hold people back and give everyone the opportunity to succeed to build a modern, prosperous society.

We know that disadvantage does not just come from your gender or ethnicity; your sexual orientation or your disability; your age or your religion or belief. Overarching and interwoven with these is the persistent inequality of social class – your family background or where you were born.

It is to examine the roots and causes of this that the Government set up the National Equality Panel (NEP) in 2008, chaired by Professor John Hills. The National Equality Panel has examined how factors like who you are, your family background and where you live, shape outcomes like how much money you earn and how long you live.

The National Equality Panel will report to the Government at the end of January. It will provide robust analysis and the evidence base for further action. We will not leave disadvantage unchecked, and allow it to persist as deep-rooted inequality passed down from one generation to the next.

Public bodies such as Government departments, local authorities and strategic health authorities have an important role to play in tackling socio-economic disadvantage because their actions affect people's day to day lives and the opportunities open to them, through the services they provide and the money they spend.

Since 1997, progress has been made to tackle persistent inequalities to stop the widening gap between rich and poor. This Government introduced the National Minimum Wage, invested £21 billion in early years education, led back to work programmes helping disadvantaged groups, introduced Pension Credits to help the poorest pensioners, led work to improve

literacy and numeracy skills among adults, and taken action to address health inequalities. Many local authorities are also working to tackle socio-economic disadvantage for example through providing free school meals, improving access to sporting activities and better transport.

But there is currently no overarching legal requirement on central government departments, local authorities or key public bodies to take action to address socio-economic inequality. While there is good work going on at every level, we want to make this a strategic imperative and put it at the heart of our public services. This is important because there is no 'quick fix'. Greater equality represents a long term public policy challenge that requires the committed and consistent focus of central government, local government and the third sector.

That is why clause one of the Equality Bill contains a new legal duty on key public bodies to consider in all the important decisions they make and all the important actions they take how they will tackle the disadvantage people face because of their socio-economic status.

The duty will provide a statutory foundation to ongoing work to tackle socio-economic disadvantage and to ensure that the need to address entrenched inequalities is considered in a systematic way by all government departments and key public bodies.



Rt. Hon. Harriet Harman QC MP
Minister for Women and Equality

I. Introduction to the duty

This document is designed to form a bridge between the wording of duty, which was published in the Equality Bill in April 2009, and the draft statutory guidance to go with it, which we will be drafting and consulting on formally in the summer of 2010. It explains the background to the duty, the need for it, and how it will operate for each of the different types of public body that are covered by it. It also explains how compliance with the duty will be monitored, and answers the questions that have been put to the Government in our discussions with stakeholders.

Background

The socio-economic duty was first publicly proposed in the New Opportunities White Paper in January 2009. The paper noted that the Government was:

".. considering legislating to make clear that tackling socioeconomic disadvantage and narrowing gaps in outcomes for people from different backgrounds is a core function of key public services. This could take the form of a new strategic duty on central departments and key public services to address the inequality that arises from socioeconomic disadvantage and place this objective at the core of their policies and programmes."

That was followed by an informal consultation with key stakeholders through February and March. A discussion paper was widely circulated to relevant parties, and a number of stakeholder meetings and events held to solicit views on it. The paper asked which inequalities the duty should address, which public bodies should be covered by it, and detailed questions in regard to financial issues, planning, partnership working, and other issues.

Following the positive feedback we received from that exercise, the duty was included in the Equality Bill, which was published in April 2009. The full wording of the duty is at Annex A. The duty was discussed in detail during the passage of the Bill through the House of Commons, before passing into the Lords.

Taking the clauses in turn:

Clause 1

Clause 1 of the Bill requires key public bodies, when taking strategic decisions, to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. It lists the bodies that will be covered by the duty, and includes a provision for Ministers to issue guidance for public bodies in regard to it.

Clause 2

Clause 2 of the Bill makes provision for additional bodies to be listed for the duty, and for Welsh and Scottish Ministers to list their relevant bodies.

Clause 3

Clause 3 of the Bill makes clear that the duty will not create any new justiciable rights for individuals.

This document

We plan to produce formal guidance on the duty in the summer of 2010, which will be subject to a 12-week consultation, in line with standard Government practice. We will engage closely with those public bodies that will be covered by the duty, along with other key stakeholders, to ensure that we get the statutory guidance right.

In the meantime, this document will help lay the foundation for that guidance, by setting out some key principles for how the duty will work. It demonstrates our positive engagement already with public bodies and stakeholders regarding the detailed workings of the duty.

To some extent, it will be for the individual public bodies covered by the duty to decide how best to meet their legal responsibilities in regard to it. However, this document sets out some basic principles which will help set the framework for those considerations, and some examples of best practice in different areas.

This document also sets out how compliance with the duty will be monitored and enforced, using existing monitoring and reporting mechanisms.

Scotland and Wales

While most of the Equality Bill's other provisions relate to reserved matters, the socio-economic duty will apply to Scotland and Wales.

The UK Government asked earlier this year if the Scottish Government wished this duty to extend to Scottish public authorities. A written consultation exercise was undertaken by the Scottish Government on the duty along with discussions with key stakeholders. The majority of respondents to the consultation were broadly in favour of legislating. It

was recognised that the duty would complement and reinforce the existing work that is being undertaken to tackle inequality in Scotland and the Scottish Government agreed for the duty to be extended.

The duty will operate in broadly the same way across the three administrations. However, the devolved administrations will be issuing their own guidance to their public bodies which, whilst drawing on the guidance issued by the Minister of the Crown, also takes account of their different structures and circumstances. This document therefore focuses exclusively on English bodies and non-devolved functions – it is not intended to cover devolved functions or bodies.

2. Need for the duty – evidence and data

There is a clear need for this duty. A person's socio-economic background, their social class, is still a key factor in determining their life chances. These differences are apparent among very young children, and are reflected throughout the course of their education.

School performance

- when 3-year olds are assessed on a measure of their school readiness, those from the poorest 20% of the population on average score only half as well as those from the richest 20%. The poorest children are also much more likely to suffer from hyperactivity and conduct problems, and have notably poorer vocabulary development (Source: Elizabeth Washbrook, Bristol University; based on Millennium Cohort Study and joint work with Jane Waldfogel);
- children who are eligible for free school meals (FSM) do significantly less well at school at every stage. At key stage 4, only 27% of them got 5 good GCSE passes last year, including English and Maths, compared to 54% of those who were not eligible for FSM;
- in terms of higher education, the latest figures show only 14% of children receiving FSM at age 15 went on to higher education, compared to 33% of those who were not eligible.

