

Appendix 1 – Horizon Scanning and insight

Background

1. A multi-functional team of officers worked together to appraise options for the potential voluntary adoption and implementation of Section 1 of the Equality Act 2010 – the socio-economic duty (SED) by Oxford City Council.
2. The work involved considering potential legal risks and their mitigation, and how the SED could best be operationalised as part of the Council’s existing policymaking and decision-making processes. Officers looked both at the Council’s existing approaches, which in many cases already involve consideration of socio-economic factors, as well as seeking information from other English councils that have already voluntarily adopted the SED. Discussions were also held with Edinburgh City Council which has statutorily adopted the Scottish legal equivalent of the SED.

Legal Duty

3. The general duty under the Public Sector Duty within the Equality Act 2010, requires the Council to have due regard to:
 - Eliminating unlawful discrimination, harassment, and victimisation.
 - Advancing equality of opportunity between different groups.
 - Fostering good relations between different groups.
4. [Section 1](#) of the Equality Act 2010 asks public authorities to actively consider the way in which their policies and strategic decisions can increase or decrease inequalities.
5. Equivalent legislation was introduced in Scotland in April 2018 (known as the “Fairer Scotland Duty”¹) and in March 2021 in Wales².
6. The Equality Act 2010 imposes legal obligations around 9 protected characteristics. Adding a 10th dimension without appropriate governance could leave the Council open to legal challenge and risks, as it could cause confusion and may be misaligned to existing policies and work.

Horizon Scanning

7. The Equality Act notes that no single protected characteristic disadvantages a person on its own. Frequently, multiple social characteristics will have cumulative and overlapping impacts, and this often includes economic factors.
8. While drafted, Section 1 of the Equality Act, which is also called the **public sector duty regarding socio-economic inequalities**, has not been brought into force for public authorities in England. However, some councils have voluntarily adopted it, or are taking steps to tackle socio-economic disadvantage and therefore are acting in the spirit of the duty. They are showing [what the duty could look like in practice](#).
9. Voluntarily adopting the duty can complement anti-poverty initiatives, inclusive economy, and equalities approaches, and may be considered to contribute to a ‘levelling up’ agenda in line with central government and strategic local government objectives.
10. Given the legislation is being utilised in Scotland and Wales, there is a convincing argument to be made for considering it as a tool within the Council’s policy and decision-

¹ [Fairer Scotland Duty: interim guidance for public bodies](#)

² [The Socio-economic Duty: guidance and resources for public bodies](#)

making framework. There is no shortage of data that demonstrates the city of Oxford has a highly disproportionate economic distribution.

11. According to [the English Indices of Deprivation \(2019\)](#) which measures deprivation in areas of income, employment, education, and health, amongst others, Oxford includes six of the most deprived wards in Oxfordshire. Furthermore, an LSOA within Northfield Brook ward [in Oxford](#) is among the 10% most deprived areas of the country. At the other end of the spectrum, Oxford includes 12 LSOAs among the 10% least deprived areas in the country. This indicates that experience around socio-economic mobility is highly varied across the city.
12. Data, some insights, and benchmarks are available for the city to use in council decision making ([e.g. Census, Local Profiles, etc.](#)).
13. As part of the Council's current review of its Equality Impact Assessment form (EqIA form), a proxy indicator of "people on low incomes" has been added as an additional voluntary consideration. The EqIA form was under review by members of the Council's Equality Steering Group, it was formally launched across the Council in November 2023.
14. An example of voluntarily SED consideration was implemented in the Council's decision making where [the Cabinet granted project approval](#) to create a Youth Hub at Leys Pools and Leisure Centre. SED significantly informed parts of the [EqIA form](#) submitted as a report appendix.
15. In January 2023, the Oxfordshire Inclusive Economy Partnership developed the [Oxfordshire Inclusive Economy Charter](#). The charter has 13 pledges including those directly or indirectly supporting SED (e.g. "As an employer we pledge to pay the Oxford Living Wage"). The Council confirmed its [intention to sign the charter in July 2023](#), and to endorse a series of Oxford City Council pledges that officers in respective service areas will deliver against, within existing committed budgets and for the duration of the current Medium Term Financial Strategy:
 - Support local and social economy.
 - Opportunities to work.
 - Improve training and educational attainment.
 - Sharing resources, skills, and assets.

The Council's progress/performance against the pledges will be reported annually to Cabinet/ Scrutiny Committee by the Economic Development Team and the results shared on the Council's website.

