

# **QUEENS SPEECH DEBATE**

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## **Background: the Equality and Human Rights Commission**

The Equality and Human Rights Commission (the Commission) was established on 1 October 2007 and is working to eliminate discrimination and hatred of and prejudice and hostility against different groups; to reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.

The Commission is a non-departmental public body (NDPB) established under the Equality Act 2006 and is accountable for its public funds, but independent of government.

## **Queens Speech Priorities**

The Commission welcomes the commitment made by the Government to carry over two very important bills into the next parliamentary session - the Equality Bill and the Child Poverty Bill. We will continue to work alongside Parliament and our stakeholders to ensure the best possible versions of these Bills pass onto the statute book in the coming session.

In addition, the Commission will be taking an interest in the following four Bills and two draft Bills:

- The Constitutional Reform and Governance Bill
- Improving Schools and Safeguarding Children Bill
- Policing, Crime and Private Security Bill
- Financial Services and Business Bill
- Immigration Simplification Bill - Draft
- Civil Law Reform Bill - Draft

## Equality Bill

The Equality and Human Rights Commission strongly welcomes the Government's Equality Bill and will continue to work to ensure the best possible Bill passes onto the statute book in the coming session.

Overall, we think the Bill is well framed and proportionate. It will help unblock some of the systemic problems that may get in way of equality and achievement for everyone in Britain. By simplifying legislation, it will improve public service delivery and business performance whilst extending equality protection to the wide range of groups that still face discrimination today.

The Bill acknowledges that the public and private sectors need practical support and guidance to deliver equality objectives, but also recognises these must exist within the context of a strong legislative framework, particularly when necessary progress is slow. The Commission is working closely with stakeholders to develop a comprehensive suite of Statutory Codes and other guidance to support the Bill's successful implementation.

**For business** we believe the Bill will ease the burden of complying with equality legislation. It will provide a more proportionate and level regulatory playing field that will encourage companies to treat staff fairly and root out inequality. The Bill will thus ensure Britain is well placed to find and support the talent it needs to drive our economic recovery.

**For staff** it provides a guarantee that merit and hard work will be rewarded, irrespective of attributes like age, gender or race.

**For public bodies** simplifying the currently complex legislation into one single duty will make it easier to tailor public services to meet their communities' needs. The simplified approach and improved targeting should increase the effectiveness and efficiency of public spending.

The Equality Bill contains a series of important measures to tackle entrenched inequalities including particular measures on equal pay, age discrimination and socio-economic disadvantage which we particularly welcome.

## **Child Poverty Bill**

The Commission strongly supports the Child Poverty Bill which will enshrine in law the Government's commitment to eradicating child poverty at a national and local level by 2020. We share the ambition of having a nation where socio-economic background has no influence on children's future.

It is imperative that this focus and support should not stop at the age of 16, and any measures to tackle child poverty should ensure that the individual will be equipped to stay out of poverty throughout their lifetime, and ensure their children are not at risk of poverty.

### **Key aspects of the Bill:**

#### Targets

The Commission welcomes the fact that the Secretary of State will have to report on four different targets to provide a comprehensive definition of poverty: relative low income; low income and material deprivation; absolute low income and persistent poverty.

We believe that the inclusion of 'material deprivation' and 'persistent poverty' means that the needs of the most vulnerable children and families should be taken into account. Families with a disabled child or parent are likely to have extra costs, as will larger families (who are more likely to be from ethnic minorities) and it is important that this is taken into account in any assessment of poverty. We believe that the focus on 'persistent poverty' should help to break the cycle of intergenerational poverty.

We are concerned however that the elimination of poverty will have been achieved when there are potentially 10% of children still in the relative low income bracket. The Commission is keen to ensure that having a protected characteristic does not make an individual more at risk of remaining in poverty. It is therefore necessary, in assessing whether the targets have been met; that the data is disaggregated by equality strand. This will allow the Secretary of State to identify which groups remain in poverty and the specific barriers they face, and to propose measures which are targeted and effective.

### Missing or under-represented groups

We are also concerned that there are no specific targets on children in care, asylum seekers, those in the criminal justice system or Gypsie and Traveller children. We recognise that the strategy produced by the Secretary of State must include measures to meet the targets above, and more broadly, measures to ensure as far as possible that children in the UK do not experience socio-economic disadvantage. However, given the particularly vulnerable position of children in these situations, and the difficulties in applying standard measures of household income, we believe they require specific focus.