The statistics above cover education, but they could be chosen from almost any policy area. For example, we know that average life expectancy in the most affluent areas of the country is around 13 years longer than in the poorest areas. And we know that men in the richest 20% of the population are around four times as likely to be members of an occupational pension scheme, with the financial security that goes with that, than those from the poorest 20%. (Source: Pensions Commission (2004), figure 8.23 (based on NES, 2003).

In some cases, the evidence shows that socio-economic background – class – is actually a more important factor in determining life chances than other significant characteristics.

Relationship between class and other factors:

- class is a better predictor of educational attainment than ability – less academically able but better off children overtake more able poorer children by the age of 6;
- class is more important than gender when it comes to life expectancy – women generally live longer than men, but since the early 1980s poorer women have been living less long than rich men.

In other cases, socio-economic disadvantage reinforces and increases the inequalities associated with particular protected characteristics.

Relationship between socio-economic disadvantages and protected characteristics:

- around 70% of people from Black and minority ethnic (BME) backgrounds live in the most deprived wards in the country;
- disabled adults are twice as likely to live in low-income households as non-disabled adults;
- half of all lone parents are in low income households, the overwhelming majority of them being women;
- only 61% of Muslim men have jobs, compared to 80% of Christian men, and 82% of Hindu men.

This last set of statistics shows why many third sector groups who campaign on single-group issues – such as the Runnymede Trust and Equanomics UK – support the socio-economic duty. The duty will ensure we go beyond tackling discrimination against particular groups, and ensure that key public bodies take a strategic approach to addressing the inequalities that result from underlying socio-economic factors.

Links to other work

The duty will underpin other Government action to address socio-economic inequalities, such as the following:

The Government's response to Alan Milburn's report on "Fair Access to the Professions"

One of the key recommendations in Alan Milburn's report was that the promotion of social mobility should be put at the heart of Government's thinking. The socio-economic duty shows how the Government is doing just that, by tackling a key barrier to social mobility.

The duty will help drive action across the whole of Government to help those who are most disadvantaged, to give them the best possible chance in life, and improve their chances of upward social mobility. Fair access to the professions is one part of the picture, but the duty will also help us continue to focus on those with furthest to travel – recognising that some people have many barriers to overcome to achieve success.

Child Poverty Duty

The child poverty duty (see box) sets out specific actions to drive progress towards the 2020 target on child poverty. The socio-economic duty is broader in scope, to address socio-economic inequalities in the whole population. It will also be more strategic, in looking at the key, high-level decisions that public bodies take; and more flexible in application, in that it will encourage innovation in the way that different bodies implement it. The socio-economic duty will form the over-arching framework within which specific action to eradicate child poverty – and much other public sector work – can comfortably sit.

The socio-economic duty is supported by the Children's Rights Alliance, and 11 Million, which is led by the Children's Commissioner for England. We also received favourable comments from the Campaign to End Child Poverty.

Child Poverty Bill

The Child Poverty Bill will introduce new duties on Local Authorities to lead local cooperation across delivery partners on Child Poverty, including carrying out a local needs assessment and creating a joint local strategy for reducing child poverty. It is intended that that local strategy for tackling child poverty will inform the Sustainable Community Strategy and therefore be formally linked to Local Area Agreements and the Performance Management Framework.

These duties will empower local delivery partners to coordinate action and drive progress towards the 2020 target on child poverty. Further detail on the local needs assessment will be set out in regulations and Statutory Guidance but the assessments are expected to consider the geographic and demographic distribution of children/families living in poverty in the local area, and the needs of those families (in comparison to the wider population), for example in relation to health or educational inequalities and access to key public services. These will in turn shape the child poverty strategy in the local area and drive specific action.

The new single Public Sector Equality Duty

The new equality duty will bring together and strengthen the existing equality duties in regard to race, gender, and disability, and extend that protection to people on the grounds of age, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief. Given the clear links between socio-economic inequalities and those associated with particular protected characteristics, the two duties will reinforce and support each other.

Bringing it all together – why the duty is necessary

In addition to the above, we have targets and indicators across Government which express our commitment to narrow gaps in society arising from social class and income.

But until now there has been no overarching legal requirement on central government departments, local authorities or key public bodies to take action to address socio-economic inequality. While there is good work going on at every level, we want to make this a strategic imperative and put it at the heart of our public services. This is important because there is no 'quick fix'. Greater equality represents a long term public policy challenge

that requires the committed and consistent focus of central government, local government and the third sector.

The duty will provide a statutory foundation to ongoing work to tackle socio-economic disadvantage, and ensure that the need to address entrenched inequalities is considered in a systematic way by all government departments and key public bodies.

Evidence and data sources

There is no shortage of available data on socio-economic inequalities, so we will not be requiring public bodies to collect or collate more. However, we will expect them to access the relevant ones, and subject those to the necessary analysis, to determine if the body's strategic decisions could have a positive impact in reducing inequalities.

The evidence a public body should consider when taking strategic decisions will vary depending on the strategic decision in question.

In some cases, data collected and reported at a national level may be appropriate. Public bodies may wish to draw on the Labour Market Survey, the British Crime Survey, the Index of Multiple Deprivation, health inequalities data, stats on the educational achievement of pupils receiving Free School Meals, and so on.

In other cases, data collected at a local or regional level may be appropriate. In addition to hard data sets, evidence from research studies, surveys of local people, and feedback from public consultations may all be useful.

National Equality Panel

The National Equality Panel (see box) has examined how factors like who you are, your family background and where you live, shape outcomes like how much money you earn and how long you live.

The National Equality Panel will report to the Government at the end of January. It will provide robust analysis and the evidence base for further action.

Equality Measurement Framework

In addition to the above, the Equality Measurement Framework (EMF) contains evidence on social outcomes from an equality and human rights perspective, providing a baseline of evidence to inform policy priorities.

More information on the EMF is available at:

<http://www.equalityhumanrights.com/fairer-britain/equality-measurement-framework/>

National Equality Panel

In 2008 we set up the National Equality Panel, chaired by Professor John Hills. The Panel's research is examining how socio-economic disadvantages – where people come from, their family backgrounds, etc – affect their lives. It is also examining how those disadvantages link to the discrimination and disadvantages faced by particular groups, such as ethnic minorities, and women.

One clear theme emerging is how socio-economic disadvantage in childhood translates into life-long disadvantage. Children from poorer backgrounds are less well prepared when they start school; they do less at school; they then go into poorer jobs; and the gap between them and their better off peers continues to widen during the course of their lives. It is this cycle of disadvantage that we need the socio-economic duty to help address.

The Panel will publish its final report later this month.

3. Design of the duty

Clause 1 of the Equality Bill reads:

An authority to which this section applies must, when taking decisions of a strategic nature about how to exercise its functions, 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.

What does this mean in practice?

It means that public bodies – such as Government departments and local authorities – need to consider if they can do more to help people fulfil their potential by addressing the barriers that hold some people back.

