



**Equality and
Human Rights
Commission**

Equality and Human Rights Monitor

November 2023

equalityhumanrights.com





Equality and Human Rights Monitor

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November 2023



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Contents

Acknowledgements	6
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Foreword	7
----------	---

Introduction	9
--------------	---

Developments affecting multiple groups	17
--	----

Age	43
-----	----

Disability	85
------------	----

Gender reassignment	116
---------------------	-----

Race	147
------	-----

Religion or belief	192
--------------------	-----

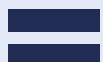
Sex, including pregnancy and maternity, and marriage and civil partnership	222
--	-----

Sexual orientation	261
--------------------	-----

Key terms	286
-----------	-----

Bibliography	290
--------------	-----

Contacts	369
----------	-----



Select this symbol at any point to return to the contents page.

Acknowledgements

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We are also indebted to data providers for their cooperation and support, and to analytical colleagues across all three nations for their assistance in peer reviewing our work in a challenging timeframe.

Foreword

The Equality and Human Rights Monitor is our state of the nation report on equality and human rights in Britain in 2023. This follows our last statutory report, 'Is Britain Fairer?', which was published in 2018.

It focuses particularly on the nine characteristics that are protected in law in the Equality Act 2010:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This comprehensive overview draws on all available data to measure progress on equality and human rights over the last five years across Britain. It is intended to support evidence-based debate and decisions over the coming years. This will drive action and meaningful change that enhances equality, to make life fairer for everyone.

The data paints a mixed picture. This is unsurprising given the many unique challenges of recent years, including:

- the profound impact of the COVID-19 pandemic
- the UK's departure from the European Union, and
- the period of high Inflation as well as the economic impact of the war in Ukraine.

Some of the changes in equality and human rights that we report on are a direct result of these contextual factors. For example, the increase in home working has benefitted parents, older and disabled people, and those with caring responsibilities. However, it has brought challenges for others, for example in mental health and changes to employment patterns.

In other areas, these contextual factors reinforced existing trends. The data shows that more younger people have been reporting mental health conditions since 2010. But numbers rose significantly during the pandemic and remain high.

In the summary of this report, we draw out these and other trends. These include the challenges of new technologies, such as artificial intelligence (AI), and their potential impact on equality and human rights.

Our report includes recommendations to government, public bodies and others. Not only to draw on our data to improve public services to benefit everyone, but also to improve data collection by protected characteristics so that we can identify and address any unfair disparities that impact on different groups. We will urge all parties to consider these issues over the coming years. This means we can continue to fulfil our statutory responsibility to protect equality and human rights for everyone in Britain so we can together build a truly fairer society.

Baroness Kishwer Falkner, Chairwoman



Introduction

The Equality and Human Rights Commission (EHRC) is Britain's equality body and an 'A' Status national human rights institution (NHRI). We share the mandate to protect and promote human rights in Scotland with the Scottish Human Rights Commission (SHRC). We would like to thank SHRC for agreeing to us covering devolved human rights issues in Scotland in this report.

We have a unique role in ensuring equality and human rights are protected and promoted. We make proportionate use of our enforcement powers to challenge policies and practices that are discriminatory. We also provide expertise and evidence-based insights to governments in all three of Britain's nations.

The Equality Act 2006 gave us the statutory duty to report regularly to the UK Parliament on the extent to which equality and human rights are improving in Britain. Our first report, 'How fair is Britain?' (2010), was followed by 'Is Britain Fairer?' (2015) and 'Is Britain Fairer?' (2018).

The Equality and Human Rights Monitor 2023 is our latest statutory progress report, and our first following the UK's departure from the European Union (EU) and the coronavirus (COVID-19) pandemic. The report is organised by the nine protected characteristics covered by the Equality Act 2010 and provides an evidence-based overview of progress on equality and human rights in Britain. This report focuses on evidence for Britain and England. We have published separate reports focusing on Wales and Scotland.

Context

The five years since our last report have seen significant changes. This context is important to help understand changing equality and human rights outcomes in Britain since 2018.

Exit from the European Union

On 23 June 2016, the people of the UK voted in a referendum to leave the EU, a decision with economic, social, political and legislative impacts for Britain. The UK left the EU on 31 January 2020, followed by a transition period until 31 December 2020. The rules governing the new relationship between the EU and the UK took effect on 1 January 2021.

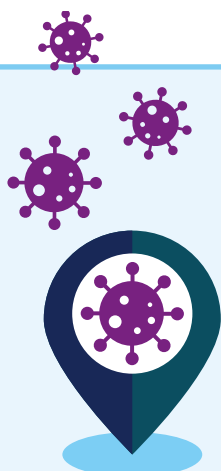
British politics

Since our last report, the UK government has been led by the same political party, the Conservative and Unionist Party. The party governed with a small majority in Parliament from 2015 to 2017. Following an election in 2017 it was the largest party but did not hold an overall majority. The party later gained a large majority after the December 2019 general election.

Since 2018, the UK has had four prime ministers: Theresa May MP (13 July 2016 – 24 July 2019); Boris Johnson MP (24 July 2019 – 6 September 2022); Liz Truss MP (6 September 2022 – 25 October 2022); and Rishi Sunak MP (25 October 2022 – present).

The two devolved governments have also been led by the same political parties in the five years since our last statutory review. The Scottish Government has been led by the Scottish National Party (SNP) and the Welsh Government by Welsh Labour. Both retained power in minority administrations following elections in May 2021. On 28 March 2023, Nicola Sturgeon MSP stood down as First Minister of Scotland after being in post since 20 November 2014. She was replaced by Humza Yousaf MSP (29 March 2023 – present). Mark Drakeford MS has been First Minister of Wales since 12 December 2018.

The COVID-19 pandemic



Coronavirus disease 2019 (COVID-19) was first identified in Wuhan, China in December 2019. It spread quickly worldwide, and the World Health Organization (WHO) declared a COVID-19 pandemic on 11 March 2020. In Britain, temporary legislation was introduced to protect lives.

In England, three national lockdowns were put in place between March 2020 and March 2021, restricting movement, gatherings and 'high street' business operations (such as shops). These were sometimes accompanied by a tier system of local controls and restrictions. In Scotland, a phased approach with large regional variation was introduced following an initial national lockdown. In Wales, there were two national lockdowns and local level restrictions.

The range of pandemic laws and interventions represented an unprecedented restriction on the freedoms of people in Britain by the three governments. Although there was debate about the need for different interventions, there was high public compliance.

The COVID-19 pandemic caused a recession and a significant contraction in the UK's economy during the first national lockdown. The UK government and the Bank of England introduced various policies to support businesses and workers during lockdowns, such as the Coronavirus Job Retention Scheme (known as the 'furlough scheme').

Debate and scrutiny

Specific events have prompted renewed focus on several protected characteristics since our 2018 report.

Race

Intense debates about race in the UK were triggered by the murder of George Floyd by police officers in the United States and the increased prominence of the Black Lives Matter movement. This coincided with a higher death rate among ethnic minorities in the UK during the COVID-19 pandemic. The UK government set up an independent Commission on Race and Ethnic Disparities (CRED) in 2020 to review inequality between ethnic groups in the UK, and make recommendations the following year (CRED, 2021). The UK government responded with the 'Inclusive Britain' action plan and policy commitments (DLUHC and Race Disparity Unit, 2022).

Sex and gender reassignment

There has been increased attention on violence against women and girls following several high-profile incidents, including murders, and ongoing low conviction rates for sexual offences. New policies, offences and strategies have been introduced in all three nations as a result.

In December 2022, the Scottish Parliament passed the Gender Recognition Reform (Scotland) Bill to remove existing evidence requirements established by the Gender Recognition Act 2004 and to reduce the age when someone can apply for a gender recognition certificate (GRC) from 18 to 16. The UK government prevented the Gender Recognition Reform (Scotland) Bill from proceeding to Royal Assent, on the basis that it could impact the operation of reserved legislation, the Equality Act 2010. The Scottish Government have mounted a legal challenge to this section 35 order, which is scheduled to be heard by Lady Haldane at the Court of Session in September 2023.

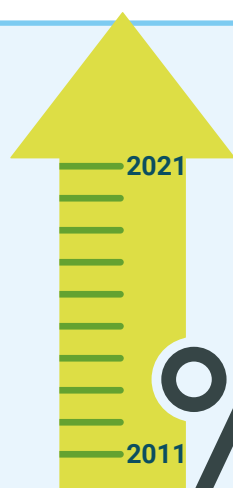
There has been much debate and legal action to clarify the definition of sex in law, with groups disagreeing over whether gender identity should take precedence over sex registered at birth. In response to a UK government request for advice, we recommended the government consider whether a biological definition of sex in the Equality Act 2010 would improve legal clarity.

Religion and belief

Since our last report, individual legal cases have clarified that the scope of beliefs protected under the Equality Act 2010 includes ethical veganism, stoicism and the belief that sex is biological and immutable.

The population of Britain

Findings from the 2021 census in England and Wales have provided new demographic insights. Between 2011 and 2021, the population of England and Wales increased by around 3.5 million, from 56.1 million to 59.6 million. The median age increased from 39 in 2011 to 40 in 2021.



The proportion of the population who identify as an ethnic minority in England has continued to grow (from 19.5% in 2011 to 25.6% in 2021), as has the proportion who are Muslim, Hindu or have no religion. For the first time, we have census-based estimates on sexual orientation and gender identity in England and Wales.

How we reviewed the evidence

The evidence in this report has been assessed using our Measurement Framework (EHRC, 2017). This measures progress on equality and human rights across Britain in a systematic and consistent way.

This report covers Britain. The data and evidence for the range of subjects covers different geographies such as England, Scotland and Wales. Unless stated otherwise the analysis is for Britain and where it is for another nation, we state this in the text.

We report on six major areas of life for each protected characteristic, using a variety of indicators. The six areas of life, or ‘domains’, are:

- education
- work
- living standards
- health
- justice and personal security, and
- participation.

Evidence collection involved desk-based research into existing published sources and our own secondary statistical analysis of data sets such as household surveys and administrative data. We have not included research evidence published after 31 March 2023 other than the census for England and Wales to address specific evidence gaps.

The COVID-19 pandemic affected data collection for many surveys, leading to some missing data or data not comparable with pre-pandemic years due to changes in data collection methodology. Additionally, due to time lags in the availability of data, there is limited data to report on recent issues, such as increases in the cost of living.

We conducted bespoke analyses of a range of data from different surveys and administrative sources. These analyses are available within our data tables and referred to in the text as 'Our analysis of [data set]'. Due to small differences in geographies, breakdowns of characteristics and definitions, the EHRC figures in this report will sometimes differ slightly from published figures from the same source. Details of sources used and our analysis is available in the separate technical guidance.

We have reported only on statistically significant differences. For some data, particularly at the level of devolved administrations, sample-size breakdowns relating to certain protected characteristics can be low, or data is not available, limiting what can be reported. The full data tables of our own analyses are on our website.

When referring to protected characteristics we recognise that source data and research may use terms in slightly different ways. When reporting that evidence we have replicated the term used in the source to avoid misrepresenting the findings.

The term 'intersectionality' acknowledges and examines how a combination of more than one protected characteristic and socio-economic factors can lead to or perpetuate distinct forms of discrimination or disadvantage. Although our report identifies some intersectional issues – such as between sex and religion in employment, and race and age in the criminal justice system – the broad range of evidence and issues our report covers, and the challenges with evidence gaps and disaggregation, mean we have not been able to examine intersectionality in depth and across all subjects. Our chapter on developments affecting multiple groups looks at legal and policy developments and outcomes not defined by protected characteristics, or across a number of protected characteristics.

A full explanation of our methodology is on our website.

Developments affecting multiple groups

In this chapter, we outline the key legal and policy developments over the period of the report that have an impact across multiple protected characteristics or on human rights issues not defined solely by protected characteristics. Policy and legal developments related predominantly to an individual protected characteristic are addressed in the relevant protected characteristic chapter. We also outline the underlying trends in outcomes that affect multiple protected characteristics.

Legal and policy developments

Education

Legal and policy developments related to education and their impact on different protected characteristic groups are set out in the Age chapter.

Work

Job retention policies

Following the national lockdown in March 2020 in response to the COVID-19 pandemic, Gross Domestic Product (GDP) fell by a record 20.4% in April 2020 (ONS, 2020a). The Coronavirus Job Retention Scheme (CJRS) significantly reduced the job losses that would otherwise have resulted from the fall in GDP (Bank of England, 2020; ONS, 2020b). At the end of July 2020, 9.6 million employments (32.0% of all eligible employments) had been furloughed.

The UK government announced its 'Plan for Jobs' in July 2020 (HM Treasury, 2020). This programme aimed to support workers and jobseekers to find and remain in employment, such as through the Kickstart scheme, which provided funded work placements for 16–24-year-olds at risk of long-term unemployment. However, the scheme came under criticism from the Public Accounts Committee and the National Audit Office for failing to deliver for young people and the taxpayer (HoCCPA, 2022; NAO, 2021).

Flexible and hybrid working

In September 2021, the UK government announced its intention to make the right to request flexible working available to employees from day one of starting the job (BEIS, 2021). The Employment Relations (Flexible Working) Act 2023, a private members bill that progressed with government support, introduced this right. The Welsh Government has set a long-term target for 30.0% of the Welsh workforce to work remotely on a regular basis (Welsh Government, 2022a). In Scotland's Fair Work Action Plan, the Scottish Government committed to promoting the development of flexible workplaces (Scottish Government, 2021). In December 2021, the UK government's Flexible Working Taskforce published guidance on the legal implications of hybrid working, including equality considerations, to support employers.

Technological change, such as the increased use of artificial intelligence (AI) and automation, has had a profound impact on the labour market, leading to greater focus on the need for better governance and regulation of such technologies in the workplace (IFoW, 2020; TUC, 2021). Over recent years there has also been increased growth in self-employment, the use of zero-hours contracts and atypical work such 'gig economy' jobs. Certain groups, such as women, ethnic minorities, disabled people and younger and older workers are particularly affected by these changes. During the COVID-19 pandemic self-employment fell significantly and zero-hours contracted employment increased. However, the full impact of the COVID-19 pandemic, Brexit and the current global financial challenges on the British labour market and on people with protected characteristics will take further time to fully realise.

Strikes

The UK government introduced the Strikes (Minimum Service Levels) Bill in January 2023, which was still progressing through Parliament at the time of writing. This would enforce a minimum level of certain public services during trade union strike action. Proposed measures include removing legal protections for people who do not comply with 'work notices' specifying what work must be done to meet minimum service levels (Home Office, 2023a). The UK government has stated that the Bill is compatible with the European Convention on Human Rights (ECHR), but the EHRC and the Joint Committee on Human Rights have raised concerns that, in its current form, the Bill may interfere with the ECHR right to freedom of association (Article 11) (EHRC, 2023; JCHR, 2023; UK Parliament, 2023a).

Living standards

Cost of living

Starting in late 2021 the UK experienced a fall in disposable incomes, with inflation, including food and energy inflation, outstripping wages and benefits (Hourston, 2022). In response, the UK government announced a number of support packages and one-off payments to help people deal with rising costs. This included cost of living payments for people on means-tested benefits, those with disabled family members and pensioners, and an Energy Price Guarantee, capping the unit cost of electricity and gas. The National Living Wage for people aged 23 and over was increased to £10.42 per hour from April 2023 (UK Government, 2023).¹ Some organisations have accused the government of failing to adequately address the challenges facing households, particularly those on low incomes (JRF, 2022).

