



**‘Discrimination and disadvantage. Narrowing the gap’
Seminar on 10 March 2009, Westminster, London SW1**

Feedback from participants

Questions to the Equality Minister Harriet Harman QC MP addressed the following issues:

- There were concerns about how the duty would be enforced, given the focus on a ‘light touch’ in the discussion paper.
- It was felt that there needs to be greater clarity about where the duty will bite and how it will operate in practice.
- There was a concern that chronically excluded groups will remain untouched by these initiatives.
- Examples in the discussion paper tended to be at local level. However, a new duty could be most effective where it is imposed on Central Government ministries such as the Treasury, in its taxation policy, and the Department for Business, Enterprise and Regulatory Reform.
- The importance of being treated with dignity and respect was stressed; would it be possible to incorporate that as something which all public service deliverers have to demonstrate?
- There was a question about whether the new duty could be included in the integrated equality duty to be introduced in the Equality Bill.
- It was stressed that it is important to make the links between human rights and inequality.
- There were questions about the definition of socio-economic disadvantage: how wide is it, how does it relate to class and how can one define it in a way that engages with individual rights?
- There was a concern that the Government is underestimating the quantity and type of measurable information that introducing the duty properly will require.
- It was argued that introducing a non-judicial duty alongside existing duties that are legally enforceable will inevitably create a hierarchy of rights.

Feedback from group discussions

Responses to the proposal

The majority of participants expressed broad support for the proposal in principle but felt there needs to be greater clarity and stronger enforcement measures than at present envisaged if it is to be effective.

Who the duty should apply to and what it should cover

- The duty should include ‘due regard’ rather than just a requirement to ‘consider’ socio-economic disadvantage.
- In considering what inequalities should be covered by the duty, it was suggested that the focus should be on the gaps in socio-economic status, rather than outcomes below a defined threshold.
- It was also suggested that the duty could focus on the impact of income disadvantage in accessing public services.

- The duty should include dignity and respect as qualitative elements that should either strengthen equality as an outcome or dignity/respect as an outcome.
- It was argued that the duty must apply to central government departments and it is at this strategic level that it has the potential to make a difference.

Implementation, monitoring and enforcement arrangements

- In terms of monitoring and enforcement, it was felt that the lack of legislative obligation in the duty significantly weakened the proposal.
- Better guidance on implementing the duty would help to make it effective.
- The lack of detail on monitoring requirements was a concern. One group of participants felt that the duty as currently drafted had too much of a 'take it or leave it' feel to it.
- It was suggested that a PSA (Public Service Agreement) would be an appropriate monitoring mechanism, and this should be considered in the upcoming review of PSA15.
- The role of inspectorates, such as OFSTED, could be important in terms of enforcement and monitoring.
- A statutory code of practice to accompany the duty would be helpful.
- It was suggested that it would be imperative for frontline staff, particularly in local government, to be given training about socio-economic disadvantage in order to implement the duty effectively.
- Local authorities and central government should be required to gather and publish data in a clear and accessible way, which could be challenged if necessary.
- The lack of reliable data at local level was a concern: different data is available in different areas and extra data collection will require additional resources.
- The lack of local data could mean that a regional focus would be more effective and it was suggested that knowledge and expertise from local strategic partnerships could be pooled in order to draw data for a fuller picture.
- It might be useful to build into the provision a requirement for periodic reporting on progress to Parliament, with sufficient time put aside for Parliamentary discussion and debate.

Other points

- A link to human rights should be made, for example, to Article 14 of the Human Rights Act.
- Past work and progress in addressing socio-economic disadvantage and poverty needs to be acknowledged.
- There is a risk that the duty will focus on the obvious or easier targets, and not help the most excluded groups (such as Gypsies and Travellers, asylum seekers, homeless people etc).
- The Government should be prepared for negative media responses.
- It is important to ensure that work on the new duty does not cause any delay to the introduction and passage of Equality Bill.
- It was suggested that, in tackling socio-economic disadvantage, a purpose clause in the Equality Bill would be extremely beneficial.
- A socio-economic duty needs to be considered alongside the proposed child poverty duty. The former would have a wider coverage than the child poverty duty, for example, it could cover the welfare of a single woman before she gives birth. A co-ordinated approach to the different duties will be required.