Government has 3-year Public Service Agreement (PSA) targets and indicators in a number of policy areas to narrow gaps in outcomes arising from social class and income. Many local authorities have done the same, though their Local Area Agreements (LAAs).

But this duty will go beyond those immediate targets and objectives. It will place an overarching requirement on key strategic public bodies to do more in this area, to ensure that successive generations have opportunities to realise their potential.

Tackling socio-economic disadvantage and narrowing gaps in outcomes from people of different backgrounds is a core function of key public services. This objective should be at the heart of their policies and programmes.

What does socio-economic disadvantage mean?

By socio-economic disadvantage we mean the state of being disadvantaged in life – in terms of getting on, getting educated, getting a job, etc – by one or more of a range of external factors. Poverty is one such factor, and the most important one. But it can also be about the complex interplay of factors such as health, housing, education, and family background, and the resulting lack of ambitions and expectations, that so often combine to keep people in poverty, and limit their chances of upward social mobility. So it's about the way that social and economic factors combine.

What do we mean by inequalities of outcome?

By inequalities of outcome we mean any measurable differences in outcomes associated with (but not restricted to) the sort of socio-economic disadvantage set out above – inequalities associated with income, housing, health, education, employment, crime rates, etc. Outcomes may be about material goods and services (for example, allocation of resources, quality and availability of housing stock, or the number of police allocated to a particular area, etc); or about factors that affect wider life chances (for example, levels of educational attainment; levels of unemployment; experiences of crime, life expectancy; etc).

Such outcomes may be the result of a particular strategy or policy or practice, or related to the absence of such a strategy or policy.

What do we mean by due regard?

Due regard is an established legal concept in equalities law. It means giving weight to a particular issue in proportion to its relevance.

In the context of the race equality duty, the courts have said: *“it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged racial group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing.”*¹

We would expect the same principles to apply to this duty.

Public bodies need to work within financial constraints, and already have clear policy objectives; the new duty does not override the existing frameworks within which public bodies work. The duty will not require public bodies to spend additional resources; nor will they necessarily need to rethink existing projects or programmes, and develop new ones, although they may choose to do that in some cases.

They will need to balance the requirements of the duty – that they consider the desirability of reducing the unequal outcomes that result from socio-economic disadvantage – with their other objectives.

¹ Lord Justice Dyson in *R (Baker and others) v (1) Secretary of State for Communities and Local Government and (2) Bromley LBC* [2008] EWCA Civ 141”

For many public bodies, reducing inequalities related to such disadvantage is already part of their core business. For them, the duty will give that part of their work a boost, by giving it a statutory foundation, where one doesn't exist already; ensuring it remains a priority; and helping them secure commitment and help from their key partners. For other organisations, reducing inequalities will be a less obvious part of their remit. Here, the duty will act as a spur for them to assess what role they can play, either alone or in partnership with others, on this important objective.

What do we mean by decisions of a strategic nature?

Decisions of a strategic nature are the key, high-level decisions that determine how an organisation goes about its business. In general, they will be decisions that affect how the body fulfils its intended purpose, over a significant period of time.

These would normally include decisions around setting priorities and targets, allocating resources, and commissioning services. For some organisations, such decisions may only be taken annually. In other cases, they will come up more often.

Decisions of a strategic nature will have a major impact on the way in which other tactical and day-to-day operational decisions are taken; but they are not in themselves tactical or operational.

A key aspect of fulfilling the duty will be for each of the public bodies covered by the duty to identify the decisions of a strategic nature that it takes, and which (if any) socio-economic inequalities that they can have a significant influence on.

To assist this process, we have listed in the following chapters a number of typical strategic decisions that those organisations take, in which we would expect the duty to be a consideration. However, these should be taken as indicative only, for two reasons.

Firstly, they cover those organisations as set within their existing operational structures – financial planning, reporting structures, etc, which are of course subject to change periodically.

Secondly, there may be other significant decisions that an organisation takes that could be deemed to be of a strategic nature in particular circumstances. Individual organisations will need to consider this.

How will the duty operate?

Different types of organisations will need to apply the duty in different ways – there is more detailed information on this on the following pages.

Even within groups of bodies, we want to leave room for flexibility and innovation – we don't want to be too prescriptive.

However, we would expect all the public bodies covered by the duty to follow the same basic approach. In general terms:

- When making key strategic decisions affecting spending and public services, they should take account of the impact those decisions may have on narrowing the gaps in outcomes experienced by different socio-economic groups.
- To do this, they should examine the evidence they hold on the inequalities relevant to the decision or issue, and the role of socio-economic factors in driving these inequalities.
- Where the evidence suggests that taking a particular decision or course of action would reduce outcome gaps, they should give appropriate weight to the desirability of taking that course of action, and balance this against other policy objectives and available resources.
- They should be able to demonstrate how they have fulfilled this duty, and their existing monitoring and reporting mechanisms should take account of this issue.

By evidence, we mean not only the key available data and statistics – which will be needed to monitor the success of different approaches – but also such sources as research studies, and evidence gathered from surveys of local people, and consultation exercises, etc, which different parts of the public sector routinely undertake.

How will Government ensure that the duty is effective?

- Where a public body decides not to take action, or decides to make a decision which will widen gaps between rich and poor, they will need to be able to explain their rationale if asked or challenged.

Monitoring performance

- How public bodies implement the duty will be monitored by inspectorates such as the Audit Commission and Ofsted, through existing mechanisms, when assessing public bodies' performance in line with their statutory duties. This is set out for each type of public body in the following pages.

Assessing compliance

- Government and other interested parties (see below) will be able to use the information made available through the monitoring process to assess a body's compliance with the duty.

Enforcement through judicial review

- Individuals or groups whose interests are affected by the decisions of a public body may be able to bring a judicial review if they think that the public body has failed to perform the duty.
- In line with the proposals set out in *Smarter Government*, there will also be a role for organisations such as charities, residents' associations, pressure groups, and local businesses to challenge such decisions – directly with the public body, through their feedback and engagement procedures – and so hold them to account in that way.

SUMMARY

The duty is about public bodies:

- focusing on key strategic decisions;
- drawing on the available evidence, and being able to demonstrate this has been taken into account;
- considering how they can better target their policies and resources to help those who are most disadvantaged;
- balancing the desirability of that aim against other objectives;
- working closely with their key partners to deliver change where possible;
- working within existing resource allocations and budgets; and
- working within existing planning, decision-making, and reporting processes.

The duty is not about:

- creating a new equalities strand or protected characteristic;
- creating new justiciable rights for individuals;
- addressing discrimination against individuals on account of socio-economic factors;
- superceding all other strategic priorities;
- creating burdensome new monitoring or reporting processes;
- directly affecting or determining operational decisions or everyday decisions; or
- requiring public bodies to use their resources to remove unequal outcomes in every case where they are identified.