The UK government's Levelling Up programme seeks to tackle geographical inequality (DLUHC, 2022a). However, some sectors that will be the focus of proposed investments, such as construction, green energy and digital industries, have lower levels of employment of women, disabled people and ethnic minorities (WEC, 2021).

Housing

The Homelessness Reduction Act 2017 strengthened the duties on local authorities to prevent and relieve homelessness in England.

The UK government's March 2020 'Everyone In' initiative was a response to the COVID-19 pandemic and first national lockdown. It increased funding for the urgent provision of accommodation for people sleeping rough or at risk of sleeping rough (Cromarty, 2021). Similar programmes were launched in November 2020 and January 2021 during the second and third national lockdowns.

¹ For workers at school leaving age the National Minimum Wage was £5.28 per hour rising in increments to the level of National Living Wage by the age of 23.

Health

COVID-19 pandemic

In March 2020, the UK entered a national lockdown (Brown et al., 2022). Various controls put in place to limit COVID-19 transmission particularly affected disabled people, including blanket restrictions on social care and healthcare visits. Many services moved to remote provision. The Coronavirus Act 2020 temporarily relaxed adult social care legal duties in England and Wales and modified mental health and mental capacity legislation. Similar provision was made in Scotland.

There has been criticism of the failure to protect people in residential care in England during the COVID-19 pandemic, including discharging hospital patients directly into residential care without adequate testing. Widespread concerns have been raised about human rights breaches in care settings during this period (JCHR, 2022). For example, a Care Quality Commission (CQC) report (CQC, 2020) found evidence of inappropriate use of 'do not resuscitate' orders.

NHS England and the Department of Health and Social Care (DHSC) issued legal guidance allowing temporary departures from the Mental Health Act 1983 (MHA) code of practice during an undefined 'pandemic period' (NHS, 2020). The High Court found that remote assessments for MHA detention under this guidance were unlawful and did not comply with the requirements of phrases in the MHA such as 'personally seen' and 'personally examined'.² In 2020/21, use of the MHA to detain people with mental health problems in hospital for assessment and treatment rose by 4.5% (CQC, 2022) and the CQC raised concerns that reduced access to community mental health services during the COVID-19 pandemic may have contributed to this (CQC, 2022).

² Case No: CO/2408/2020.

COVID-19 pandemic recovery

The COVID-19 pandemic created unprecedented challenges for the health and social care system, which continue to be felt. This includes increased backlogs, workforce shortages and difficulties discharging patients from hospital due to a lack of appropriate social care in the community (DHSC, 2023) (The Royal College of Radiologists, 2021). The UK government is seeking to address these issues (Foster, 2023). The CQC 2022 State of Care report found that the health and care system was 'in gridlock', negatively impacting care, and that 'inequalities pervade and persist' (CQC, 2022).

2.3 million people were experiencing self-reported 'long COVID' as of 2 January 2023 (ONS, 2023a). While long COVID is not among the conditions listed in the Equality Act 2010 that are automatically a disability, it will count as a disability for a particular person if their condition meets the Equality Act definition of disability.

The Health and Care Act 2022 was a major reform to the health and care system, with the aim of joining up NHS, social care and public health services. It put Integrated Care Systems on a statutory footing with the introduction of Integrated Care Boards, and formally merged NHS England and NHS Improvement. It also put the Healthcare Safety Investigations Branch on a statutory footing and re-introduced a duty for the CQC to assess how well local authorities are meeting their duties under the Care Act 2014. The Government-commissioned Hewitt review looked at the oversight and governance of Integrated Care Systems and made recommendations around achieving a 'shift 'upstream', towards prevention, proactive population health management and tackling health inequalities' (Hon and Hewitt, 2023).

Justice and personal security

Justice system

In 2020, His Majesty's Courts and Tribunals Service (HMCTS) produced a recovery plan to maintain the operation of the justice system during the COVID-19 pandemic. This included opening temporary 'Nightingale courts' to increase capacity and a 'super courtroom' to hear complex cases (HMCTS, 2020). In 2023, the UK government announced that some 'Nightingale courts' would remain open for a further year to deal with a significant backlog of cases (MoJ and HMCTS, 2023).

The Judicial Review and Courts Act 2022 aims to deliver a more accessible and efficient court system, for instance making it possible for defendants to plead guilty to offences online or in writing, without a court appearance. This means that decisions may be made in the defendant's absence and their ability to participate meaningfully in proceedings may be reduced. The Act also includes restrictions on the scope of judicial review powers to hold government to account.

Sentencing

The Police, Crime, Sentencing and Courts Act 2022 introduced limits on judicial discretion in sentencing, increased custodial sentencing (including of children) for criminal offences, and provided for the expansion of remote court hearings and the criminalisation of 'unauthorised encampments'. The Act also introduced tighter restrictions on the right to protest, including enabling the police to impose conditions on protest because of noise.

Legal aid

In England and Wales, the Civil Legal Aid (Procedure) (Amendment) Regulations 2020 introduced changes to make it easier for some people to get legal support. New evidence requirements have extended the availability of legal aid in domestic abuse cases and the previously mandatory telephone gateway to civil legal advice in education, discrimination and debt cases has been withdrawn. In 2023, the UK government launched a review of civil legal aid to improve the system over the long term (MoJ, 2023). Some family law cases were brought into scope of legal aid in 2023 (Legal Aid Agency, 2023).

Developments affecting multiple groups

In 2021, a UK government-commissioned review of criminal legal aid recommended reforms to protect the system's long-term sustainability (Bellamy 2021). Implementation of these recommendations has varied, with some not accepted or implemented (MoJ, 2022a), though in 2022 the UK government announced additional funding for criminal legal aid in line with the 'minimum necessary' amount recommended by the review (MoJ, 2022b).

Use of force (Tasers)

Since 2020, the Government has increased the number of Taser-trained police officers and the number of Tasers available to the police (Home Office, 2020). A 2021 Independent Office for Police Conduct (IOPC) review concluded that this might be a cause of a significant increase in Taser use (IOPC, 2021).

In 2022, the Home Secretary announced that special constables would also be authorised to use Tasers (Home Office, 2022a).

Immigration

In 2020, the UK government rejected proposed legal changes to set a time limit on immigration detention. The use of indefinite detention could lead to serious human rights violations. Indefinite detention for immigration purposes is considered arbitrary as a matter of international human rights law (UNHCR, 2012).

In 2021, the UK government launched an online registry to bring together organisations' modern slavery statements and make actions to prevent modern slavery more transparent, as required by the Modern Slavery Act 2015 (Home Office, 2021).

Section 13 of the Nationality and Borders Act 2022 empowers the Home Secretary to house people seeking asylum in different types of accommodation based on the stage of their application or if they complied with previously imposed conditions. At one immigration detention centre, used to house people seeking asylum, the High Court ruled that conditions were inadequate for meeting their health needs.³

The UK government passed the Illegal Migration Act in July 2023 (UK Parliament, 2023b). It includes plans to limit specific groups' ability to claim asylum and make some human rights claims under the Human Rights Act, and a provision allowing a minister to decide not to apply interim measures of the European Court of Human Rights. These provisions risk breaching the UK's legal obligations under the ECHR (Council of Europe, 2013) and the UN Convention Relating to the Status of Refugees (OCHR, 1951). The Home Secretary took the unusual step of making a statement under section 19(1)(b) of the Human Rights Act 1998 that she was unable to confirm that the Bill complies with the ECHR (Home Office, 2023b).

³ NB & Ors, R (On the Application Of) v Secretary of State for the Home Department [2021] EWHC 1489 (Admin) (03 June 2021) (bailii.org).

Participation

Freedom of assembly, association and expression



THE CORONAVIRUS ACT 2020

The Coronavirus Act 2020 was introduced as temporary legislation to protect life, but some of its provisions weakened some human rights protections, including freedom of assembly. The UK government began to lift temporary restrictions on the right to protest from July 2020 onwards.

The Public Order Act 2023 introduced new measures to restrict protest in England and Wales (Home Office, 2022b), including new criminal offences linked to protest tactics, extended police powers to stop and search, and serious disruption prevention orders. These restrictions on the right to protest risk interfering with people's rights under ECHR to freedom of expression (Article 10) and assembly and association (Article 11).

Other new legislation seeks to enhance protection of freedom of expression. The UK government's Higher Education (Freedom of Speech) Act was passed in May 2023. This imposes an additional duty on universities to promote the importance of freedom of speech and academic freedom. It also extends existing free speech duties to students' unions and provides a route of recourse for those with 'free speech complaints' resulting from the action – or inaction – of universities.

The UK government's 2022 Online Safety Bill is part of efforts to make the UK the safest place in the world to go online. However, it could result in the restriction of lawful expression online as it does not currently include sufficiently robust protections for the right to freedom of expression.

Voting and elections

The Elections Act 2022 introduced voter identification (ID) requirements at polling stations in UK parliamentary elections and local elections in England. There are concerns this will make it harder for people to vote and disproportionately affect younger, older and disabled people, ethnic minorities and trans people (Electoral Reform Society, 2018).

Equality and human rights legal framework

The Charter of Fundamental Rights of the European Union (EU) (European Commission, 2012) no longer applies in the UK. 'The Charter' was excluded when other parts of EU law were incorporated in a body of domestic law (known as 'retained EU law') through the European Union (Withdrawal) Act 2018. This resulted in the loss of some rights protections, including the free-standing right to equal treatment.

The Retained EU Law (Revocation and Reform) Act was introduced in September 2022 (UK Parliament, 2023c). This legislation would give UK government ministers the power to replace, restate or update over 3,700 retained EU laws. This may affect equality and human rights protections, including employment rights, which could disproportionately affect certain groups such as women and ethnic minorities. It could also create legal uncertainty and have implications for devolution and the Union. The UK government has so far only published limited information about its policy intentions on the affected matters.

The UK government introduced the Bill of Rights Bill in June 2022 (UK Parliament, 2022). This Bill would repeal the Human Rights Act 1998 and replace it with significantly different legislation. This Bill was withdrawn on 27 June 2023.

In its Programme of Government 2021, the Welsh Government committed to the incorporation of the UN Convention on the Rights of People with Disabilities and the UN Convention on the Elimination of Discrimination against Women into Welsh law.

Responding to an independent research report on how to strengthen and advance equality and human rights protections, the Welsh Government in principle accepted the recommendation to introduce primary legislation for a Human Rights (Wales) Act. It has undertaken preparatory work on options to incorporate UN conventions into Welsh law and established a Human Rights Advisory Group to advise on this.

The Scottish Government's Programme for Government 2019–20 set out its commitment to incorporate the United Nations Convention on the Rights of the Child (UNCRC) into Scots Law (Scottish Government, 2019). In March 2021, the Scottish Parliament unanimously passed the UNCRC (Incorporation) (Scotland) Bill. However, the Bill was challenged by the UK government at the Supreme Court and is currently being rewritten in line with the ruling that it was not within the legislative competence of the Scottish Parliament.

Human rights abuses abroad by certain UK persons

The Overseas Operations (Service Personnel and Veterans) Act 2021 aims to prevent 'vexatious legal claims' by creating a 'presumption against prosecution' for some criminal offences alleged to have been committed by UK military personnel while deployed overseas. The Act limits the prosecution of alleged crimes which took place more than five years previously. It imposes an absolute time bar of six years on civil claims for personal injury or death, and claims under the Human Rights Act 1998, connected with overseas operations. As a result, some victims may be unable to access justice for human rights violations committed by UK military personnel.

The UK government announced in 2019 it would not hold an independent, judge-led inquiry into British complicity in torture and rendition overseas (UK Parliament, 2019). This decision was challenged in the High Court.⁴

⁴ Reprieve and Others v the Prime Minister. [2020] EWHC 1695 (Admin).

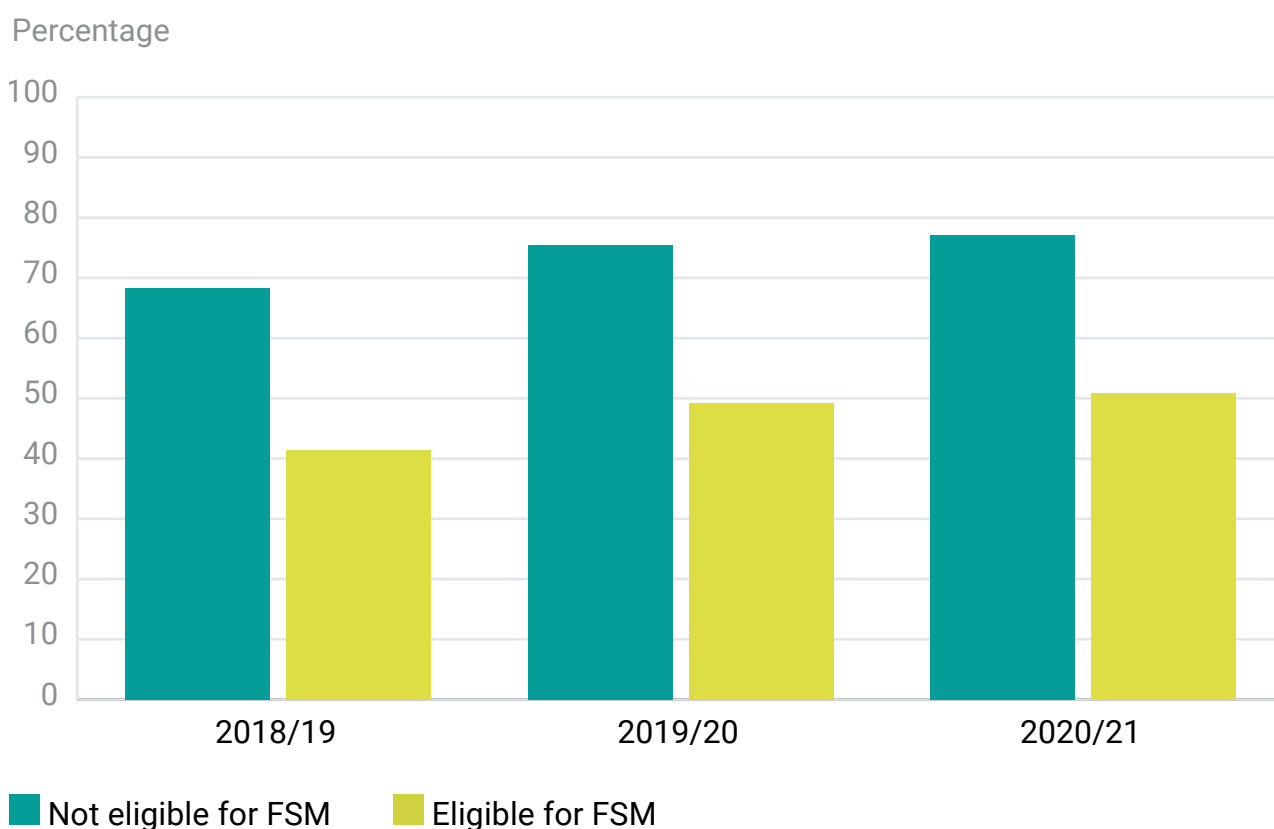
Outcomes

Education

Attainment among disadvantaged students

In 2020/21, half (50.9%) of children eligible for free school meals (FSM) in England achieved GCSE grades 9–4 in English and maths compared with more than three-quarters of students not eligible for FSM (77.1%). Analysis of Department for Education (DfE) revised GCSE and equivalent results data identified a similar attainment gap in 2019/20, when 49.2% of children eligible for FSM achieved these grades compared with 75.4% of those not eligible for FSM.

