

The Equalities Story, 2011 –2023

Twelve years of disappointment

A promising start but then increasing failure of public bodies to have due regard for the law's requirements.



Initially, the outlook seemed promising

Shortly after the Equality Act received royal assent in April 2010 there was a general election, followed by a new administration, the coalition of Conservatives and Liberal Democrats led by David Cameron. Initially the outlook for equalities seemed promising. Barely five weeks after the election, the new home secretary and minister for women and equalities (Theresa May) wrote formally to cabinet colleagues to remind them of their legal duty to have due regard for equality in relation to disability, ethnicity and gender. She also reminded them of forthcoming duties in relation to age, religion, sexual orientation and transgender. Her immediate concern was the likely impact on equalities as a consequence of imminent austerity measures. Her letter was also relevant, however, for a full range of government policies, actions and decisions. She warned that 'there are real risks that women, ethnic minorities, disabled people and older people will be disproportionately affected'

All four of these groups, she pointed out, use public services more than the population as a whole, and the majority of people in receipt of tax credits and welfare payments belonged to these groups. And all four, it is grimly relevant to note, would be prominently represented, ten years later, amongst those most negatively impacted by COVID-19. They were more likely than others to be hospitalised during the pandemic, more likely to die, and more likely to be adversely affected by lockdown measures and shortfalls in their personal finances. It is reasonable to speculate that if senior ministers had taken the Equality Act as seriously as Mrs May requested, Covid-19 might well have not had the devastating effect on equality that in due course it did. In short, the Equality Act did not achieve its potential. Despite her instructions to Cabinet colleagues, cited above, the concept of due regard proved to be, in a phrase used by Lord Ouseley in a debate in the House of Lords, 'woefully inadequate'.

This was largely because successive governments from 2010 onwards were lukewarm, at best, in support for Equality Act. This lack of commitment to equality law was for its part closely connected with neoliberal economic policies relating to deregulation, austerity, privatisation, reduction of the welfare state, and trickle-down theories of economic growth. In addition, the government's lukewarm approach to equalities was affected by the currents of right-wing thinking known as anti-antiracism, and by networks of right-wing organisations known by critics and opponents as chumocracies. In the field of education, the government's approach was bolstered by conservative theories about intelligence, genetics, heredity and discipline.

Amongst many significant events and trends after 2012, the following appeared especially unhelpful:

Neglect of socio-economic factors

In November 2010 the Home Secretary announced that the socio-economic duty (section 1 of the Equality Act) was to be 'ditched'. The duty would have required public bodies to adopt transparent and effective measures to address the inequalities that result from differences in occupation, education, place of residence and social class, but was apparently discarded because it amounted to no more than 'socialism in one clause'.

Hostile environment measures

In 2012 the home secretary introduced measures whose declared aim was 'to create, here in Britain, a really hostile environment for illegal immigrants'. Such an environment entailed limiting or denying access to fundamental services such as the NHS and the police, and making it illegal to work. Doctors, landlords, police officers and teachers were tasked with checking immigration status, and often people who looked or sounded 'foreign' were asked to show their papers before they were permitted to rent a home or get medical treatment.

Failure to issue clear guidance and lead by example

From at least 2000 onwards advocates for a single Equality Act had pointed out that key legislative terms – due regard, measurable objectives, equality of outcome, reasonable adjustments, good relations, impact analysis, and so forth – would need to be explained in plain language, and reinforced by exemplary leadership and sensitive training. In the event, practice across government departments in these respects was very variable. For instance it could happen that excellent documents produced around 2012 were unaccountably withdrawn two years later and not replaced.

Culture wars

Throughout the decade beginning in 2010 various thinktanks, politicians and opinion leaders in the US and UK spoke and wrote, and sometimes managed to legislate against, critical race theory, unconscious bias training and affirmative action, and decolonisation in the curricula of schools and universities. The targets of such criticism were said to be 'Guardian-reading, tofu-eating, wokerati'. The use of insults such this favoured and promoted a hostile environment not only towards those who were deemed to be 'others', but also

towards academics, teachers, organisations and journalists who were considered to be malign and destructive in their influence.

In the summer of 2020 there were two particularly dramatic, iconic, visceral and symbolic events. One evoked present realities, the other evoked cruelties and structural violence in the past. Present realities were symbolised by the murder in Minneapolis of Mr George Perry Floyd on 25 May. History was made vivid by the sight a fortnight later (7 June) of the statue of an infamous slave-trader, Edward Colston, being dumped into Bristol Harbour. Each of these symbolic events on its own, but also the pair in juxtaposition with each other, galvanised and reinforced public anger, energy and resolve throughout the world.

Similar anger, energy and resolve were generated by the increasing awareness in 2021-2023 that the Covid-19 pandemic had been, and still was, repulsively unfair in its effects on inequality. Further, there was increasing awareness that neoliberalism had miserably failed. The stage was being set for new political alignments and possibilities. There was perhaps a good chance that the Equality Act 2010 would be re-visited, revised and re-emphasised.

SOURCES

This is one of three brief summaries of equalities legislation in Britain between 1965 and 2024 which are published in March 2023 at www.insted.co.uk. All three draw on material in two lengthy academic articles, as follows:

Richardson, R. (2022) '[Education and equalities in Britain, 2010–2022: due regard and disregard in a time of pandemic](#)'. *London Review of Education*, 20 (1), 21.

Richardson, R. (2023) 'Racial Justice and Equalities Law: progress, pandemic, and potential' in [COVID-19 and Racism: counter-stories of colliding pandemics](#), edited by Vini Lander, Kavyta Kay and Tiffany R. Holloman, Bristol University Press, May 2023.

Both of these contain extensive bibliographies and academic references.