4. Ministers and Central Government Departments

One of the key messages that came out of the consultation exercise that the GEO ran on the duty in the spring was that the duty must significantly affect the way that central government departments operate.

Firstly, central government holds many of the big policy levers for making changes in this area, and controls the most significant budgets.

Secondly, particular central government departments set the framework within which other organisations operate. This includes those covered directly by the duty, such as the RDAs, local authorities, police authorities, and health bodies, as well as many which are not.

So the duty needs to have an impact both directly on the way that individual departments operate, as well as on the way they influence other bodies.

Decisions of a strategic nature

There are many significant decisions that Ministers and departments take that could be deemed to be of a strategic nature in particular circumstances. But we would expect the duty to be a consideration in decisions about the following:

- Designing performance management and assessment regimes and specifying priorities within these – e.g. Public Service Agreements (PSAs);
- Setting organisational aims – e.g. Departmental Strategic Objectives (DSOs);
- Funding settlements (by and with HMT);
- Resource allocations within depts to main programme areas;
- Green and White papers, and other strategic documents; and
- Key guidance to, and funding decisions around, external bodies.

They may also make strategic decisions in regard to:

- Legislative proposals;
- Major policy papers and proposals;
- Overarching HR strategies; and
- Location of key public service facilities.

Under current arrangements (which are of course subject to change) all these to some extent flow out of the first two: PSAs, which set out the Government's overall priorities and key targets; and individual departments' DSOs, which flesh out their role in delivering the PSA targets, and a small suite of other key objectives and targets.

So we would expect Ministers and departments to focus particularly on the desirability of reducing socio-economic inequalities when developing their PSAs and DSOs. We would expect this to be strongly reflected in:

- guidance from HMT/PMDU on these, and subsequent negotiations;
- discussions within and between departments; and
- consultations with external stakeholders.

However, major decisions around changes to legislation may come up at any time, in response to events; and the development of future policy, through mechanisms such as the drafting of Green and White papers, is on-going.

We would therefore expect departments to consider whether decisions about these were of a strategic nature, and if so to consider whether the duty would be fulfilled through the relevant proposals.

Ministers and departments also sometimes take strategic decisions about the location of key public services – either where new or expanded facilities are being proposed, or where existing facilities need to be rationalised.

Where schools, hospitals and other public facilities are located affects how easily people can make use of the services they offer. If a hospital, for example, is a long way away, that may disproportionately affect the ability of poorer people to access the healthcare they need, or to visit friends or relatives in hospital. A range of factors will affect where public facilities are located but the desirability of reducing socio-economic disadvantage should be one of those factors, balanced against others.

The duty may also be relevant when departments are recruiting staff. Departments are already actively trying to recruit more women, people from ethnic minorities and disabled people to make sure their workforce reflects the population as a whole. They may also want to consider how they can attract people from different socio-economic backgrounds.

Monitoring and reporting on the implementation of the duty

The Government has made clear that the implementation of the duty should be handled through existing processes.

Ministers are ultimately accountable to Parliament. They report on their work and that of their departments through a number of mechanisms. These include Oral and Written Parliamentary Questions; select committee hearings; Public Accounts Committee hearings; annual reports; and periodic progress reports on PSAs, DSOs, and a range of other issues, such as the diversity of their workforces.

Parliament is also informed about the work of Departments by the National Audit Office, which audits central government accounts and reports to Parliament on the value for money achieved by government projects and programmes.

Ministers are also held to account more generally by the opposition, the media, the general public, and a wide range of private and third sector organisations.

So Ministers and departments will therefore need to be prepared to demonstrate that they have acted in accordance with the principles set out on page 17, namely that they have:

- identified the key strategic decisions they take which have an impact on socio-economic inequalities;
- considered the evidence on socio-economic inequalities relevant to them; and
- given due consideration to the desirability of reducing socio-economic inequalities.

In some cases, departments may choose to achieve this by the using their existing Equality Impact Assessment processes and forms – suitably adapted to take account of socio-economic factors.

In other cases, departments may want to adopt a system that uses their internal financial control mechanisms to flag up decisions involving certain sums as being more likely to be strategic decisions.

Individual Departments will be free to decide how best to approach this. The key thing is that the data and wider evidence is studied, and that the desirability of taking action is given due consideration, alongside other priorities.

Health inequalities is a good example of how this can work in practice:

The Department for Health (DH) collected data on health inequalities from across the country, looking both at geographical areas and at particular groups. Analysis of the data showed that there were very significant inequalities, both between different areas and between different groups.

In response to the data, and in addition to continuing to improve the nation's health overall, the Government made tackling health inequalities a priority. It set clear targets to reduce the gap in infant mortality between those from routine-manual backgrounds and the population as a whole, and to reduce the gap in life expectancy between areas with poor health outcomes and disadvantage and England as a whole. This is reflected as part of its PSA agreements with the Treasury.

The Department then put in place a comprehensive programme to deliver this result. It targeted work on the Spearhead Group of areas – the 70 local authority (LA) areas with the worst health and deprivation indicators, and the 62 Primary Care Trusts (PCTs) mapping to them. It provided them with tailored, intensive, support, and more investment in the National Support Team for health inequalities, reaching out to all the Spearhead areas in 2009. It enhanced the National Support Team for Tobacco Control, and established new National Support Teams for Alcohol, and Infant Mortality, in each case with an inequalities focus. The Department also works closely with LAs, the Communities for Health programme, works across 83 LA areas, encouraging and supporting people in the most disadvantaged communities to adopt healthier lifestyles. Furthermore, mainstream funding to PCTs is allocated on the basis of need for health care and with the aim of reducing avoidable inequalities in health.

The Department also put in place a transparent mechanism to measure progress. The most recent report showed that progress had been made in improving the health of the most disadvantaged groups over the period to 2006-08, and gaps in regard to cardio-vascular disease and cancer have fallen. But it also highlighted that much more needed to be done and the PSA target remains challenging. DH drew on that data to set out, in *Health Inequalities: Progress and Next Steps* (June 2008) how effort would be increased to meet the 2010 target.

The Government also commissioned the independent *Post 2010 Strategic Review of Health Inequalities*, which is being chaired by Professor Sir Michael Marmot, Chair of the WHO Commission on the Social Determinants of Health. The review, to be published in February is identifying new evidence most relevant to future policy and action on reducing health inequalities in England, and will make recommendations to Government.

Summary: the Department (a) collected and analysed the necessary data; (b) identified areas where it could make a difference; (c) put in place stretching targets and an action plan to deliver them; and (d) is carefully monitoring the outcomes.