Figure 1: Percentage achieving GCSE at grade 9 to grade 4 in English and Maths, England⁵



(Source: EHRC analysis of DfE data)

⁵ Attainment for 2018/19, 2019/20 and 2020/21 should not be compared due to changes in assessment methods over time.

In 2020/21, 53.1% of disadvantaged students achieved grade 9–4 in English and maths. Analysis found 79.0% of non-disadvantaged students achieved these grades.

There has been modest progress in narrowing this disadvantage attainment gap. The estimated gap in England in 2019 was equivalent to 18 months of educational progress across all GCSE subjects, down from 20 months in 2011. The gap was larger in Wales and equivalent to 23 months of educational progress in 2019, down from 24 months in 2011.

For pupils experiencing persistent disadvantage,⁶ the gap was equivalent to 23 months of education in England in 2019, similar to the 2011 level. In Wales the gap was equivalent to 29 months of education and did not change between 2011 and 2019 (Cardim-Dias and Sibieta, 2022).

Attainment among children looked after by local authorities

In 2020/21, 12.6% of children looked after (CLA) by local authorities in England (who had been looked after for at least 12 months) achieved grade 5 or above in English and maths at GCSE, as did 8.0% of those who had been looked after for less than 12 months.⁷ This compares with 51.9% of all pupils.

CLA are much more likely to have special educational needs (SEN) than the overall pupil population. Over half (56.2%) of children who had been looked after for at least 12 months had SEN compared with 15.7% of all pupils. The higher prevalence of SEN among CLA accounts for some of the difference in attainment (DfE, 2022).

⁶ Defined as being eligible for FSM for 80% of their time in school.

⁷ CLA are also commonly referred to as 'looked-after children' (LAC).

Work

Employment, unemployment and economic inactivity

Before the COVID-19 pandemic, employment in Britain increased steadily from 2011/12 (57.6%) to 2019/20 (61.3%). Analysis of the Office for National Statistics (ONS) Annual Population Survey (APS) found the employment rate fell to 60.1% during 2020/21 and was similar in 2021/22 (60.3%).



Unemployment in Britain dropped from a peak of 8.1% in 2011/12⁸ to 3.9% in 2019/20.

Our APS analysis found it rose to 4.9% in 2020/21 but fell slightly (to 4.1%) in 2021/22, though this was still higher than the pre-pandemic unemployment rate.

Economic inactivity in Britain declined from 37.3% in 2010/11 to 36.2% in 2019/20. However, this trend has reversed since the onset of the COVID-19 pandemic. According to our APS analysis, between 2019/20 and 2021/22 economic inactivity rates have grown from 36.2% to 37.1%.

While a temporary increase in economic inactivity at the start of the COVID-19 pandemic was present in all but one Organisation for Economic Co-operation and Development (OECD) country, analysis from ONS suggests the UK is one of just six OECD countries (out of 37) still showing higher inactivity rates than at the end of 2019/20 (ONS, 2022).⁹

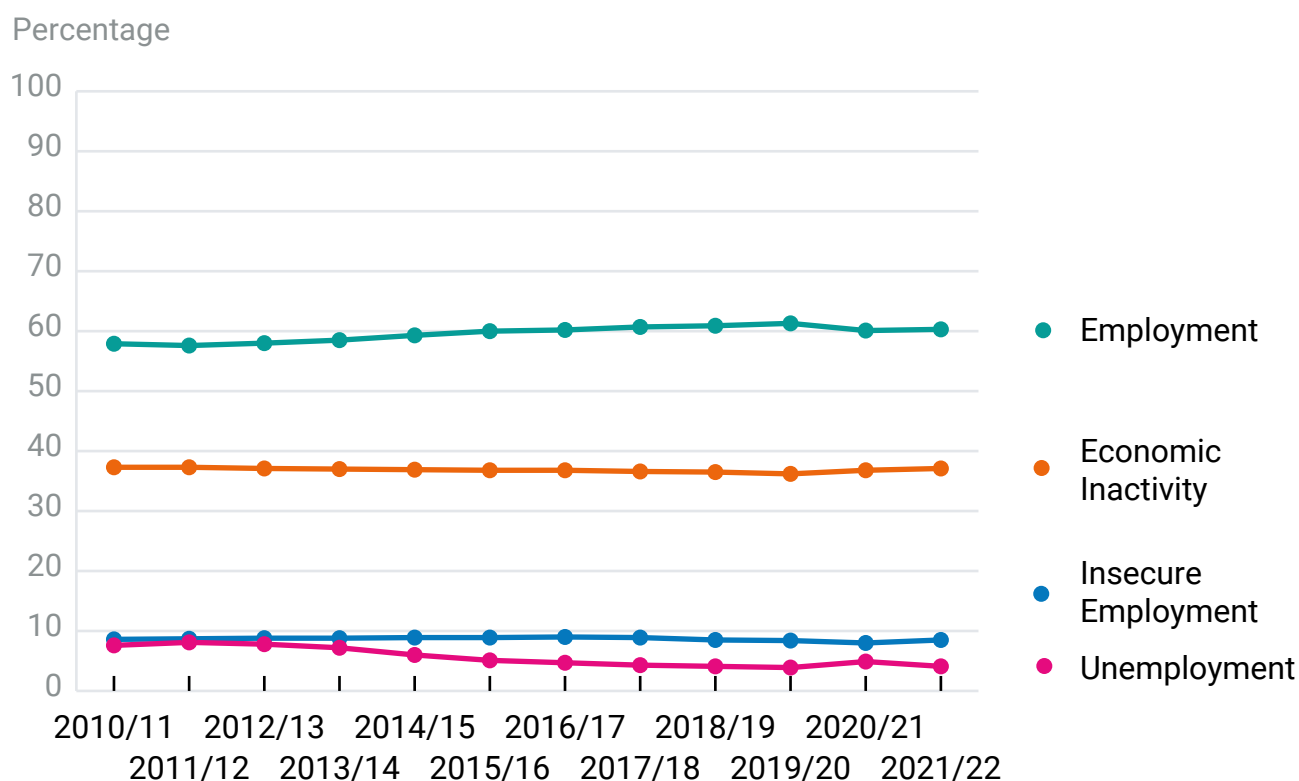
⁸ 2011/12 saw the highest rate of unemployment in GB since the start of the new millennium

⁹ The analysis compared economic inactivity as of Q2 2022 and Q4 2019.

Developments affecting multiple groups

The nature of employment is changing. Technological disruption has led to the creation of new forms of casual and flexible work, often categorised as being part of a new emerging market known as the 'gig economy'. The gig economy's workforce may simplistically be defined as being made up of all workers on zero-hours contracts. When using this definition, we see clear growth in the gig economy workforce, as the proportion of employees on zero-hours contracts has been growing significantly from December 2010 to December 2022 (ONS, 2023a). However, this definition is not widely accepted, as the gig economy is viewed as a multi-faceted concept which differs to the zero-hours contract labour market. While the gig economy is poorly defined and difficult to measure, it is generally agreed that, within certain sectors, the nature of employment has changed significantly in recent years, following the emergence of new technologies (Montgomery and Baglioni Johnes, 2020).

Figure 2: Employment rate, unemployment rate and economic inactivity rate, Britain, 2010/11 to 2021/22



(Source: EHRC analysis of Annual Population Survey)

Average earnings and pay

Real median hourly earnings in Britain went up from £12.83 to £13.67 between 2014/15 and 2019/20.¹⁰ This growth may be affected by the introduction of a National Living Wage and National Minimum Wage increases.

Our APS analysis found the proportion of the workforce in Britain in a high-paid occupation rose from 29.2% in 2010/11 to 33.2% in 2019/20. At the same time, the proportion of workers in a low-paid occupation fell from 28.4% to 26.4%.¹¹

Employment tribunals

Employment tribunal claims can contain multiple specific complaints, known as 'jurisdiction complaints' in the data, and these refer to different aspects of employment law that may apply. Multiple complaints may be made by one person within the same claim. There were 48,466 discrimination complaints made in employment tribunals in 2019/20. This represents 27.6% of all complaints made in employment tribunals claims.

From 2010/11 to 2019/20, sex discrimination and equal pay complaints made up most discrimination complaints in employment tribunal claims ranging from 53.5% in 2015/16 to 71.3% in 2013/14. The volume of sex discrimination and equal pay complaints together is higher than the number of complaints for all other protected characteristics combined, between 2010/11 and 2019/20.

In 2019/20 complaints of discrimination in employment tribunal claims were at a significantly lower level than in 2010/11. They had dropped from 75,278 in 2010/11 to 21,461 in 2014/15 following the introduction of Employment Tribunal fees in July 2013. Following a Supreme Court ruling in 2017 that found the fees unlawful, discrimination complaints within claims increased.

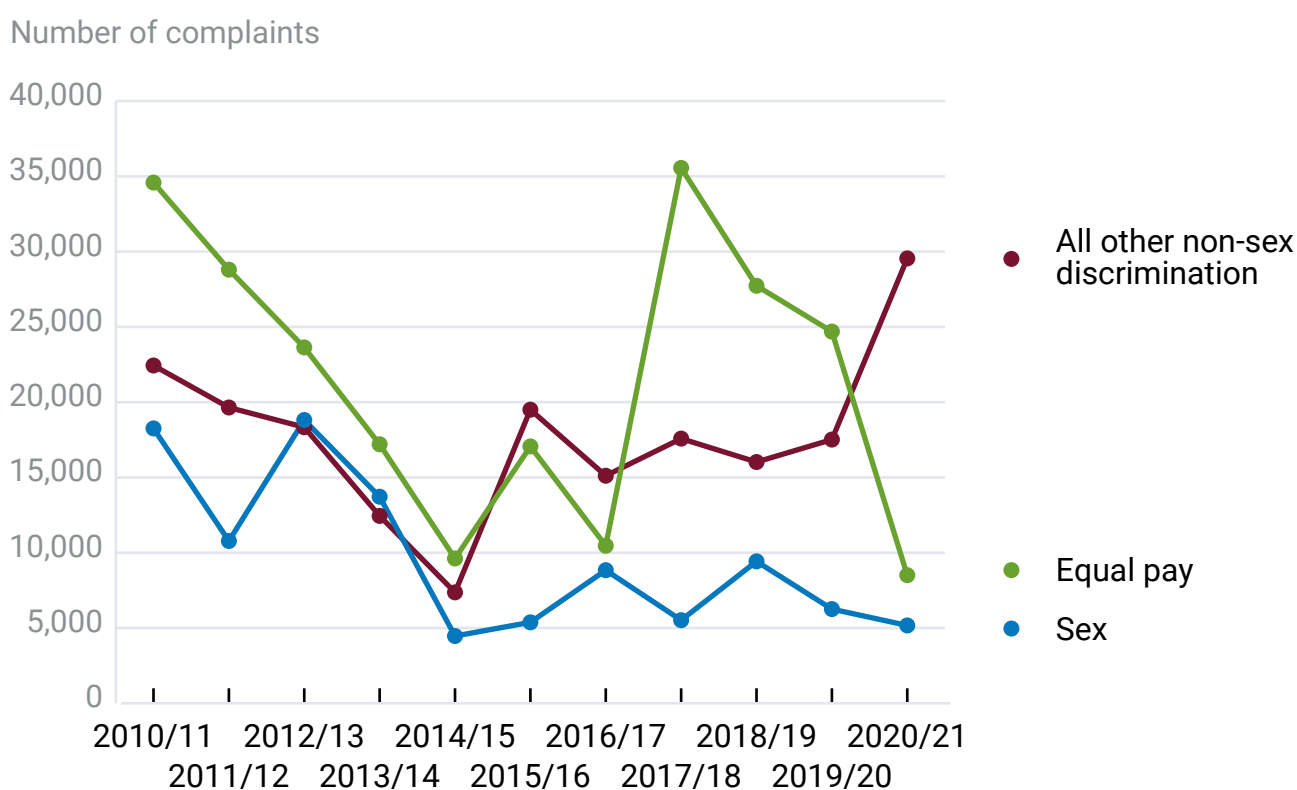
¹⁰ Before 2014/15, there was some decline in real earnings since 2010/11. Furthermore, due to methodological issues with median hourly earnings data during the COVID-19 pandemic, data for later years has not been presented (ONS, 2021a).

¹¹ Figures after 2019/20 have not been included, as wider changes in the labour market, related to the pandemic, likely affected the trends.

Developments affecting multiple groups

Discrimination complaints for protected characteristics other than sex, equal pay and age have increased back to just below or comparable levels to 2010/11 following a dip around 2014/15. In 2019/20, equal pay and sex discrimination and age claims are still notably below where they were in 2010/11 (MoJ, 2022c).

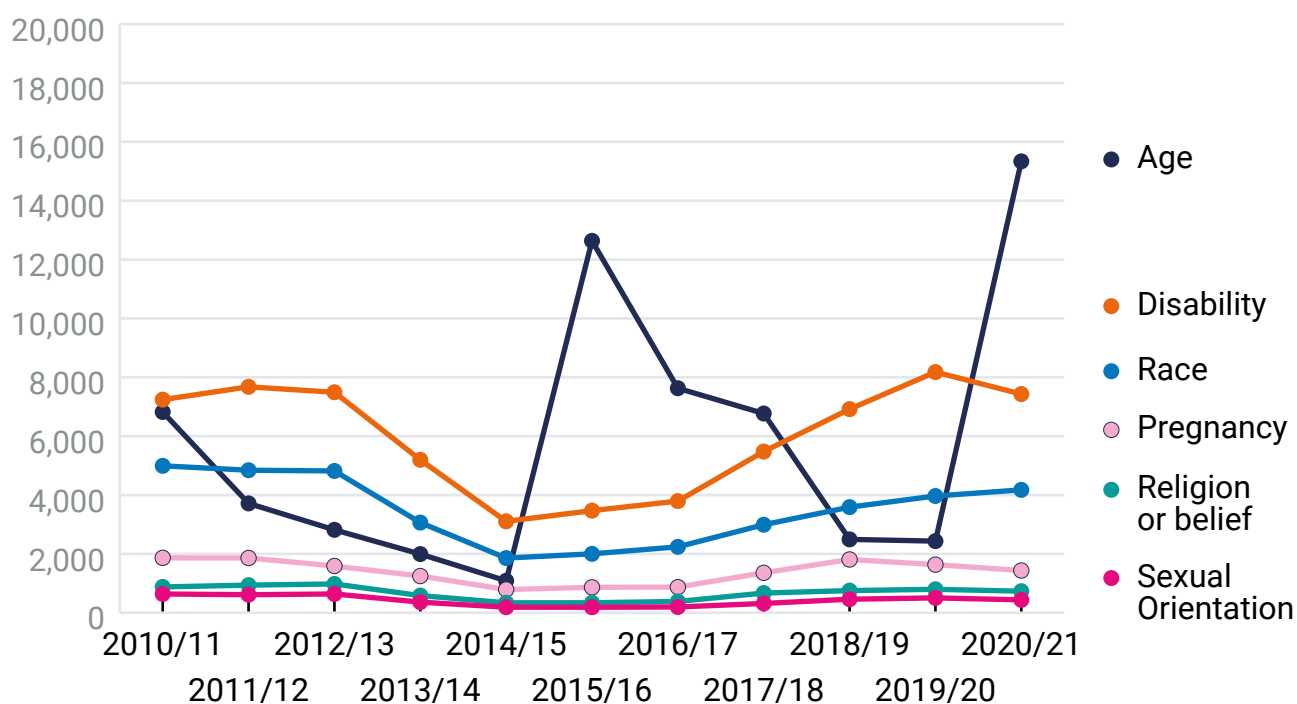
Figure 3: Number of employment tribunal claims that include a complaint on the grounds of sex discrimination, equal pay and all other discrimination types, in Britain, 2010/11 to 2020/21