16. [Greater Manchester Poverty Action found that in 2021](#)³, one in seven local councils had voluntarily adopted SED, and over half of councils were 'acting in the spirit of the duty' by considering socio-economic status in equality impact assessments for strategic decision-making and policy development. It should be noted there isn't a single standardised approach for how SED is being applied. Case studies include:
 - Hackney Council - Voluntarily adopted socio-economically disadvantaged groups as a protected characteristic.
 - Greater Manchester - Transport for Greater Manchester – Formally adopted SED in 2022, during a period in which it was also refreshing its inclusion and equalities strategy. This decision brought it in line with five local authorities in Greater Manchester, which have all adopted, or were in the process of adopting, the SED.

³ The socio-economic duty in action: Case studies from England and Wales; Megan Issac and Anna Lopez.

- Harborough District Council - Has used SED to embed considerations of socio-disadvantage into its decision making since 2021.
 - Merseyside Fire and Rescue Service - Adopted SED in 2021 as part of the MFRS equality analysis process, and in May 2023 formally agreed to report on the duty annually, highlighting key activity across the Merseyside region.
 - North of Tyne Combined Authority - In June 2020, North of Tyne Combined Authority implemented the SED duty through its updated Equality and Diversity Policy.
 - Oldham City Council - Its Equality Impact Assessment integrates socio-economic disadvantage with the proxy indicator of “people on low incomes” and reviews are subject to scrutiny within the council.
 - Newcastle Council – In June 2020, explicitly decided to treat SED as if it were in force.
 - Salford City Council - committed to adopting SED in 2021, as part of its refreshed Tackling Poverty Strategy, although they had previously been working in the spirit of the duty for some time.
 - Wigan Council – Adopted an equality objective (2022) “*to ensure our emerging Community Wealth Building approaches are inclusive and Promote Equality & Diversity*” – “reducing socio economic disadvantage and poverty, by building wealth and opportunity for all our communities”.
17. Oxford Brookes University: Socio-economic status is not a focus of its Equality, Diversity and Inclusion work, except in relation to undergraduate admissions. Details of this work can be found in [its Access and Participation Plan](#).
18. Oxford University (OU): SED is feeding into its student widening access and participation plan and managed via the OU student administration side. It is something that centrally the Vice Chancellor wants OU to tackle, however, it has not practically (to the Equality Diversity Unit’s knowledge), been taken forward.
19. Just Fair interviewed⁴ 20 council representatives, senior officers and voluntary sector groups in Manchester, Newcastle, Oldham, Wigan, Bristol, York, and the London Borough of Islington. Respondents used different frames and agendas to articulate their policies: Fairness, inclusive growth, impact assessment, equality budgeting, economic disadvantage, social exclusion. All of them were clear that austerity had prompted them to react both because of the way social security reforms were affecting their residents and because of the limitations on local government funding.⁵
20. In 2022, Greater Manchester Poverty Action produced a briefing⁶ on the current scale of SED in England found that:
- “One in seven councils have voluntarily adopted the SED.”
 - “A large number of councils are ‘acting in the spirit of the duty,’ with over half considering socio-economic status in equality impact assessments and in strategic decision making and policy development.”
 - Both Labour and Conservative controlled councils have adopted the duty.”

⁴ [Just Fair: Tackling Socio-Economic Inequalities Locally: Good practices in the implementation of the socio-economic duty by local authorities in England; June 2018](#)

⁵ [Oxford Human rights Hub](#) - The socio-economic duty: A powerful idea hidden in plain sight in the Equality Act; by Koldo Casla, May 14 2019.

⁶ [Greater Manchester Poverty Action Group: Briefing on the current scale of socio-economic duty in England; 2022](#)

- “The percentage of local authorities who have adopted the socio-economic duty varies greatly across England. The regions with the highest proportion of local authorities adopting the duty are London, the Northeast and the North West.”
 - “Local authorities with high levels of child poverty are more likely to have voluntarily adopted the duty.”
21. Oxfordshire County Council (“the County”) has emerging policymaking steps associated with “Financial Inequality and Deprivation.” Early connection has been made by the Council’s Policy and Partnerships Officer and the County Policy Officer for Partnerships and Delivery (Focus on deprivation, cost-of-living, inequalities).
22. In June 2021, the Greater Manchester Poverty Group (“the GMPG”) produced “[A Practical Guide for Local Authority Implementation of the Socio-Economic Duty in England](#)”. The GMPG guide sets out 6 steps for implementation of the SED that could be applied by Oxford City Council.
- Meaningful impact assessments to understand the consequences of socio-economic disadvantage.
 - Using data effectively as a tool for decision-making and accountability.
 - Encouraging strong and visible leadership.
 - Principles of working in partnership with people with lived experience of socio-economic disadvantage.
 - Engaging with residents, civil society, and voluntary and community sector organisations.
 - Ensuring access to justice, and monitoring impact and compliance.