5. Local authorities

Local authorities have a key role to play in reducing socio-economic inequalities, as they take decisions that impact on housing, education, health, crime, transport, worklessness, and a whole range of other issues. They also have a key role to play in leading and influencing a range of public sector and other partners, through the local strategic partnership.

It will therefore be particularly important that they identify the key decisions relevant to the duty, and the policy areas where they can have the biggest impact.

Decisions of a strategic nature

For a local authority, we would expect decisions regarding the priorities, objectives, and targets set out in the following documents to engage the duty:

- Sustainable Community Strategy;
- Local Area Agreement;
- Local Development Framework; and
- Local Transport Plan.

Strategic decisions may also be taken in regard to:

- health and social care policies (such as working with local PCT and other bodies on the Joint Strategic Needs Assessment – see page 35);
- crime reduction policies (working with the Crime and Disorder Reduction Partnership – see page 32);
- housing strategies and policies (especially in regard to social housing);
- local employment strategies (especially in regard to those furthest from the job market);
- education policies; and
- fire and rescue policies (working with the Fire and Rescue Service)

It will be for the local authority to decide if these decisions are of a strategic nature, and whether individual planning or funding decisions, or decisions in regard to licensing, leisure services, access to green spaces, or other issues, should engage the duty.

Of course, local authorities are already doing a great deal in regard to reducing socio-economic inequalities, so this will not be a new consideration. It is a stated aim in many individual policy areas, and reflected in the overarching strategies, plans, and frameworks referred to above. Taking those in turn:

Sustainable Community Strategy (SCS)

Local authorities have a statutory duty to produce an SCS, and all the key partners in an area will be bound by the socio-economic duty when they are drawing it up. This is a key provision, as it ensures that the local authority can secure buy-in from its key partners, at that moment, and in delivering the objectives of the strategy over the next 10-20 years.

The SCS sets the overall strategic direction and long-term vision for the economic, social and environmental well-being of a local area. As we made clear in the Local Government White Paper, a key element of that is “deciding how to address difficult and cross-cutting issues such as the economic direction of an area, cohesion, social exclusion”; and the statutory guidance for the SCS notes that they should be “underpinned by a shared evidence base informed by community aspirations”.

We would therefore expect consideration of socio-economic inequalities to be an integral part of the discussions that lead to the drawing up of SCS. Local authorities will need to give due consideration to the evidence of inequalities and deprivation in their areas, and the desirability of addressing them. This is not, therefore, a new requirement. But the new duty will reinforce the importance of this, and stress the need to address inequalities over time, and for local partners to have a clear plan to achieve this.

Local Area Agreements (LAA)

The LAA is the 3-year delivery mechanism for the SCS, with targets to help deliver local priorities. The statutory guidance makes clear that it should show how “local authorities and their partners... [will] improve services and the quality of life for local people”. The local authority and its partners have the flexibility to agree an unlimited number of local targets with their local partners, and up to 35 with Government. The recent Smarter Government white paper set out the Government’s intention to strengthen local areas’ freedom to set their own priorities still further. All the priorities agreed with Government are drawn from the National

Indicator (NI) set. The set includes a wide range of measures relevant to addressing socio-economic inequalities (such as NI 120 – all-age all cause mortality rate; NI 117 – NEETs; NI 112 – Teenage pregnancies; NI 116 – Child poverty; and NI 140 – Fair treatment).

Local Development Framework (LDF)

Closely aligned to the SCS, the LDF sets out the long-term spatial planning vision for an area – typically covering a 5-year period. It is one of the documents that shapes how the SCS objectives are delivered, so considerations of socio-economic inequalities therefore feature in the way that the LDF is developed. In addition, the Government has made clear in statutory guidance that the Sustainability Appraisals, carried out on LDFs, should be “incorporating consideration of social and economic effects”, as well as looking at environmental factors.

The duty will underline the importance of considering the desirability of reducing socio-economic inequalities through this route. The way that areas are planned, the type and location of new housing, and the approach taken to the building of infrastructure and services all have a significant impact on socio-economic inequalities. While we would not normally expect individual decisions to be of a strategic nature (although, as noted, they could be, in particular circumstances), the policy context in which they are taken is very much relevant.

Local Transport Plan (LTP)

Promoting equality of opportunity is one of the five key National Transport Goals. This is reflected in our statutory guidance regarding LTPs, which makes clear that LTPs should:

“Enhance social inclusion and the regeneration of deprived or remote areas by enabling disadvantaged people to connect with employment opportunities, key local services, social networks and goods through improving accessibility, availability, affordability and acceptability.”

Where appropriate, they should also:

“Contribute to the reduction in the gap between economic growth rates for different English regions.”

Socio-economic inequalities may also be addressed by aspects of the other goals, including those on economic growth, better health, and promoting a better quality of life.

The socio-economic duty will reinforce the need for local authorities and their partners to give very careful consideration to the need to address socio-economic inequalities through the careful planning of local transport options. Access to jobs, goods, services, and social networks is particularly important for those from the most deprived areas.

Monitoring and reporting

The regional Government Offices have a role in ensuring that an area delivers against its SCS and LAA. We would therefore expect them to be looking for evidence that the key partners understand the nature of socio-economic inequality in the area, and have both a clear long-term vision for addressing it, and shorter-term policies to make that vision a reality.

The area's approach to tackling socio-economic disadvantage will also be picked up through the Comprehensive Area Assessment (CAA) process. This takes in both a general appraisal of how well the area is doing as a whole in delivering its LAA and SCS objectives; and a detailed assessment of how the local authority and its key local partners are themselves performing.

We are working with the Audit Commission to agree in detail the processes whereby these assessments will take place.

Local authorities are also, of course, held to account by local opposition parties, as well as local citizens, community groups, and special interest groups. In line with the principles set out in the local government white paper, and reinforced by the proposals in *Smarter Government*, published by the Prime Minister on 7 December 2009, we are keen to encourage local accountability and citizen engagement. Given the keen interest that addressing socio-economic disadvantage always generates, we would expect this to be an effective mechanism for ensuring compliance with the duty.

Example – Braunstone – Getting to Hospital

Local Authorities in England (outside London) are obliged to assess whether people, living in their area are able to reach key services by public transport as part of Local Transport Plans for 2006-2011. Key services include hospitals, employment centres, doctors, supermarkets, crèche facilities, schools and colleges, as well as post offices, banks and leisure services etc.

The Braunstone Bus and the Wythenshawe Local Link are examples of services which address social inclusion in deprived neighbourhoods. Both enable trips to local hospitals which would otherwise be costly and time consuming. Forty-two percent of those surveyed on the Braunstone Bus and 23 percent of those using the Wythenshawe Local Link said they would not be able to access healthcare without the bus².