(Source: EHRC analysis of Ministry of Justice data)

Figure 4: Number of employment tribunal claims that include a complaint for different types of discrimination, except excluding equal pay and sex discrimination, in Britain, 2010/11 to 2020/21

Number of complaints



(Source: EHRC analysis of Ministry of Justice data)

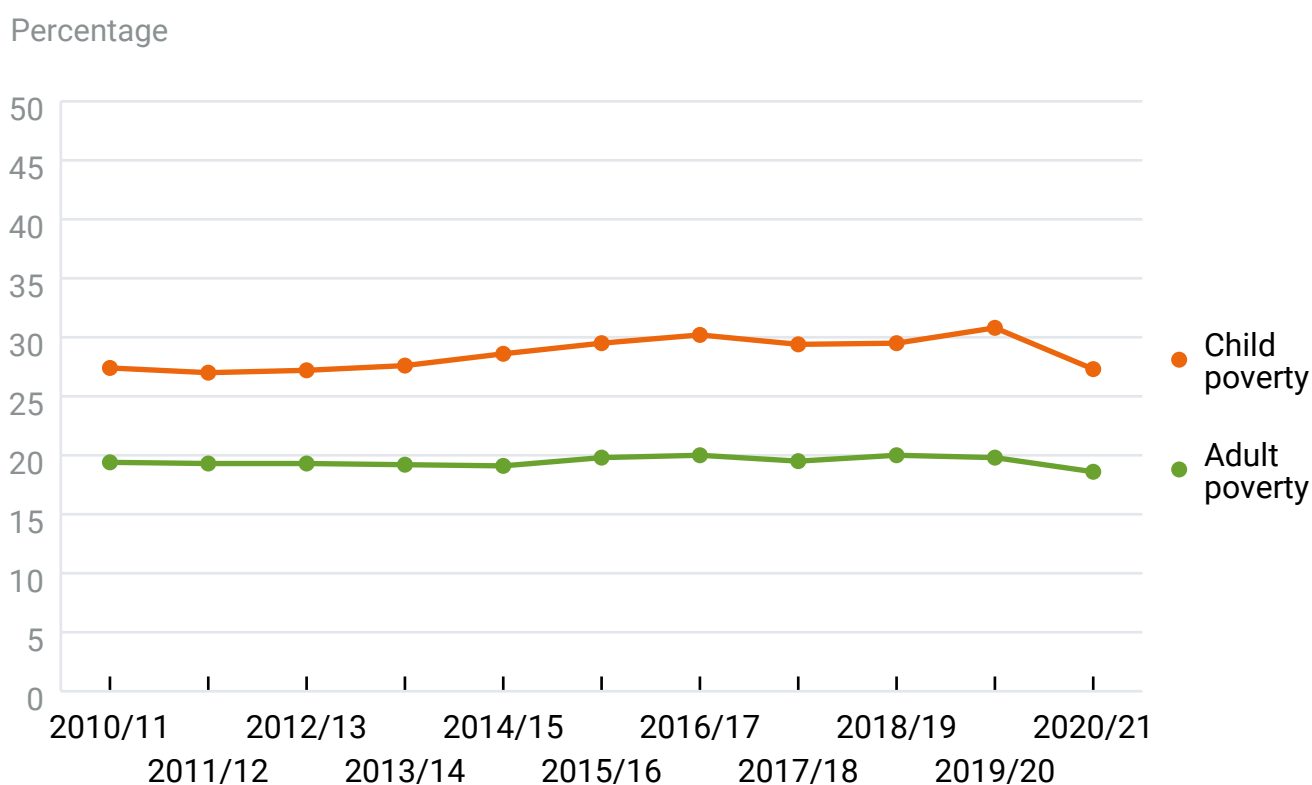
Living standards

Adult and child poverty

The adult poverty rate in Britain remained relatively stable between 2010/11 and 2019/20. Poverty fell from 19.8% in 2019/20 to 18.6% in 2020/21, based on our analysis of the Family Resources Survey (FRS). But figures for 2020/21 are subject to additional uncertainty and caution is advised when making comparisons with previous years. These figures have larger than usual confidence intervals and, due to changes in household circumstances and methodology during COVID-19, it is difficult to determine how much of the improvement reflects genuine change.

Child poverty in Britain rose from 27.4% to 30.8% between 2010/11 and 2019/20. Like adult poverty, it fell in 2020/21 (to 27.3%) but is subject to the same uncertainty.

Figure 5: Adult and child poverty in Britain, 2010/11 to 2020/21



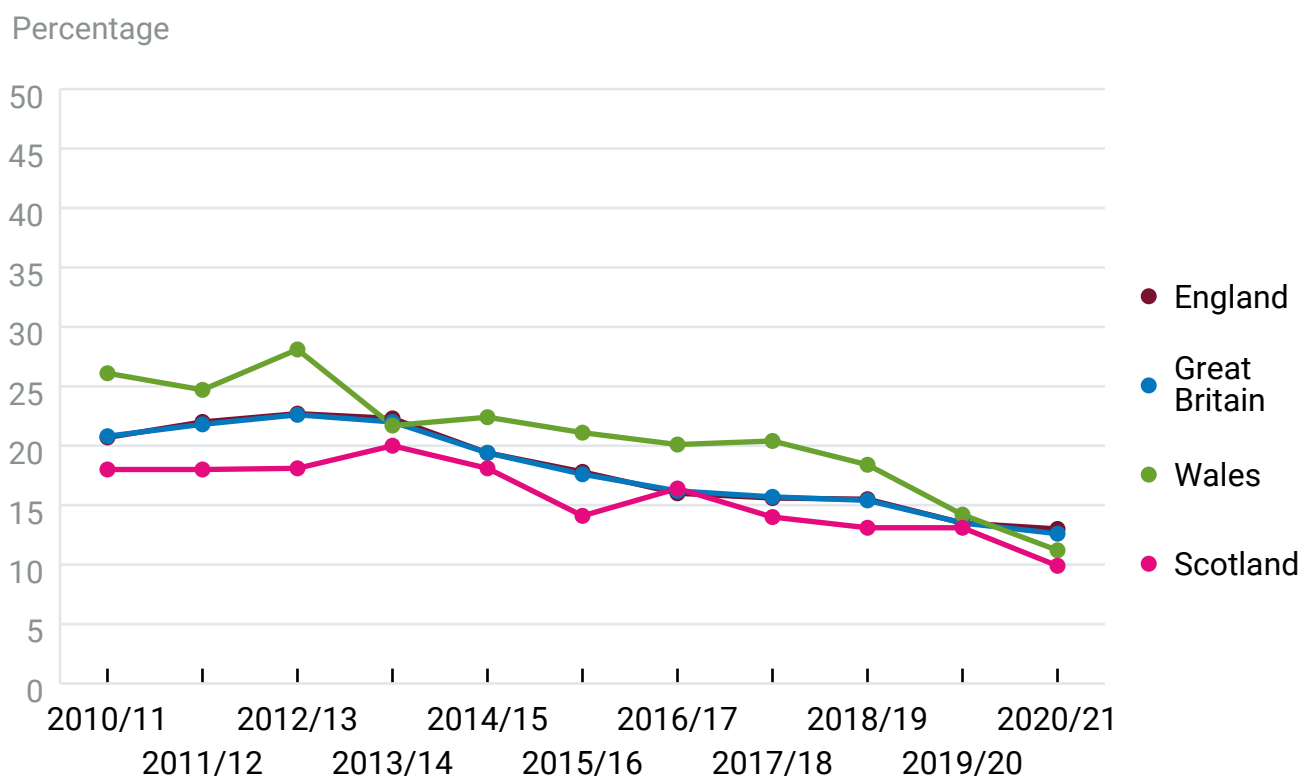
(Source: EHRC analysis of Family Resource Survey)

Severe material deprivation

The proportion of adults in Britain experiencing severe material deprivation went down from 20.8% in 2010/11 to 13.5% in 2019/20. This measure includes adults aged 16-59, excluding dependent children aged 16-19. Reasons for this decline may include the falling cost of essential items and lower-income households' ability to support themselves with savings through periods of low income (IFS, 2022).

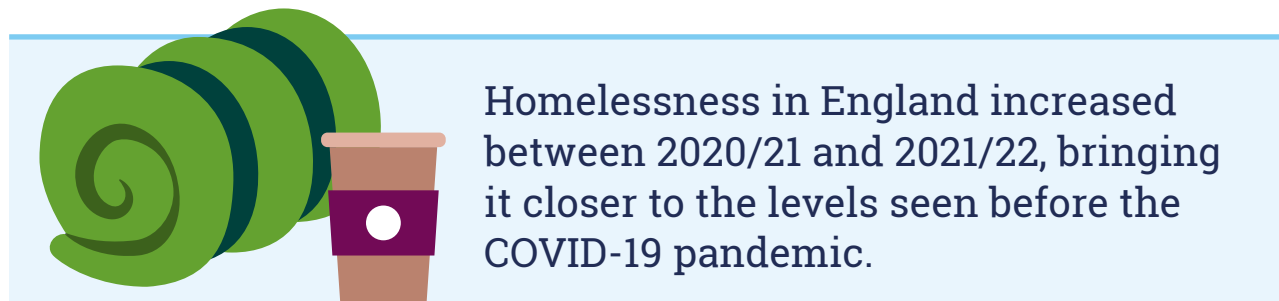
There was no statistically significant change between 2019/20 and 2020/21. The data is subject to uncertainty in the same way as poverty data, in addition to government restrictions affecting the measure, and it does not fully cover the period of increased cost of living. In March 2023, 93.0% of people in Britain said their cost of living had gone up since the previous year (ONS, 2023b).

Figure 6: Severe material deprivation in Britain, England, Scotland and Wales, 2010/11 to 2020/21



(Source: EHRC analysis of Family Resource Survey)

Homelessness



This change may reflect the gradual reduction of the pandemic's immediate effects and the end of government policies such as national lockdowns, the 'Everyone In' initiative and measures to protect private renters and homeowners (DLUHC, 2022b).

In 2021/22, 278,110 households in England were assessed as either threatened with homelessness or already homeless and owed a prevention or relief duty. This is 3.6% higher than in 2020/21 (268,560) but also 3.6% below the pre-pandemic level in 2019/20 (288,470). The increase was among those threatened with homelessness, while the number of households assessed as already homeless fell (DLUHC 2021a; 2021b; 2022b).

Similar patterns were seen in Wales. The number of households assessed as being threatened with homelessness went up 26.6% from 7,290 in 2020/21 (when pandemic interventions were in place) to 9,228 in 2021/22. The number of households already assessed as homeless dropped 12.4% between 2020/21 (13,161) and 2021/22 (11,704). In 2021/22 both measures remained below the level in 2019/20 (Welsh Government, 2022b).

In Scotland, the number of households assessed as homeless or threatened with homelessness was 3.0% higher in 2021/22 (28,882) than in 2020/21 (28,042), but still 8.6% lower than pre-pandemic levels (31,612) (Scottish Government, 2023).

The number of people sleeping rough in England has risen for the first time since 2017, with an estimated 3,069 people sleeping rough on a single night in autumn 2022, equivalent to a rate of 5.4 people per 100,000. This is a rise from 4.3 per 100,000 people in 2021 but still lower than the peak in 2017 of 8.5 per 100,000 (DLUHC, 2023).¹²

12 An equivalent rough sleeper count is not conducted in Scotland. The annual rough sleeper count was replaced by a monthly count in Wales during the pandemic, which cannot be compared to the previous annual count.

Health

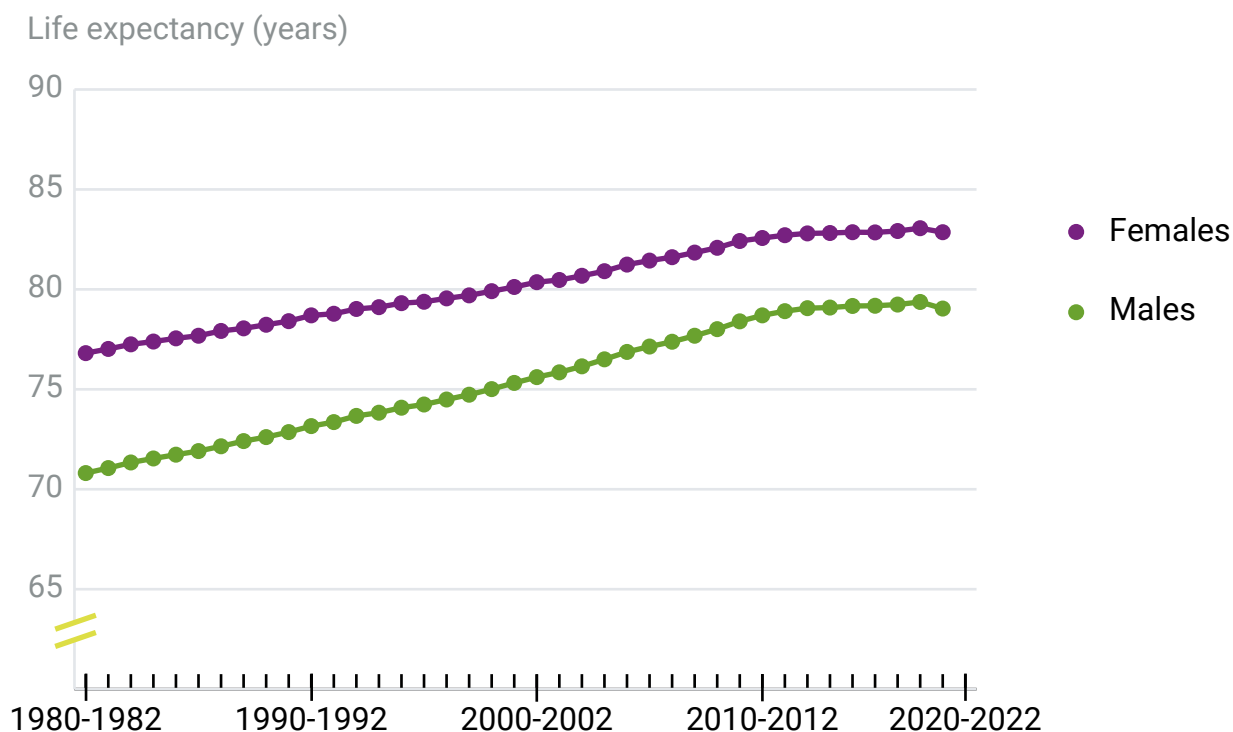
Life expectancy

Life expectancy in the UK has increased in the past 40 years, but at a slower rate over the past decade with a slight fall for men in the most recent years. In 2020, the COVID-19 pandemic meant there were more deaths than usual, which affected life expectancy estimates. It is still uncertain what the longer-term impact of the COVID-19 pandemic on life expectancy will be.