### Deductions

The Commission is concerned about the increased risk of poverty for disabled people, which is exacerbated by the extra costs of disability which are not always taken into account in measures of poverty. This means that the actual levels of poverty are likely to be underestimated.

For example, we know that:

- children living in households with one or more disabled adults are significantly more likely to be living on a low income than children in households with no disabled adult (38 per cent compared with 26 per cent)
- children who are themselves disabled, or who have a disabled sibling, are also at greater risk of poverty (31 per cent compared with 27 per cent of those in households with no disabled children)<sup>1</sup>

Disabled people also face extra indirect costs (such as lower wages) and direct costs (such as extra transport) which must be taken into account.

### After Housing Costs

As well as the extra costs of disability, the Commission believes that certain other costs should also be taken into account. For example,

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<sup>1</sup> <http://www.cpag.org.uk/info/Povertyarticles/Poverty123/disability.htm>

we would like to see an 'after deducting housing costs' measure being used as it is a more effective measure of household income.

Not taking housing costs into account can mask the true extent of poverty. For example, housing costs are particularly important in areas such as London, where adequate housing is disproportionately expensive. We believe that excluding housing costs will therefore not provide the full picture, or may hide the poverty faced by certain groups.

### Consultation with children

The Commission welcomes the inclusion in the Bill of the duty to consult children or organisations working with or representing children for the development of the UK, local authority and devolved strategies but we would like to see a stronger commitment from the Government on this matter. As the Bill currently stands, local authorities and the Secretary of State must consult either children OR organisations working with children. Likewise in Scotland, the devolved administration must consult children, OR organisations working with or representing children, as the devolved administration thinks fit.

The Commission would like to see a change to the Bill that would require (i) the Secretary of State to consult with children in the preparation of the UK strategy, and (ii) the local authority to consult with children in the preparation or modification of the joint child poverty strategy. We would also support such a requirement on the devolved administration to do the same when preparing the Scottish strategy.

Consulting people with experience of poverty is necessary as they are 'experts in their own experience'<sup>[1]</sup>, and their contribution is therefore key in the formulation of practical and effective policies. As noted by the United Nations Committee on Economic, Social and Cultural rights, the notion of participation is also at the centre of a human rights-based approach to poverty reduction.

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<sup>[1]</sup> <http://www.jrf.org.uk/sites/files/jrf/0395.pdf>

In the United Nations Development Programme's words: "People living in poverty must be considered as the principal actors of development; they can no longer be seen as passive recipients; they are strategic partners rather than target groups. Human rights change in a fundamental way the relationship between service providers and service recipients, and between claim-holders and duty-bearers."<sup>[2]</sup>

### Local authorities

The Commission is supportive of the duty on local authorities to produce a local child poverty needs assessment. We believe that this presents a real opportunity for breaking the cycle of intergenerational poverty. Also, given the importance of this provision, the regulations need to be very clear in stating what local authorities need to consider in carrying out this assessment. We would also like clarity on how this assessment and strategy will be monitored, as well as who the local authorities will be accountable to.

### Child Poverty Commission

We welcome the creation of the Child Poverty Commission which will advise and give impetus to progress on child poverty. However we believe that this Commission must involve individuals who are experiencing socio-economic disadvantage. It is also important that this Commission has links to local authorities.

### Beyond 2020

The Commission is pleased that the Bill includes provision to consider the targets after 2020. The Secretary of State will have a duty to ensure that the targets, once met, continue to be met in later financial years. If child poverty is not eliminated by 2020, the Bill confers powers on the Secretary of State to make regulations about how the targets will apply after 2020.

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<sup>[2]</sup> Poverty reduction and human rights. A practice note. June 2003.  
[http://www.undp.org/governance/docs/HRPN\\_\(poverty\)En.pdf](http://www.undp.org/governance/docs/HRPN_(poverty)En.pdf)

Site visited on 12th October 2009

## **Constitutional Reform and Governance Bill**

### New rules on time limits for human rights actions

The Bill proposes to standardise the time limit within which legal action can be brought under the Human Rights Act across the UK. The Commission will want to ensure the compatibility of legislative proposals with human rights law and principles and that there is no regression from the current levels of human rights protection.