“Yes, the hospital’s actually a nightmare to get to and it always has been, there’s never been a decent bus route to the hospital and I’ve had to use the hospital quite a lot fairly recently, so it was either relying on taxis to get me there or using the Local Link”.

Employed man, Wythenshawe Local Link, Manchester

Example – Camden – Youth Inclusion

Camden Council runs a ‘Choice and Opportunities On-Line (COO-L) scheme which gives eligible children at the borough’s secondary schools a £15 a month ‘bursary’ to pay for leisure and sporting activities, including martial arts, theatre and theme park trips and gym passes. The scheme is available to all Camden residents aged 12-16 who are eligible for free school meals, have special educational needs or are in care.

None of the children involved in the scheme receive cash. Instead, the bursary is delivered through a specific website where activities can be booked online. The aim is to provide freedom of choice to young people to take part in activities they are interested in and to try out new activities without having to worry about the cost.

² ‘The benefits of providing new public transport to deprived areas’. Joseph Rowntree Foundation, July 2008.

Example – Brighton – Turning the Tide

Brighton and Hove Council's Housing Services have recently launched "Turning the Tide" – a new focussed strategy to address socio-economic disadvantage among the city's most deprived council housing tenants.

This follows a major study of disadvantage across the city, which identified around 1500 households facing multiple deprivation (using statistics on employment, education, housing, and health) as well as local evidence about crime and environment.

The strategy is based on giving those key households targeted, additional support, with – where necessary – a clear plan of action agreed with the household. That means a balance of support and enforcement to tackle crime and anti-social behaviour problems – in the area, or in the family itself; support to address drug and alcohol problems; support, training and counselling for parents dealing with difficult children – including identifying positive male role models to mentor boys; and support to find work, or learning opportunities, or to set up a social enterprise.

The aim is clear – to put in place a programme of early intervention and a more assertive approach that will break the cycle of inter-generational disadvantage, and ensure that everyone in those households has a fair chance to get on and better themselves.

The strategy is a pilot and if successful the long-term aim is to enable other social housing providers in the city to develop and adopt a similar model.

6. Police authorities

There is a strong link between socio-economic deprivation and crime. All deprived areas have crime levels well above the national average. Households in deprived areas are more than twice as likely to be victims of burglary.

There is also a strong link between deprivation and being a perpetrator of crime. Home Office research showed that in 2002 67% of prisoners were unemployed in the four weeks before their imprisonment, compared with an unemployment rate of around 5% of the general population.

Police Authorities are responsible for setting key police targets, objectives and strategies. So there is a very clear role for police authorities to engage in addressing socio-economic inequalities.

Decisions of a strategic nature

The key strategic decisions that the police authority makes will be in regard to the Local Policing Plan (LPP). This sets out the key policing objectives for the area. LPPs take account of national priorities, but also local factors, drawing on evidence in the local area, and the views of local people. The police authority has oversight of this, and considerable discretion as to the key objectives for an area. It will want to ensure that tackling socio-economic disadvantage is strongly reflected in the LPP.

Delivering the objectives of the LPP forms the basis of the Chief Constable's objectives in each area. The police authority therefore has a role in ensuring that the key objectives in the plan are delivered, through its performance assessment of the Chief Constable.

Specifically, police authorities can have a role in:

- Ensuring that community engagement is a reality in deprived areas. People there should feel listened to, and that their concerns have been taken on board – particularly where these are about crime, the causes of crime, and – very importantly – the fear of crime.
- Ensuring the police are engaging effectively with young people in the area – being visible to them, helping run diversionary activities, joining up effectively with partners, such as the local authorities youth services, and listening to the concerns of young people. This kind of engagement is crucial in building trust, breaking down stereotypes, and supporting those most at risk.

- Helping to build bridges between different communities, between age groups, and between neighbouring areas.
- Encouraging more diversity in police recruitment, to ensure that the police are recruiting people from deprived areas – officers, staff, PCSOs – people who understand those communities, and can be role models to others there.

Partnership working

The police authority will also have a role in ensuring that the Crime and Disorder Reduction Strategy reflects the desirability of addressing socio-economic disadvantage. That strategy is drawn up by the Crime and Disorder Reduction Partnership (CDRP), which takes in the police, the local authority, and other local partners, such as businesses and third sector groups. It sets out the wider social order objectives for an area.

There is also a key role for police authorities in ensuring that the CDRP works effectively with the rest of the Local Strategic Partnership more broadly to help tackle wider socio-economic disadvantage – looking for areas where the police can add value to that wider work, or have expertise or information to share that will help the wider partnership achieve its aims.

Police authorities also make a key decision with the local authority in regard to the precept in council tax bills that goes to the local police.

Monitoring and enforcement

Police Authorities are assessed through the new joint inspections carried out by HMIC and the Audit Commission. We will be discussing with those bodies how best the performance of authorities in regard to addressing socio-economic inequalities can be assessed.

They are also assessed, alongside local authorities and health bodies, through the CAA process. We will want to be satisfied that all the key public authorities in an area are giving due consideration to the desirability of tackling socio-economic inequalities, and working together effectively on this.

Local crime rates are also relevant. Some of these are recorded through the CAA process, but others are reported through the APAC, and the British Crime Survey. If there is a particular problem with high crime in an area, the police authority will be expected to flag that with the Chief Constable, and put in place (through the LPP) measures to address it. An assessment of crime rates will show whether the authority has worked effectively with the police to drive progress in that area.

Examples

Police in East Manchester run several projects in an effort to reduce crime in its deprived communities, including additional officers, home security projects, neighborhood wardens, better use of CCTV and street lighting. They also organise frequent consultation between officers and local people so they can identify families where there is a risk of offending. Within the first year of this targeted approach, total crime in East Manchester fell 25% compared with the previous year.

The police authority in Redcar and Cleveland runs a very successful police cadets programme for 13-17 year olds. The programme offers opportunities for young people to develop life and citizenship skills while fostering a real sense of responsibility for the communities in which they live.

In an attempt to reduce tensions, police in East London have organised workshops where young people are able to share their concerns about stop and search, and suggest ways to improve methodology.

7. Primary Care Trusts (PCTs) and Strategic Health Authorities (SHAs)

In recent years, the Government has made significant progress in tackling health inequalities. This has been led by the Department for Health (see p24), and driven by a clear PSA target. However, there is still much more to do. The underlying determinants of health inequalities are many and varied, but there is a key role for PCTs and SHAs, both in addressing inequalities directly, and in signposting where work is needed in other areas to tackle these underlying factors. For example, a PCT may pick up issues to do with the quality of local housing, or access to sports facilities, which are primarily for the local authority to deal with.