The 2018–2020 figures show life expectancy in the UK is 79.0 years for men and 82.9 for women, a small drop since 2015–2017 for men, with almost no change for women.

In Britain, average life expectancy at birth is highest for men and women in England, followed by Wales, and is lowest in Scotland (ONS, 2021b).

Figure 7: Life expectancy at birth, UK



(Source: Office for National Statistics)

Mental health

Analysis of NHS Digital's Health Survey for England and the Scottish Health Survey showed an increase in the proportion of people of all ages with probable poor mental health. In England, this rose from 14.8% in 2010 to 16.0% in 2018, peaking at 18.6% in 2016. In Scotland, the proportion increased from 15.5% in 2010 to 19.4% in 2018. Significantly higher proportions of adults in Scotland report poor mental health compared with adults in England in 2018.¹³

England, Scotland and Wales all saw an increase in people with probable poor mental health during the COVID-19 pandemic, though further research is needed to determine whether this is a long-term trend (OHID, 2022; Scottish Government, 2022; Wales Fiscal Analysis, 2021).

Waiting times

The COVID-19 pandemic led to a rapid increase in healthcare waiting times across England, Scotland and Wales.¹⁴

In England, the proportion of people waiting 18 or more weeks from referral to treatment rose from 13.3% in 2019 to 35.6% in 2021. But waiting times were already increasing before the COVID-19 pandemic, and by 2019 had almost doubled from 6.9% in 2015.

In contrast, Scotland saw an initial drop in the proportion of patients waiting over 18 weeks between 2019 (22.7%) and 2020 (19.8%), before increasing to 24.5% in 2021. The proportion waiting over 18 weeks was also higher in Scotland compared with England in 2015 (12.2%) and there was a larger percentage point increase of 10.5% between 2015 and 2019.

In Wales, the proportion of patients waiting over 26 weeks for treatment went up from 10.9% in 2019 to 47.5% in 2021. This followed a longer-term decreasing trend between 2015 (13.8%) and 2019 (10.9%).

13 Due to limited data and a lack of comparable measures it has not been possible to include Wales in this analysis.

14 Referral to treatment times are measured using different methods across England, Scotland and Wales. These figures should not be directly compared with each other.

Justice

Prisons in England and Wales

Serious issues with the prison estate in England and Wales were identified before the COVID-19 pandemic. These included poor safety and conditions and a lack of purposeful activities. Prisoners spending too much time shut in cells was a key concern and was linked to poor mental health, drug abuse and self-harm (HMIP, 2020).

Restrictions were put in place to manage the risks of COVID-19 infection in prisons in England and Wales during the COVID-19 pandemic. These led to limits on time out of cell, worsening of living conditions, suspension of visits, activities and education, and less independent scrutiny. Prison inspections in 2020/21 found some restrictions were retained for longer than necessary and that long periods of isolation, often without purposeful activity, had an impact on prisoners' well-being (HMIP, 2021).

All COVID-19 restrictions ended in England in July 2021 but were still in place in Wales until May 2022 (MoJ, 2022d). Inspections during 2021/22 in England and Wales found inconsistencies between prisons in how COVID-19 restrictions had been implemented and how long they were maintained, particularly measures limiting time prisoners spent out of their cells and the availability of education and purposeful activity. Restrictions often remained in place even when infection levels were low and many of the most vulnerable prisoners had been vaccinated (HMIP, 2022).

Prisons in Scotland

Research into prisoners' experiences of the COVID-19 restrictions in Scotland found most felt lockdown severely affected their mental health (Armstrong et al., 2022a).

There has been a large increase in the prison suicide rate in Scotland that is not explained by increases in the prison population (Armstrong et al., 2022b).

The chance of dying in prison (including suicide and drug-related deaths) in Scotland in 2022 was double what it was in 2008 (Armstrong et al., 2022b).

Immigration detention

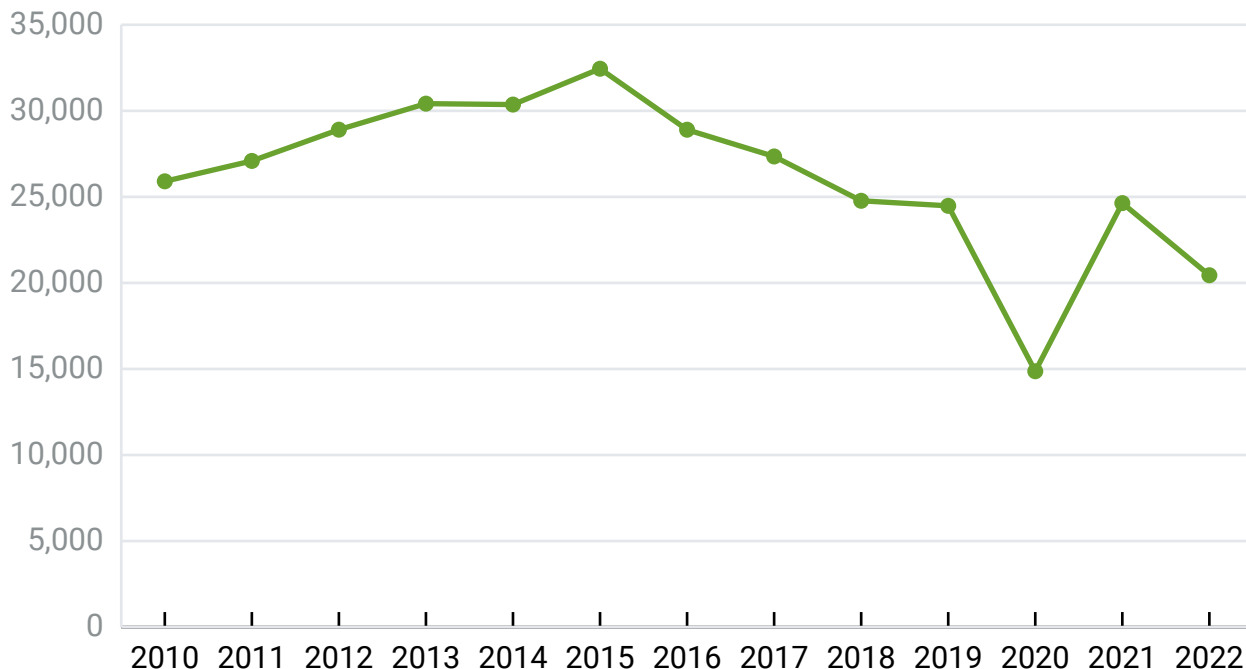
In total, 20,466 people entered immigration detention in 2022 in the UK. This is fewer than before the COVID-19 pandemic (24,480 in 2019). 1,159 people were held in detention at the end of 2022.

This is part of a downward trend in the number of people entering immigration detention since a peak in 2015, with short-term drops during the COVID-19 pandemic.

A high proportion of migrants entering detention in 2021 and 2022 were people who arrived in Britain across the English Channel on small boats and who were detained to confirm their identity and register an asylum claim.¹⁵ The drop to 20,466 in 2022 (from 24,638 in 2021) may be related to new processing centres for small boat arrivals (Home Office, 2023c).

Figure 8: Number of people entering immigration detention, 2010–2022, UK

Number of people entering detention



(Source: Immigration System Statistics)

¹⁵ Not all small boat arrivals enter the detention estate. Some are held in short-term accommodation and not counted in the detention figures.

Developments affecting multiple groups

In 2022, around half of people (48.0%) left immigration detention after seven days, compared with 76.0% in 2021. There were 439 individuals who left detention after six months or more, including 18 people who were in detention for two years or more (Home Office, 2023c).

The Independent Chief Inspector of Borders and Immigration has highlighted ongoing issues with the effectiveness and efficiency of Rule 35 of the Detention Centre Rules 2001.¹⁶ Rule 35 (Special illnesses and conditions) is designed to protect adults at risk in immigration detention. It was found the rule was not working consistently or effectively, meaning vulnerable detainees might not be identified and safeguarded effectively (ICIBI, 2023).

Qualitative research with immigration detainees and prison staff in March/April 2022 found immigration detainees held in prisons were substantially disadvantaged in terms of legal safeguards and their general welfare compared with those in immigration removal centres. This had a considerable impact on their well-being (HMIP, 2022).

Recommendations

1. The Office for National Statistics, Department for Education and Scottish and Welsh Governments should conduct research and collect data on the experience of bullying in schools and education for children under 18, broken down by protected characteristics including sexual orientation and gender reassignment.

¹⁶ This rule covers physical health, suicidal intention and torture. It requires a doctor in an immigration removal centre (IRC) to assess both an individual's physical and mental state and the impact of ongoing detention on them. The Home Office should weigh this assessment against immigration and public protection considerations to decide whether detention is still appropriate.

Age

Key findings

Children and young people

- Child poverty among children aged five and over has risen in the past decade in Britain. The number of children affected by the two-child limit on Universal Credit and Child Tax Credit is growing each year.
- Children and young people's mental health in England has been particularly affected by the COVID-19 pandemic. Those with long-term mental health conditions are now less likely to say they feel supported to deal with their condition than before the pandemic.
- School absenteeism was a serious issue during the COVID-19 pandemic, with a nearly a quarter of children being missing from lessons for most of the time. This is still a greater issue than it was before the pandemic.

Young adults

- The poverty gap between young and older adults has narrowed, but people aged 16–24 remain one of the groups more likely to be in poverty.
- Young adults remain the lowest paid and most likely to be in a low-paid occupation (LPO). But the proportion of young adults in an LPO has fallen and median hourly earnings for this group have increased.

Older people

- The older pre-retirement age group (55–64) in Britain was becoming increasingly active in the labour market before the COVID-19 pandemic, but older workers' economic activity has fallen since.
- A quarter of adults aged 65 and over in the UK do not have access to the internet in their home and 43.0% of them are defined as 'narrow' users of the internet. They are potentially at risk of digital exclusion.
- The proportion of older people in prisons in Scotland has risen. There are concerns about whether the prison systems in England and Wales and Scotland meet older prisoners' needs.

Definitions

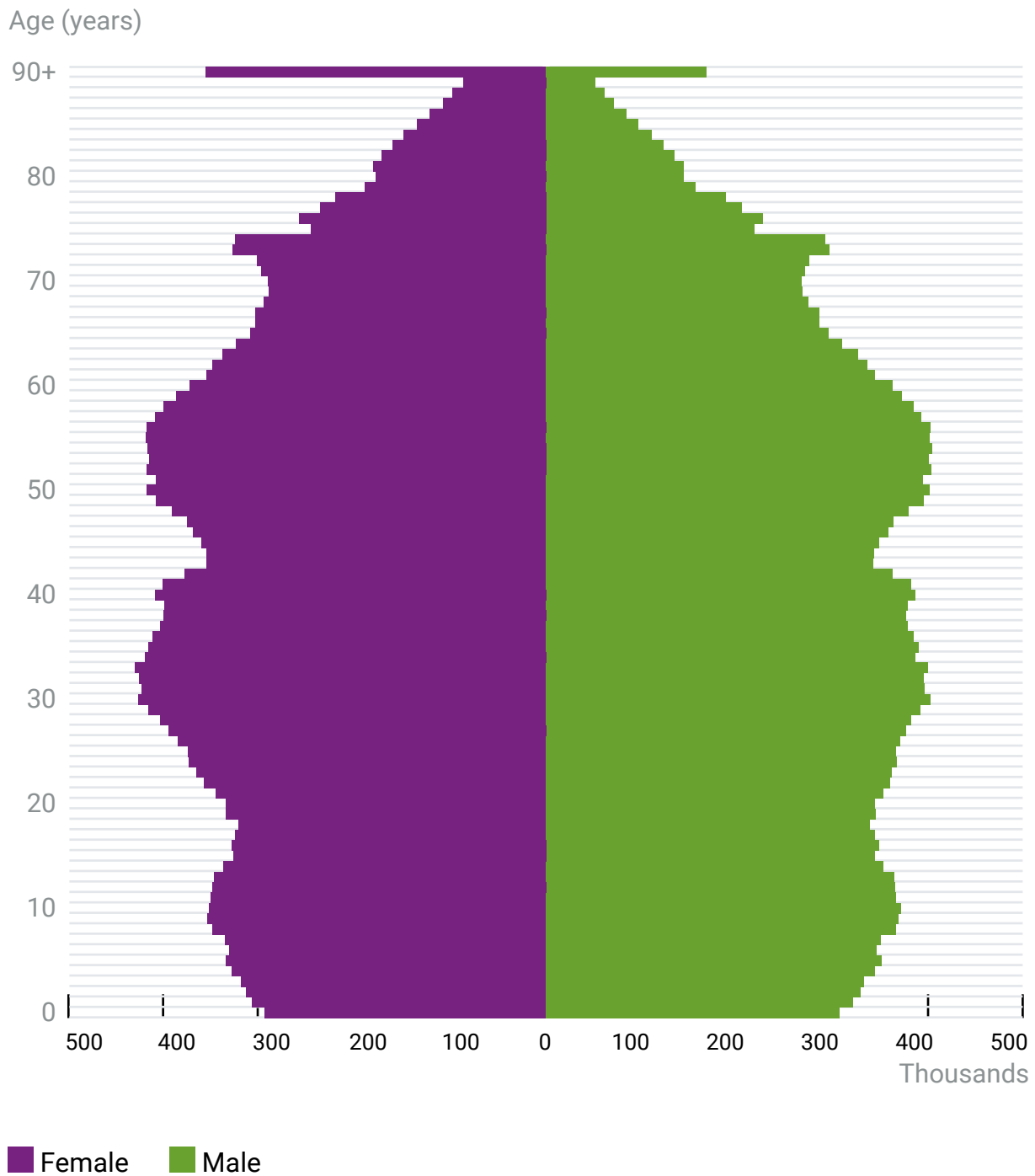
Adult: the legal age of an adult is 18 years old. In some datasets, the youngest respondents will be 16, for example in labour market data because individuals can join the labour market at 16. Therefore, within those datasets adults will include 16- and 17-year-olds.

Young adults: we use the term young adult to identify those age groups who are adults within the data but are in the lowest age groups among adults. Typically, this is 16–24 in most datasets but can differ depending on the source.