### Removing the hereditary principle

The Bill proposes to complete the process of removing the hereditary principle from the House of Lords. The Commission will work with Parliamentarians to highlight its recommendations to the Speaker's Conference Inquiry on Parliamentary Representation including proposals for House of Lords reform.

## **Policing, Crime and Private Security Bill**

### DNA Database extension

The Commission will be looking closely at the provisions of this Bill with regard to the extension the DNA database. We note the European Court of Human Rights has ruled that the storing the DNA of innocent people is unlawful and this is likely to affect the contents of this Bill.

The Commission's position is that DNA profiles must be destroyed once a final decision has been made in a case, with only a few exceptions. A person's DNA profile should only be kept for a limited period if they have been convicted of a serious crime and where destroying that information is likely to pose a risk to the public. There must be more of a balance between someone's right to privacy and the right of other people to be protected from a crime that might be committed.

The Commission also wants an independent adjudicator to be put in place to oversee the system. This would give innocent people a way of challenging the need to keep their DNA profile on file.

### Violence against women

We will also be pleased to see a further strengthening of protections for women from violence and look forward to contributing to the debate on how this is best achieved.

The Commission has produced its own research in the provision of services for women who experience violence. For the first time ever, Map of Gaps demonstrates graphically that women in the UK face a postcode lottery in their access to basic support services. Whilst a minority of women live in an area where there are good services, too many women face patchy provision at best, and at worst there is no support at all. Following this research, the Commission and End Violence against Women Coalition called on national governments and local authorities to take urgent action to ensure consistent national coverage and funding of specialised third sector support services for all women.

## **Improving Schools and Safeguarding Children Bill**

### Educational outcomes

The Commission is interested in the proposals in this bill to establish a new set of guarantees to an individually tailored education for each child and their parents. We will be looking to ensure that any work in this area takes into account the needs of all children and works towards the narrowing gaps in education outcomes which is a key priority for the Commission.

### Opening family court hearings

The Commission will be interested in proposals in the bill that seeks to allow the media greater access to family courts. The Bill may give the courts the discretion to disapply the current safeguard where it is in the public interest and safe to do so. The Government has indicated that any moves would protect the identities of families. We will be looking to ensure that these protections are sufficient.

## **Financial Services and Business Bill**

The Commission recently carried out a Financial Services Inquiry to investigate the nature and causes of gender discrimination and inequality in financial services organisations and to identify effective solutions. We used our legal powers under section 16 of the Equality Act, which include mandatory disclosure powers, to access information that may not be otherwise available.

Findings from our inquiry include:

- Women employees earned an average of £2,875 in annual performance related pay compared to an average of £14,554 for men - a gender pay gap of 80 per cent.
- A gap in annual basic pay between women and men of 39 per cent. However, this gender pay gap rises to 47 per cent for annual total earnings when performance related pay, bonuses and overtime are taken into account.
- Among the organisations who responded, women received significantly lower performance related pay on average than men in 94 per cent of cases.
- In 86 per cent of responses to the Commission, women who had started their jobs in the last two-and-a-half years had lower starting salaries on average than men starting in the same period
- Significant 'in-grade' gender pay gaps in at least half of all job grades/categories, where men and women are assumed to be doing the same or equivalent work, were found in 63 per cent of cases.
- Less than half of cases report making some effort to address the pay gap
- Only 23 per cent of cases report that they have undertaken an equal pay audit.

While the Financial Services and Business Bill is designed to promote stability, efficiency and competition in financial markets, it is also an opportunity to consider the need for increased transparency, better support for staff with caring responsibilities, more consistent

monitoring of the pay and progression of people from different backgrounds and a clearer articulation of the business case for getting this right.

### **Civil Law Reform (Draft) Bill**

The Commission will look with interest once the proposals have been set out in more detail in due course and we will give more detailed consideration once these have been published.

### **Immigration Simplification (Draft) Bill**

The Commission is working to influence the public debate around migration and citizenship and we will continue to work with Parliamentarians on the draft bill to ensure that we build a society without prejudice, promoting good relations and fostering a vibrant equality and human rights culture.