Likewise, there is also a key role for health bodies in regard to other socio-economic inequalities. For example, mental health services for children are very important in ensuring good educational outcomes, which in turn correlate quite strongly to socio-economic status; and poor health in adulthood can greatly affect a person's employment prospects, and in turn their socio-economic prospects. We would therefore expect health bodies to be looking at their partnership arrangements with the duty in mind, and thinking how their contribution can aid other socio-economic outcomes.

7(a) Primary Care Trusts (PCTs)

PCTs are expected to demonstrate they are improving health outcomes and reducing health inequalities as well as those areas identified for national action through effective commissioning. PCTs develop operational plans, that set out their ambitions to drive up the quality of care received and improve the health and wellbeing of the citizens they serve.

The World Class Commissioning Assurance framework assesses PCTs capacity and capability by annually measuring their progress in a number of domains. These include effective partnership working, understanding current and future health needs of their population, demonstration of continuous improvements in outcomes and quality, and ensuring efficiency and effectiveness of spend. In addition the operational plans are subject to challenge by the SHA and their success in delivering national priorities is scrutinised by the Care Quality Commission through periodic reviews. The CAA process then brings together the full range of knowledge across an area to set out what outcomes are being achieved by the Local Strategic Partnership.

PCTs are significant commissioners of services provided by others – Mental Health Trusts, health visitors, community nurses, youth health services, etc. They may decide that the duty should be reflected in their approach to commissioning services.

PCTs and upper tier local authorities have a statutory duty to produce a Joint Strategic Needs Assessment (JSNA), which maps out the current and future health and wellbeing needs of their local community, identifies health inequalities, documents evidence of effective interventions and builds local consensus on priority issues to address. The JSNA is a starting point for local strategic planning and for both single agency and joint commissioning for health and wellbeing. The JSNA should inform commissioners and other local strategic planning processes such as the Sustainable Communities Strategy, LAA, and the PCT Strategic Plan, so establishing single agency or joint actions and targets to address the wider determinants of health and socio-economic inequalities (for example, housing, transport, education, social care).

As the statutory guidance on the JSNA makes clear:

“The JSNA is a tool to identify ‘the big picture’ in terms of the health and wellbeing needs and inequalities of a local population to inform more effective and targeted service provision... The Local Strategic Partnership, through the Sustainable Community Strategy and Local Area Agreement, will determine the shared targets to meet those needs.”

Through its Strategic Plan, the PCT will be involved in delivering those shared targets and reducing health inequalities, and other socio-economic inequalities. The JSNA is the first step in PCT and Local Authority commissioning cycles and is integral to a number of World Class Commissioning competencies for PCTs.

PCT strategic and reconfiguration plans are already subject to Overview and Scrutiny Committee review and challenge. In developing these, PCTs and SHAs will need to ensure due regard is explicitly given to reducing health inequalities and the impact of socio-economic inequalities as well as promoting equality across the protected personal characteristics.

Directors of Public Health may also choose to address these issues in their annual reports.

7(b) Strategic Health Authorities

SHAs are effectively the headquarters of the NHS in each region. They are responsible for:

- Developing plans for improving health services in their local area;
- Making sure local health services are of a high quality and are performing well;
- Increasing the capacity of local health services – so they can provide more services;
- Making sure national priorities – for example, programmes for improving cancer services – are integrated into local health service plans

They therefore have a key role in challenging PCTs, to ensure that work on health inequalities, and wider socio-economic inequalities, is given sufficient priority. We will be expecting them to consider the desirability of reducing socio-economic inequalities when they are performing this role.

SHAs also have a role in early challenge of PCT reconfiguration and strategic plans and should ensure these give due regard to wider socio-economic inequalities.

SHAs are held to account for their performance by the Department of Health. This accountability is being strengthened through the annual SHA Assurance programme, year one of which is currently being implemented. Through this process, SHAs are assessed against a number of performance 'arenas' including: health partnership working; quality and clinical outcomes; and improving and protecting health and wellbeing. We will ensure that the process makes clear the importance of work to reduce health inequalities, as well as picking up the important role the SHA can have in engaging with other bodies at the local and regional level to tackle a wider range of socio-economic inequalities.

8. Regional Development Agencies

RDAs are the strategic drivers of regional economic development and regeneration in their region. Their work aims to help the regions improve their relative competitiveness and reduce the imbalance that exists within and between regions.

RDAs can play a role in reducing socio-economic inequalities through: supporting business development and competitiveness; encouraging public and private investment; and connecting people to economic opportunities. The decisions they make impact on education, skills, access to jobs, and the quality of the region's environment and infrastructure. All these issues can play an important role in narrowing outcome gaps.

This RDA role is reflected in Public Service Agreement (PSA) targets to reduce the gap in economic growth rates between regions; maximise employment opportunities for all; and improve the skills of the population. So the socio-economic duty is very much in line with existing RDA core work. But the duty will put that work on a statutory footing, both giving it a fresh impetus now and ensuring that it endures in the future.

Decisions of a strategic nature

Given their strategic function as organisations, many of the decisions that RDAs make are likely to be of a strategic nature. We would particularly expect the duty to be engaged when they are making decisions regarding the priorities, objectives, and targets set out in their:

- Regional Strategies; and
- Corporate Plans.

They may also take strategic decisions in regard to:

- Major infrastructure projects;
- Economic participation policies;
- Transport Priorities;
- Business support strategies;
- Cultural infrastructure strategies;
- Rural development strategies;
- Awards of significant capital grants;
- Planning and housing policy; and

- Partnership activity (working with local authorities on local area agreements and multi-area agreements).

As with other public bodies, it will be for the RDAs themselves to decide which of these decisions, in what cases, are decisions of a strategic nature.

Regional Strategies

Regional Strategies, drawn up jointly by the RDA and the Leader's Board, set out an agreed vision for a region over a 15 – 20 year time horizon and identify key regional challenges. They promote sustainable economic growth; contribute to sustainable development and regeneration; and guide the activities, plans and investment decisions of public sector agencies, local authorities, and other regional partners.

Regional Strategies set out how development and investment in places and sectors is prioritised and contribute to central decision making. They bring together policies which are focussed on the social, health and wellbeing of the region.

The strategies set out the long, medium and short-term actions required to implement the policies therein, and those policies that are specific to particular areas.

Given this strategic remit, we would expect the strategies to reflect consideration of socio-economic inequalities, particularly where they are setting out priorities for the future economic development of the region, its infrastructure, and regeneration.

It is already a requirement that those drawing up the strategy should take account of an evidence base which is proportionate and relevant to the policies being prepared and is underpinned by analysis of the economic, environmental and social, health and wellbeing challenges and opportunities within the region over the lifespan of the strategy and beyond. The resulting policies and priorities should broadly cover these areas and should include identification of areas of communities within a region that should be a priority for economic growth, regeneration and investment. These areas should be based upon relative deprivation, worklessness, economic and environmental inequalities, health and social inequalities, social exclusion, skills levels, housing stock and the adequacy of infrastructure provision. The duty will ensure that, when setting those priorities and drawing up the strategy, the desirability of reducing the inequalities of outcome which result from socio-economic disadvantage are given due weight.