Demographics

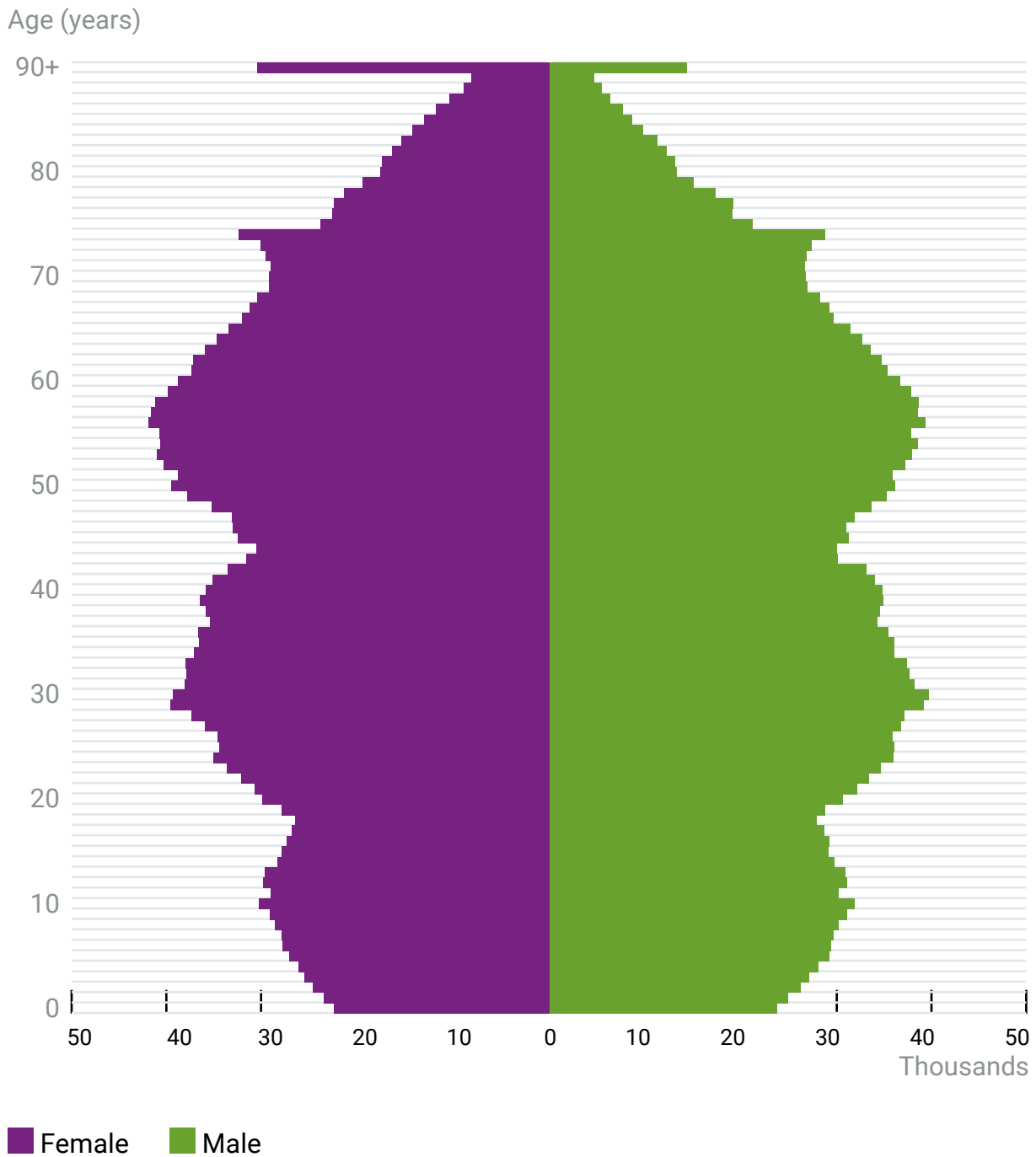
The 2021 census showed that the median age in England and Wales was 40 years, compared with 39 years in 2011 (ONS, 2022a).

Scotland's 2021 census was delayed until 2022 and National Records of Scotland published mid-2021 population estimates as a proxy (National Records of Scotland, 2022).

Figure 9: Age of the population by sex (1,000s), 2021, England and Wales

(Source: Office for National Statistics)

Figure 10: Population by age group 2021 using Mid-Year population estimates from the National Records of Scotland



(Source: National Records Scotland)

Legal and policy developments

Education

Attainment

The UK government's 2022 white paper 'Opportunity for all: Strong schools with great teachers for your child' set out plans for better attainment in secondary schools in England, including raising the national GCSE average to grade 5 in both English language and maths by 2030 (DfE, 2022a). In 2019, the UK government announced an extra £18 million funding to improve educational outcomes for young people in disadvantaged areas of England (DfE and Williamson, 2019c).

COVID-19 pandemic

Schools closed to all pupils except key workers' children and vulnerable children at times during the COVID-19 pandemic. Local authorities' legal obligations relating to support for children with education, health and care (EHC) plans were temporarily modified in England and Wales so that local authorities and health commissioners only needed to make 'reasonable endeavours' to discharge their duties to secure or arrange appropriate support and to comply with timelines. These arrangements were challenged in the High Court by two disabled children and found to be lawful.¹⁷

The UK government took steps to address the COVID-19 pandemic's impact on learning in England, including by introducing a laptop and internet scheme in April 2020 to help children without access to technology at home (DfE, 2022b). After exams were cancelled in summer 2020, GCSEs and A levels in England were awarded based on teacher-predicted grades or a standardised grade, whichever was higher (DfE, 2020a).

In February 2021, the UK government appointed an Education Recovery Commissioner to focus on ensuring children in England recovered learning lost due to the COVID-19 pandemic (Prime Minister's Office, 2021). The new Commissioner resigned in June 2021, citing concerns about the scale of the recovery package (Education Committee, 2021).

¹⁷ Shaw & Anor, R (On the Application Of) v Secretary of State for Education [2020] EWHC 2216 (Admin).

Funds totalling £4.9 billion have since been allocated to support education recovery in England, mainly through the National Tutoring Programme launched in 2020, plus catch-up and recovery premiums. In February 2023, the National Audit Office (NAO) concluded that disadvantaged pupils were more likely to receive tutoring and it appears learning loss is reducing. Even so, disadvantaged pupils' achievement levels were still behind those of other pupils, and only a minority had received extra support (NAO, 2023).

The Welsh Government's education recovery plan, 'Renew and reform' (Welsh Government, 2022a), recognises the impact of the COVID-19 pandemic on 'disadvantaged and vulnerable learners', including those with additional learning needs (ALN), children from poorer backgrounds, Black, Asian and ethnic minority pupils, and children looked after.

Exclusions

The UK government-commissioned 'Timpson Review of School Exclusion' was published in 2019, covering England. It found variations in how schools use exclusion, as well as evidence of 'off-rolling'. This means children are removed from school (sometimes by encouraging a child's parents to withdraw them) without a formal permanent exclusion and is this more in the school's interests than the child's (Timpson, 2019).

The Department for Education (DfE) launched a three-year 'behaviour hubs' programme in 2020, providing £10 million to help schools in England improve behaviour management (DfE, 2020b).

In 2022 the DfE published revised guidance on behaviour in schools in England and on suspensions and permanent exclusions following consultation (DfE, 2022c). The updated guidance covers the importance of schools, local authorities and other partners working together to understand local trends but has removed references to certain groups facing disproportionate levels of exclusion. For example, the previous DfE guidance stated: '[The] ethnic groups with the highest rates of exclusion are: Gypsy / Roma; Travellers of Irish Heritage; and Caribbean pupils', but these groups are not mentioned in the updated version.

The guidance emphasises that a school in England is likely to be judged inadequate by Ofsted if there is evidence of off-rolling and leaders have not done enough to address this (DfE, 2022d). Ofsted's education inspection framework has been updated and the latest version makes clear that 'off-rolling' is unacceptable in any form (Ofsted, 2019).

Bullying

The UK government's 'Preventing and tackling bullying' advice (DfE, 2017) does not set out a particular approach for schools in England to follow but instead allows them significant discretion, including whether to record bullying incidents. New relationships and sex education (RSE) and health education statutory guidance requires schools to teach pupils about different types of bullying, including cyberbullying, and how to seek help (DfE, 2019a).

The 'Keeping children safe in education' statutory guidance for England covers duties relating to safeguarding and promoting children's welfare (DfE, 2022e). This includes guidance on tackling bullying and now incorporates the content from the 'Sexual violence and sexual harassment between children in schools and college' advice, which was previously separate.

The UK government commissioned an Ofsted review of sexual abuse in schools and colleges in England (Ofsted, 2021; DfE, 2022e) and subsequently announced additional support for schools to better identify sexual harassment (DfE, 2021).

Restraint

The UN Committee on the Rights of the Child (UNCRC) and the EHRC's own human rights framework for restraint both state that techniques intended to inflict pain as a means of control must not be used when restraining a child (UNCRC, 2016; EHRC, 2019).

The UK government accepted many recommendations from the independent Taylor Review of pain-inducing techniques in the youth secure estate in England and Wales, commissioned by the Ministry of Justice (MoJ), including removing these techniques from custodial staff training manuals (MoJ, 2020; Taylor, 2020). But few changes have been fully introduced to date. Nor has the UK government agreed yet to fully prohibit the use of prone restraint on children (DHSC, 2022), as recommended by the House of Commons Health and Social Care Committee (Health and Social Care Committee, 2021).

In 2021, we launched an inquiry into how schools are recording and monitoring their use of restraint in England and Wales (EHRC, 2021). The UK government has said it will provide updated guidance on restraint and bring into force primary legislation to make it mandatory for schools to record and report use of physical force. It has recently concluded a call for evidence on this issue (DfE, 2023a).

Work

Age discrimination

Two legal cases have helped define when age discrimination applies in the workplace.

In 2021, a Scottish employment tribunal found in favour of a 14-year-old girl who claimed that dismissing her from her waitress job because she was 'too young' was direct discrimination because of age.¹⁸

A 2018 Court of Appeal case (on appeal from the Employment Appeal Tribunal) held that policies to prevent people nearing retirement age from being disadvantaged when their public sector pension schemes changed from final salary to career-average schemes were directly discriminatory. Although the intention was to allow employees within 10 years of retirement to remain in their final salary pension schemes, the impact was discriminatory against people who were over 10 years away from retirement. The Court found the purpose of the policies was not a legitimate social policy aim.¹⁹

Plans for Jobs

The UK government published 'A Plan for Jobs 2020' in recognition of the long-term effects of unemployment, particularly on young people, and the COVID-19 pandemic's impact on the UK (HM Treasury, 2020). This strategy contained commitments to help people find work and gain skills, including:

- the Kickstart Scheme, a £2 billion fund to provide six-month job placements for young people in the UK at risk of long-term unemployment
- £111 million additional funding for traineeships for young people aged 16–24 in England, and
- funding to triple the number of sector-based work academy placements in England.

The Welsh Government has introduced the Young Person's Guarantees (YPG) plan (Welsh Government, 2021). The YPG aims to provide everyone in Wales under 25 with the offer of work, education, training, or self-employment. Its Employability and Skills plan, Stronger, fairer, greener Wales (Welsh Government, 2022b) commits to creating 125,000 apprenticeships by 2026.

¹⁸ Cassidy v The Daimler Foundation Limited [2021] Case No. 4101376/2020.

¹⁹ The Lord Chancellor and Secretary of State for Justice and the Ministry of Justice v McCloud and Mostyn and Others; Sargeant v London Fire and Emergency Planning Authority and Others. EWCA Civ 2844.

National Living Wage

The age when people in the UK are entitled to receive the National Living Wage, which was £10.42 per hour from April 2023,²⁰ was reduced to 23 and over from April 2021 (UK Government, n.d).

Reducing disincentives to working

The 2023 Spring Budget made changes to the lifetime allowance and annual allowance on pension contributions in the UK, with a view to reducing disincentives for continuing in employment (HM Treasury, 2023; Office for Budget Responsibility, 2023).

Living standards

Social security

In the UK, Child Tax Credit and Universal Credit payments have been limited to two children in a household (with some exceptions) since 2017 (HMRC, 2017; DWP, 2017). The Supreme Court upheld the two-child policy after a legal challenge, but this decision has been taken to the European Court of Human Rights.²¹

No recourse to public funds (NRPF)

In the UK approximately 225,000 children live in families with NRPF because their immigration status means they are not entitled to claim mainstream benefits classed as 'public funds' or other forms of support. There are some limited exceptions (Fernandez-Reino, 2022).

The High Court ruled aspects of the UK government's NRPF scheme unlawful because Home Office guidance on the scheme failed to comply with the duty to safeguard and promote a child's best interests when deciding whether to impose an NRPF condition in a number of cases in 2021 and 2022.²²

20 For workers at school leaving age the National Minimum Wage was £5.28 per hour rising in increments to the level of National Living Wage by the age of 23.

21 R (on the application of SC, CB and 8 children) v Secretary of State for Work and Pensions and Others. [2021] UKSC 26.

22 ST (a child) v Secretary of State for the Home Department [2021] EWHC 1085 (Admin) and AB and Others v Secretary of State for the Home Department [2022] EWHC 1524 (Admin).

In 2022, the UK government decided to permanently extend free school meals (FSM) eligibility to children from families with NRPF (UK Parliament, 2022). A House of Commons Work and Pensions Committee inquiry report argued more could be done to help these children (Work and Pensions Committee, 2022).

A 2023 High Court judgment ruled a child whose carer had NRPF had been discriminated against because the child was British and should have been eligible for state support.²³ The Court clarified that British children within the NRPF policy have a need to be treated equally, in terms of safeguarding and welfare, with any other British child. This is irrespective of the immigration status of their carer. As a result, they are entitled to more state support than that afforded to non-British children.

Children's social care

An independent review into children's social care in England and Wales published its final report in May 2022, calling for a 'dramatic whole system reset' to address 'unacceptably poor' outcomes for children and too much focus on crisis intervention (MacAlister, 2022). The UK government's response set out planned actions to improve children's social care, including a national framework and funding for digital solutions (DfE, 2022h).

Also in 2022, the Child Safeguarding Practice Review Panel produced its findings on the murders of two young children because of abuse by a parent and their partner (Hudson, 2022) and the Competition and Markets Authority (CMA) published its review of children's social care placements (CMA, 2022).

These reviews fed into the UK government's 2023 'Stable Homes, Built on Love: Implementation Strategy and Consultation' (DfE, 2023b), which commits to improving support for families and to strengthening the child protection response.

Lack of appropriate children's resource

The National Deprivation of Liberty Safeguards Court was set up in 2022 to deal with applications to deprive children of their liberty in England and Wales. The new court has considered several cases concerning children living in potentially inappropriate accommodation due to a lack of Tier 4 child and adolescent mental health services (CAMHS) or secure welfare accommodation beds.²⁴

23 BCD v Birmingham Children's Trust. [2023] EWHC 137 (Admin).

24 Tier 4 CAMHS beds provide general inpatient care for young people aged 13 –18, including eating disorders services. Secure welfare accommodation is for children and young people referred to secure care (such as a children's home) for welfare reasons.

In one case, the High Court judge referred to the ‘acute lack of appropriate resources, for children [...] requiring therapeutic care within a restrictive environment for acute behavioural and emotional issues arising from past trauma’. The judge also noted that a clinical assessment that the child required a bed in a mental health setting had been overruled by an access assessment (a gatekeeping assessment to consider whether admission to hospital is required, and if so, the type of assessment).²⁵

In another case the judge highlighted ‘the very substantial deficit that exists in England and Wales in the provision of facilities for the secure accommodation of children’ and senior judges’ calls for ‘Parliament and government to acknowledge the need for action to address the gross lack of registered secure accommodation units’.²⁶

Pensions

The State Pension age equalised for men and women between 2010 and 2018 and was then raised to 66 in 2020. The Department for Work and Pensions (DWP) recently published its State Pension age Review 2023, which stated that ‘the increase to State Pension age from 66 to 67 is appropriate’ and will take place between 2026-2028. The government plans to have a further review to consider a future rise to age 68 and reiterated its commitment to the principle of 10 years’ notice of changes to State Pension age.

Housing

The UK government’s 2022/23 consultation, ‘Levelling-up and Regeneration Bill: reforms to national planning policy’ in England and Wales, included reference to a commitment to improve the diversity of housing options available to older people (DLUHC, 2022a). The ‘Levelling Up the United Kingdom’ white paper said a new task force would look at the choice, quality and security of older people’s housing (DLUHC, 2022b).

²⁵ Blackpool Borough Council v HT (a minor) and Others. [2022] EWHC 1480 (Fam).