Use of Data

23. Among the local authorities and organisations officers spoke to and as detailed in Appendix 2 (‘Feedback from other Local Authorities on data proxies’), a range of datasets are being used as proxies for socio-economic deprivation and it is acknowledged that socio-economic deprivation can be defined and measured in a variety of ways.
24. Using a range of relevant data, including both quantitative and qualitative, would therefore seem to be the best approach in determining deprivation and implementing SED. Exactly what data is used should ideally be informed on a case-by-case basis, dependent what the project is, its aims and desired outcomes. Recency and granularity of available data may also dictate what can be used.
25. It is also important to note, as flagged by other local authorities, that socio-economic inequality has intersectional aspects and therefore the use of multiple datasets may often be needed.
26. Examples of proxy data based on internal discussions and those being used by other councils could include the following. This is not an exhaustive list and depending on the project other datasets may be required.
- **Income deprivation** – low-income households, poverty both before and after housing costs as well as Indices of multiple deprivation data.
 - **Health** – disability, those in poor health, those providing unpaid care
 - **Education** – pupil premium, low educational attainment, receipt of free school meals
 - **Employment** – those who are unemployed and in receipt of benefits
 - **Food poverty** – those accessing food banks
 - **Housing** – private renters struggling to pay rent, those living in overcrowded conditions

- **Benefits receipt** – receipt of certain benefits which relates to several of the categories above (such as housing benefits, carer’s allowance, disability living allowance and housing benefits).

27. In addition to the use quantitative datasets, there can be real value in engaging with people with lived experience of socio-economic disadvantage to gain a deeper understanding of what this means and the best strategies for tackling it together.

Operationalisation at Oxford City Council

28. The external horizon scan has built confidence that the SED could be adopted by Oxford City Council as part of its policymaking process. However, to ensure this is robust it is recommended a number of further steps are taken by officers before a final decision on adoption is taken:

- The Equalities Steering Group (ESG) – a cross-departmental team - to develop a full implementation plan for SED - this could include:
 - Ensure that the Council’s EqIA effectively incorporates SED.
 - A ‘soft launch’ period of training and guidance for staff and Members. After this period, the ESG undertakes a review across different teams who have utilised the duty to understand practical challenges.
 - Review the Council’s 2022 Equality, Diversity and Inclusion strategy and consider how the SED may already be reflected.
 - Have a clear understanding of what is being measured with respect to SED (for example, number of jobs created, gender pay gap, to name a few) and the impact we are seeking to report.
 - Review the Council’s Oxford Inclusive Economy Charter to consider how the SED may already be reflected.
 - Ensure that clear and strong governance and reporting is in place, so that the Council knows decisions are being made as robustly as possible to mitigate any legal ambiguity and concern.
 - Work with the Council’s Business Intelligence Unit on what data and insight can best support effective completion of EIAs (Equality Impact Assessment) and decision making.

29. Assign the Business Intelligence Unit the task of identifying and providing recommendations for the adoption of an Oxford proxy measure/measures for the city. This might include the same eligibility criteria as for Bonus Leisure Card offer.

30. Design a reporting framework for key actions and activities undertaken under the SED provisions. Two options may be considered:

- b. The Council’s Economic Development Team work with the ESG to report alongside the Council’s Oxfordshire Inclusive Economy Partnership (OIEP) Charter progress/performance reported annually to Cabinet/Scrutiny, and the results shared on the Council’s website.

Or

- c. The ESG create a self-standing annual report to the Council highlighting the Council's key activity in addressing the inequalities of outcomes that stem from socio-economic disadvantage and other inequalities; report headings to focus on the six Practical steps to implementing the socio-economic duty within the [GMPG "A Practical Guide for Local Authority Implementation of the Socio-Economic Duty in England"](#).
31. Under either approach, the OIEP would be a the key partnership platform to influence anchor institutions and partnerships including Oxford University, to adopt the SED – as requested under the Oct 22 Council motion.