Corporate plans

RDA Corporate Plans set out their specific priorities and objectives for a three-year period. They include outcome-focussed objectives on the RDAs' support for regional economic growth, as well as broader objectives showing how they will apply cross-cutting principles related to sustainable development and economic opportunities for all.

The plans also establish how the RDAs will address the increasingly strategic role required for them following the Government's review of sub-national economic development and regeneration. This includes their preparation of Regional Strategies.

We would expect corporate plans to reflect consideration of socio-economic inequalities, and for RDAs to show how they will work with local authorities and sub-regional partners to address these issues.

RDA Sponsorship Framework

RDA Corporate Plans need to take account of the cross-cutting principles set out in the RDA Sponsorship Framework, which include references to tackling socio-economic disadvantage. RDAs should promote:

- a) Sustainable development
which includes ensuring a strong, healthy and just society; and
- b) Economic Opportunities for All
which includes ensuring that all localities within the region can achieve their potential, and tackling spatial concentrations of deprivation.

We will ensure that the RDAs are held to account against these principles.

Monitoring compliance

RDAs and local authority leaders' boards, as joint owners of the new regional strategy, will be jointly responsible for ensuring that it takes due account of socio-economic inequalities. There will also be a role for BIS, whose Minister ultimately jointly approves those strategies.

The regional strategy is also subject to scrutiny through the Regional Select and Grand Committees. We would expect these to take a keen interest in the RDAs' role in addressing socio-economic inequalities.

RDAs and leaders' boards, as the responsible regional authorities, are also required to prepare and publish an annual monitoring report on the implementation of the regional strategy. This has to be submitted to the Secretary of State.

More generally, RDA performance is monitored through the RDAs' performance management framework. This comprises a number of elements including independent assessment of performance, annual performance reports, and regular strategic review meetings with BIS as sponsor Department.

Annex A: Socio-economic inequalities – Part I of the Equality Bill

Part I: Socio-economic inequalities

I Public sector duty regarding socio-economic inequalities

- (1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, 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.
- (2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued by a Minister of the Crown.
- (3) The authorities to which this section applies are –
 - (a) a Minister of the Crown;
 - (b) a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters;
 - (c) a county council or district council in England;
 - (d) the Greater London Authority;
 - (e) a London borough council;
 - (f) the Common Council of the City of London in its capacity as a local authority;
 - (g) the Council of the Isles of Scilly;
 - (h) a Strategic Health Authority established under section 13 of the National Health Service Act 2006, or continued in existence by virtue of that section;
 - (i) a Primary Care Trust established under section 18 of that Act, or continued in existence by virtue of that section;
 - (j) a regional development agency established by the Regional Development Agencies Act 1998;
 - (k) a police authority established for an area in England.

- (4) This section also applies to an authority that –
 - (a) is a partner authority in relation to a responsible local authority, and
 - (b) does not fall within subsection (3),but only in relation to its participation in the preparation or modification of a sustainable community strategy.
- (5) In subsection (4) –

“partner authority” has the meaning given by section 104 of the Local Government and Public Involvement in Health Act 2007; “responsible local authority” has the meaning given by section 103 of that Act; “sustainable community strategy” means a strategy prepared under section 4 of the Local Government Act 2000.
- (6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration and Asylum Act 1999.

2 Power to amend section 1


- (1) A Minister of the Crown may by regulations amend section 1 –
 - (a) to add a public authority to the authorities that are subject to the duty under subsection (1) of that section;
 - (b) to remove an authority from those that are subject to the duty;
 - (c) to make the duty apply, in the case of a particular authority, only in relation to certain functions that it has;
 - (d) in the case of an authority to which the application of the duty is already restricted to certain functions, to remove or alter the restriction.
- (2) In subsection (1) “public authority” means an authority that has functions of a public nature.
- (3) Provision made under subsection (1) may not impose a duty on an authority in relation to any devolved Scottish functions or devolved Welsh functions.

- (4) The Scottish Ministers or the Welsh Ministers may by regulations amend section 1 –
 - (a) to add a relevant authority to the authorities that are subject to the duty under subsection (1) of that section;
 - (b) to remove a relevant authority from those that are subject to the duty;
 - (c) to make the duty apply, in the case of a particular relevant authority, only in relation to certain functions that it has;
 - (d) in the case of a relevant authority to which the application of the duty is already restricted to certain functions, to remove or alter the restriction.
- (5) For the purposes of the power conferred by subsection (4) on the Scottish Ministers, “relevant authority” means an authority whose functions –
 - (a) are exercisable only in or as regards Scotland,
 - (b) are wholly or mainly devolved Scottish functions, and
 - (c) correspond or are similar to those of an authority for the time being specified in section 1(3).
- (6) For the purposes of the power conferred by subsection (4) on the Welsh Ministers, “relevant authority” means an authority whose functions –
 - (a) are exercisable only in or as regards Wales,
 - (b) are wholly or mainly devolved Welsh functions, and
 - (c) correspond or are similar to those of an authority for the time being specified in subsection (3) of section 1 or referred to in subsection (4) of that section.
- (7) Before making regulations under this section, the Scottish Ministers or the Welsh Ministers must consult a Minister of the Crown.
- (8) Regulations under this section may make any amendments of section 1 that appear to the Minister or Ministers to be necessary or expedient in consequence of provision made under subsection (1) or (as the case may be) subsection (4).

- (9) Provision made by the Scottish Ministers or the Welsh Ministers in reliance on subsection (8) may, in particular, amend section 1 –
 - (a) to confer on the Ministers a power to issue guidance;
 - (b) to require a relevant authority to take into account any guidance issued under a power conferred by virtue of paragraph (a);
 - (c) to disapply section 1(2) in consequence of the imposition of a requirement by virtue of paragraph (b).
- (10) Before issuing guidance under a power conferred by virtue of subsection (9)(a), the Ministers must –
 - (a) take into account any guidance issued by a Minister of the Crown under section 1;
 - (b) consult a Minister of the Crown.
- (11) For the purposes of this section –
 - (a) a function is a devolved Scottish function if it is exercisable in or as regards Scotland and it does not relate to reserved matters (within the meaning of the Scotland Act 1998);
 - (b) a function is a devolved Welsh function if it relates to a matter in respect of which functions are exercisable by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or to a matter within the legislative competence of the National Assembly for Wales.

3 Enforcement

A failure in respect of a performance of a duty under section 1 does not confer a cause of action at private law.



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