²⁶ Re X (Secure Accommodation: Lack of Provision). [2023] EWHC 129 (Fam).

Health

Children and young people

Relationships education

The Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019 made 'age-appropriate' relationships education compulsory in primary schools, relationships and sex education compulsory in secondary schools, and health education compulsory in state-funded schools, from September 2020. The statutory guidance includes teaching on mental and physical health (DfE, 2019b). The Secretary of State for Education announced a review of the relationships, sex and health education curriculum to be completed by the end of 2023. An independent expert advisory panel will provide advice to the Secretary of State 'on what is appropriate to be taught in RSHE and at what age.' (DFE, Keegan, Gibb, 2023).

Different regulations apply in Scotland and Wales. The new Curriculum for Wales, established by the Curriculum and Assessment (Wales) Act 2021, makes religion, values and ethics (RVE) and relationships and sexual education (RSE) a statutory requirement and mandatory for all learners in Wales from ages 3–16.

Adults and older people

'Do not resuscitate' notices

The Care Quality Commission (CQC) 2021 review of 'do not attempt cardiopulmonary resuscitation' (DNACPR) decisions in England was undertaken in response to concerns raised during the COVID-19 pandemic about potential rights breaches and the particular impact on older people and people with learning disabilities (CQC, 2021). It found inconsistencies in approach, language, communication and understanding about decision-making and the wider context of advance care planning.

In 2022, NHS England published the Universal Principles for Advance Care Planning for use across health and care settings, which cover DNACPR notices (NHS England, 2022).

Loneliness

In 2018, the UK government produced a strategy to tackle loneliness (DCMS, 2018). In 2020 it launched a campaign to address loneliness and social isolation during the COVID-19 lockdown, including supporting charities such as Age UK to work with NHS Volunteer Responders in local communities (DCMS, 2020a).

Mortality rates

The NHS Long Term Plan for England, published in 2019, acknowledged that ‘people are now living far longer, but extra years of life are not always spent in good health’ (NHS, 2019). It set out commitments aimed at ‘supporting people to age well’ and specific measures on dementia, social care, pneumonia (which disproportionately affects older people), and carers and caring.

However, as we set out in our chapter on developments affecting multiple groups, improvements in mortality rates have slowed since 2011.

Care home visits

Visiting restrictions were placed on care settings in the UK at the start of the COVID-19 pandemic, and these changed several times. A 2021 House of Lords and House of Commons Joint Committee on Human Rights inquiry into care home restrictions heard many reports of people’s physical and mental health declining rapidly due to isolation from their families (Joint Committee on Human Rights, 2021).

Justice

Child protection

In 2018, the UK government ratified the Council of Europe ‘Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse’ (Home Office, 2018). In 2019, it introduced the ‘Tackling Child Exploitation Support Programme’ for England to provide tailored support to children most vulnerable to violent crime, exploitation or gangs and to improve support for survivors (DfE, 2019c). The UK government’s 2021 ‘Tackling Child Sexual Abuse Strategy’ for England and Wales aims to help prevent and identify abuse, ensure effective trials and improve support for survivors (Home Office, 2021c).

The UK voluntary interim code of practice on online child sexual exploitation and abuse was introduced in 2020 and since 2021 online services must follow certain standards when using children’s data, known as ‘the Children’s code’ (DCMS, 2020b; ICO, n.d.). The Online Safety Bill includes specific provisions to protect children from harmful content online (DCMS, 2022).



Under The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act, which came into force in 2022, all types of physical punishment of children, such as smacking, hitting, slapping, and shaking, became illegal.

Youth custody

The Police, Crime, Sentencing and Courts Act 2022 has affected various aspects of criminal law in England and Wales, including the test used by courts to remand children to custody, which could prevent inappropriate use of custodial remand. Other measures may mean children convicted of certain offences spend longer in custody.

In 2021, the UK government rejected the House of Commons Justice Committee's calls to review or change the minimum age at which a child can be held criminally responsible in England and Wales, though the current age (10) is inconsistent with international human rights standards (Justice Committee, 2021).

The UK government's 2019 'Youth Custody Service Safeguarding Review' recommended ways to improve the system, such as needs-led, child-focused safeguarding frameworks for England and Wales (HM Prison and Probation Service, 2019).

The Independent Inquiry into Child Sexual Abuse (IICSA) recommended that the government examine the scale and appropriateness of youth custodial remand in England and Wales (IICSA, 2019). The UK government carried out a review of custodial remand for children in 2022. Recommendations from this included ensuring that safe alternatives to custodial remand are available in the community (MoJ, 2022a).

Courts

The Judicial Review and Courts Act 2022 makes it possible for children in England and Wales to plead guilty to offences online or in writing instead of appearing in court, and for decisions to be made in a child defendant's absence.

Domestic abuse

The Domestic Abuse Act 2021 recognises children under 16 as victims of domestic abuse when they see, hear or experience the effects of abuse. It also places a duty on local authorities in England to provide accommodation-based support to domestic abuse victims and their children.

Participation

Voting and elections

The Welsh Parliament has passed two pieces of legislation the Local Government and Elections (Wales) Act 2021 and the Senedd and Elections (Wales) Act 2020, extending the right to vote to 16- and 17-year-olds in Wales. They were eligible to vote for the first time in the 2021 Senedd election and the subsequent 2022 Local Government elections.

Asylum-seeking children

In 2020, the UK government reaffirmed it would not allow unaccompanied asylum-seeking children to act as sponsors for their parents (Bolt, 2020). The following year it issued details of its review of legal routes to the UK for people who had claimed asylum in the EU (Home Office, 2021b), including family reunion of unaccompanied children, as required by the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020.

The Nationality and Borders Act 2022 enabled the UK government to treat recognised refugees (including children) in different ways based on how they entered the UK. People who travelled to the UK through a 'safe third country' or did not present themselves to UK authorities 'without delay' may receive reduced entitlements, such as restricted family reunion rights (Home Office, 2021a).

The Dublin Regulation,²⁷ no longer applies in the UK after its exit from the EU. MPs voted against an amendment to the EU (Withdrawal Agreement) Bill that would have ensured reunion for unaccompanied child refugees in Europe with family members in the UK (EHRC, 2020). The so-called 'Dubs scheme', which amended the Immigration Act 2016 to require relocation of unaccompanied children to the UK from European countries, has closed.

27 The Dublin Regulation establishes the criteria and mechanisms for determining which EU member state is responsible for examining an asylum application.

Outcomes

Education

Pupil absence

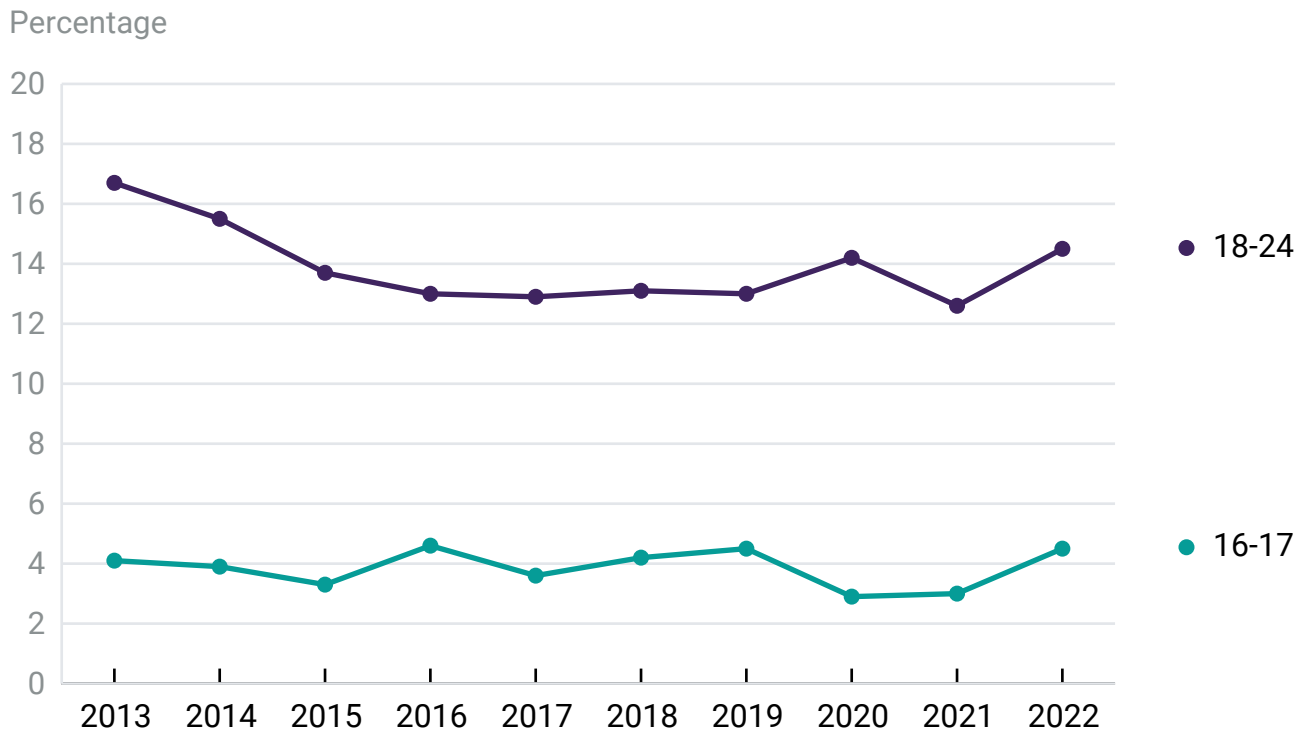
Many children missed a lot of school during the COVID-19 pandemic. An estimated 100,000 pupils in England disappeared almost entirely from school and some children were absent more often than they were present (Centre for Social Justice, 2022). In autumn 2020, over 700 schools in England were missing an entire class-worth of children. This was particularly the case in schools with pupils from low socio-economic backgrounds, which were 10 times more likely to have a class-worth of severely absent pupils than schools with pupils from high socio-economic backgrounds.

Attendance did not return to the pre-pandemic levels in England after schools reopened in March 2021 (Montacute et al., 2022). Absence rates increased in the autumn 2021 term, with 6.9% of possible sessions (each equal to half a day) recorded as absences, rising from below 5.0% in previous years, and 23.5% of pupils were persistently absent, meaning they missed 10.0% or more sessions (DfE, 2022f).

Not in employment, education or training (NEET)

One in eight (12.3%) young people aged 16–24 in England were NEET in 2022, an increase from a record low of 10.5% in 2021, but similar to pre-pandemic levels. For example, the NEET rate for young people aged 16–24 for October to December 2019 was 11.3%.

Since 2013, young people in England aged 16 and 17 have had a duty to stay in education or training under the Education and Skills Act 2008, which raised the participation age (DfE, 2013, updated 2016). But this group have consistently had lower NEET rates than those aged 18–24 (DfE, 2023c).

Figure 11: NEET in England, 2013–2022

(Source: EHRC analysis of Annual Population Survey)

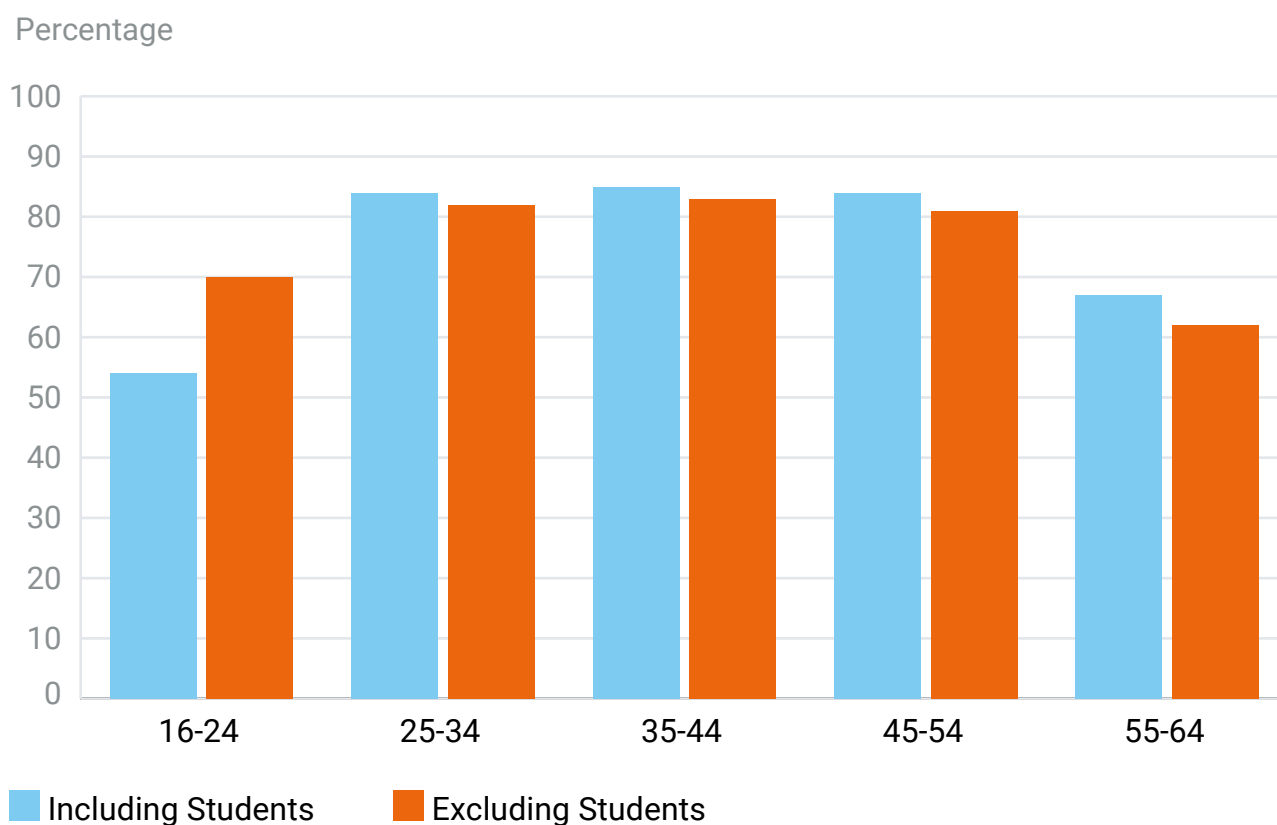
The female NEET rate was previously higher than the male NEET rate, but this has fallen and since 2020 the female NEET rate is lower. The 2022 NEET gender gap was one percentage point, 11.8% for females and 12.8% for males (DfE, 2023c).

Work

Employment rates

Analysis of Office for National Statistics (ONS) Annual Population Survey (APS) data found that in 2019, adults aged 16–24 who were not enrolled in an educational course (not students) were less likely to be employed than all other age groups.²⁸

Figure 12: Employment rates, by age, students and non-students,^{29,30} Britain, 2019/20



(Source: EHRC analysis of Annual Population Survey)

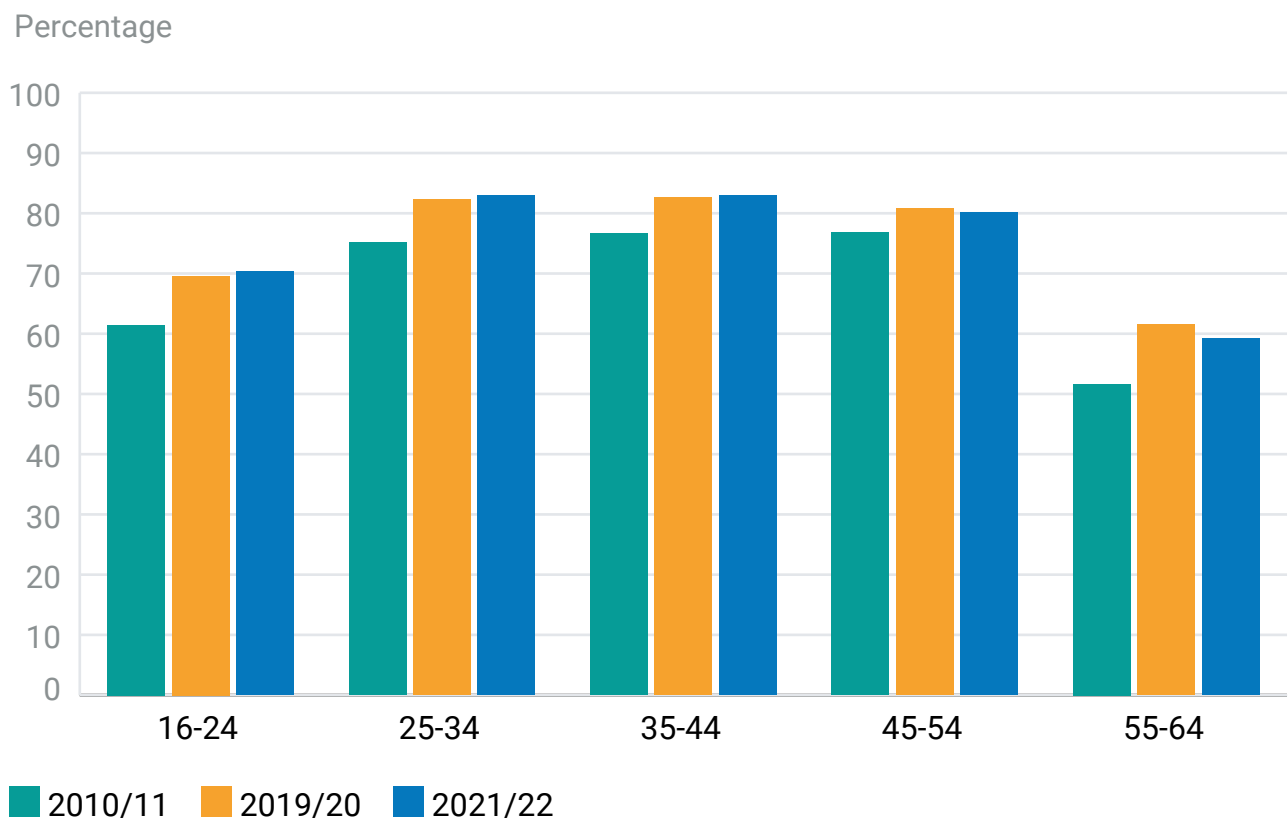
²⁸ This analysis excludes students. When we include students in this analysis we see employment rates decline significantly for 16–24-year-olds.

²⁹ 'Including students' data aggregates student and non-student employment rates.

³⁰ There is no 'excluding student' data for workers aged 65+ as the APS does not collect such data for respondents in this age group.

Our APS data analysis found the employment rate for 16–24-year-olds (not students) has increased between 2010/11 and 2017/18 (from 61.5% to 70.9) but has remained flat between 2017/18 and 2021/22.

Figure 13: Employment rates, by age (excluding students), Britain, 2010/11 to 2020/21

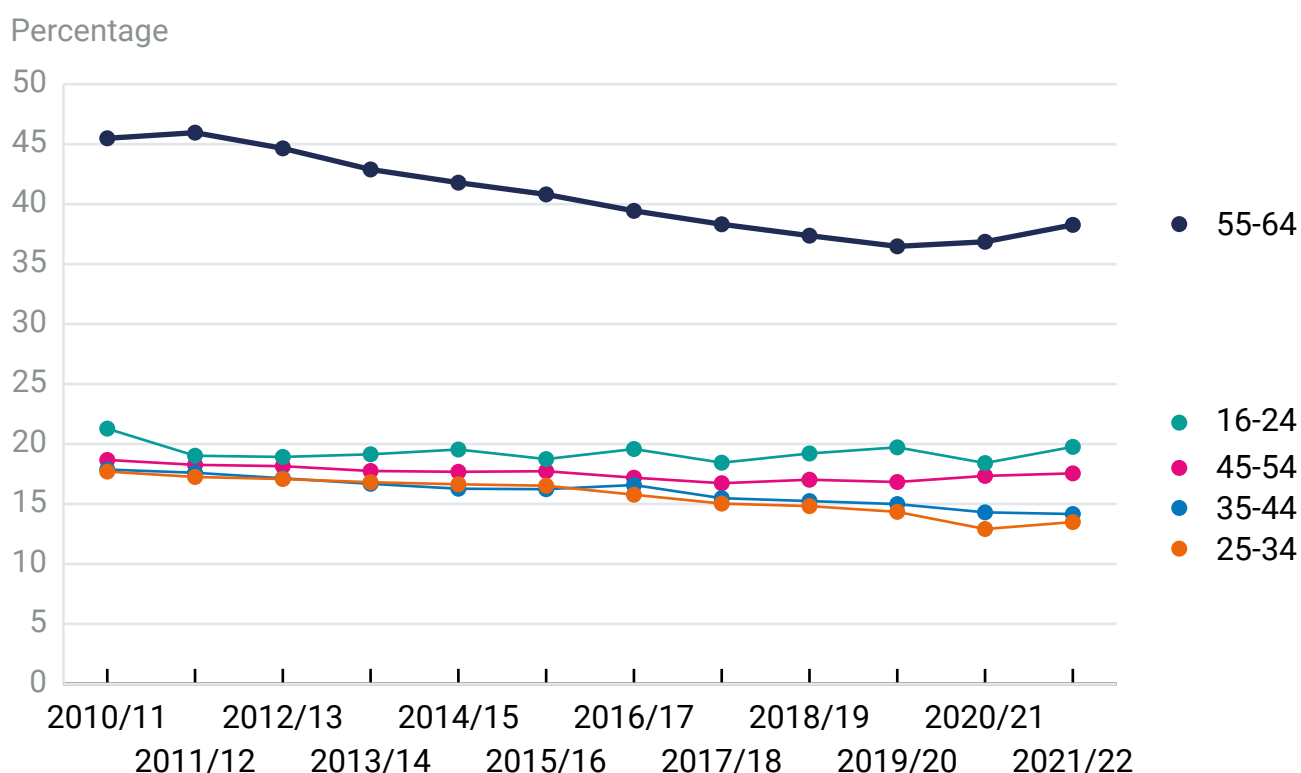


(Source: EHRC analysis of Annual Population Survey)

Economic inactivity

Our APS analysis found rates of economic inactivity for 16–24-year-olds have increased since 2010/11, probably related to the legislation raising the participation age. When students are excluded from the data, economic inactivity rates for 16–24-year-olds have remained stable over time.

Figure 14: Economic Inactivity Rates, by age (excluding students), Britain, 2019/20

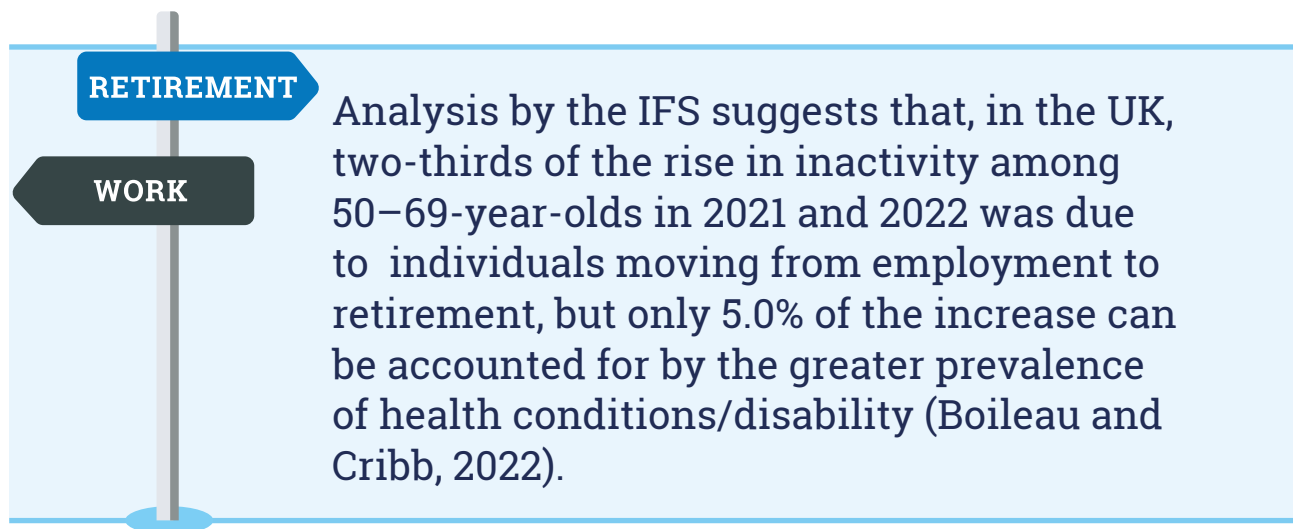


(Source: EHRC analysis of Annual Population Survey)

When excluding students, the 55–64-year-olds had the highest rates of economic inactivity of all pre-retirement groups. According to the IFS, in the UK, the decline in economic inactivity for these older workers is likely driven by the increase in the State Pension age as well as growing female labour market participation and improvements in health (Banks et al., 2017; Banks et al., 2019).

Pandemic changes in economic inactivity and unemployment

Analysis of APS data found that, since the onset of the COVID-19 pandemic (between 2019/20 and 2021/22), the 55–64 age group in Britain saw a 1.8 percentage point increase in economic inactivity and the 75+ age group a one-percentage point increase.



Most countries experienced peaks in economic inactivity during the COVID-19 pandemic, but analysis suggests most Organisation for Economic Co-operation and Development (OECD) members have seen activity return to pre-pandemic levels. The UK is one of a handful of countries where inactivity levels are yet to go back to what they were (ONS, 2022b).

Our APS analysis indicates the 55–64 age group in Britain also saw a significant rise in unemployment between 2019/20 and 2021/22.

Pay and occupational segregation

We found 16–24-year-olds are more likely than other age group to be in a low-paid occupation (LPO) and earn lower hourly wages, as may be expected for younger entrants into the labour market. Over time they have become increasingly less likely to be in an LPO than 45–54-year-olds.



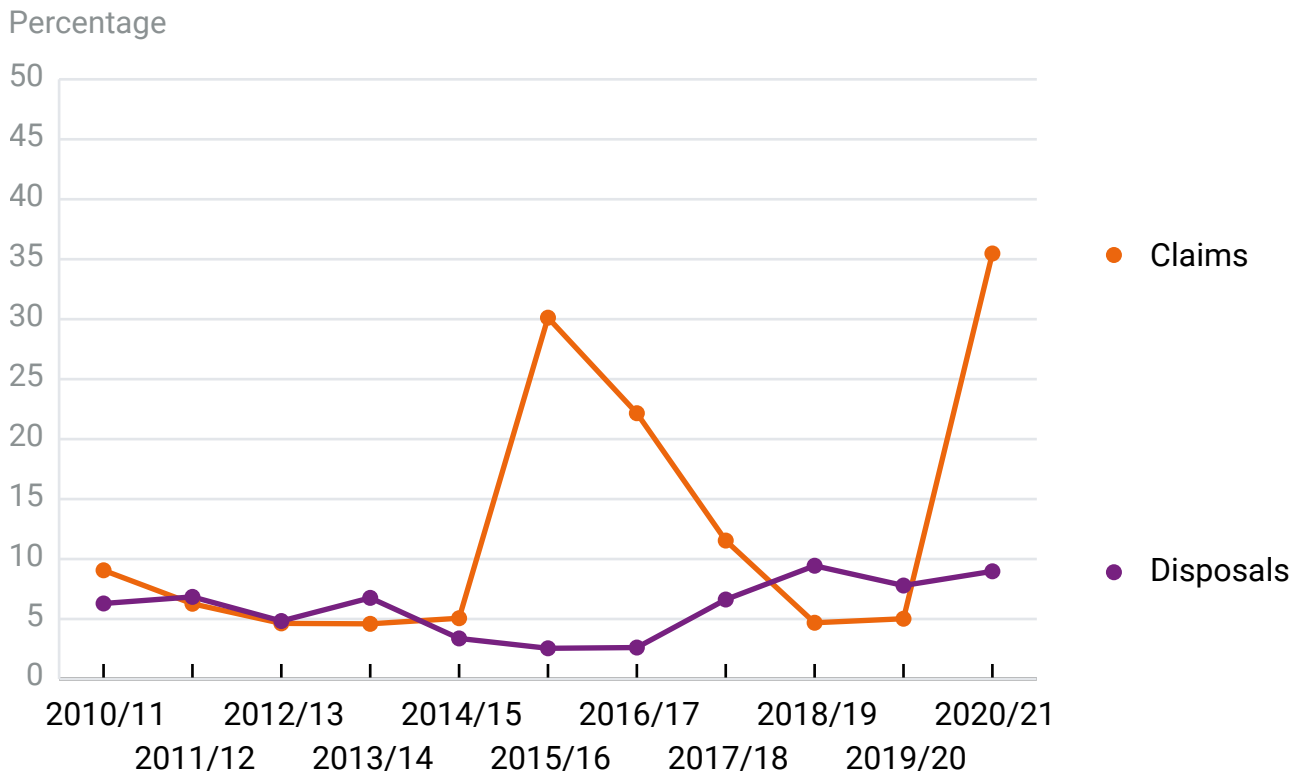
Workers in the 16–24 age group are also more likely than all other age groups (aside from those aged over 75) to be in a job classed as ‘insecure’, with 16.1% in insecure employment in 2019/20. Zero-hours contracts are one form of insecure employment where young people were over-represented (CIPD, 2022).

Employment tribunals

The proportion of all employment tribunal discrimination complaints that are related to age has fluctuated a lot, according to analysis of MoJ data. It hovered around 5.0% for several years but increased to 30.1% in 2015/16 and then dropped back to 5.0% by 2018/19. It increased to 35.5% in 2020/21. The reasons for these peaks are unclear, but they may be influenced by large multiple claimant claims.

The conclusion of an employment tribunal claim, known as a disposal, may not happen in the same year the claim was made. Therefore, annual claims and disposals are not directly comparable, but both give an indication of the volume of employment tribunals activity. The proportion of age complaints within discrimination disposals generally reflects the proportion of age complaints within discrimination claims for that year. However, the peak in age-claim complaints that happened in 2015/16 has not yet been reflected in the number of age complaints within disposals (see Figure 15) (MoJ, 2022b).

Figure 15: Percentage of discrimination jurisdiction complaints related to age, as a proportion of total discrimination complaints, for employment tribunal claims and disposals, Britain, 2010/11 to 2020/21



(Source: Ministry of Justice)

The proportion of successful claims has remained stable. Between 2013/14 and 2020/21, between 1.0% and 2.0% of all age-related employment tribunal disposals ended in a successful hearing. This equates to just 30 age discrimination disposals being successful at hearing in 2020/21 (MoJ, 2022b).

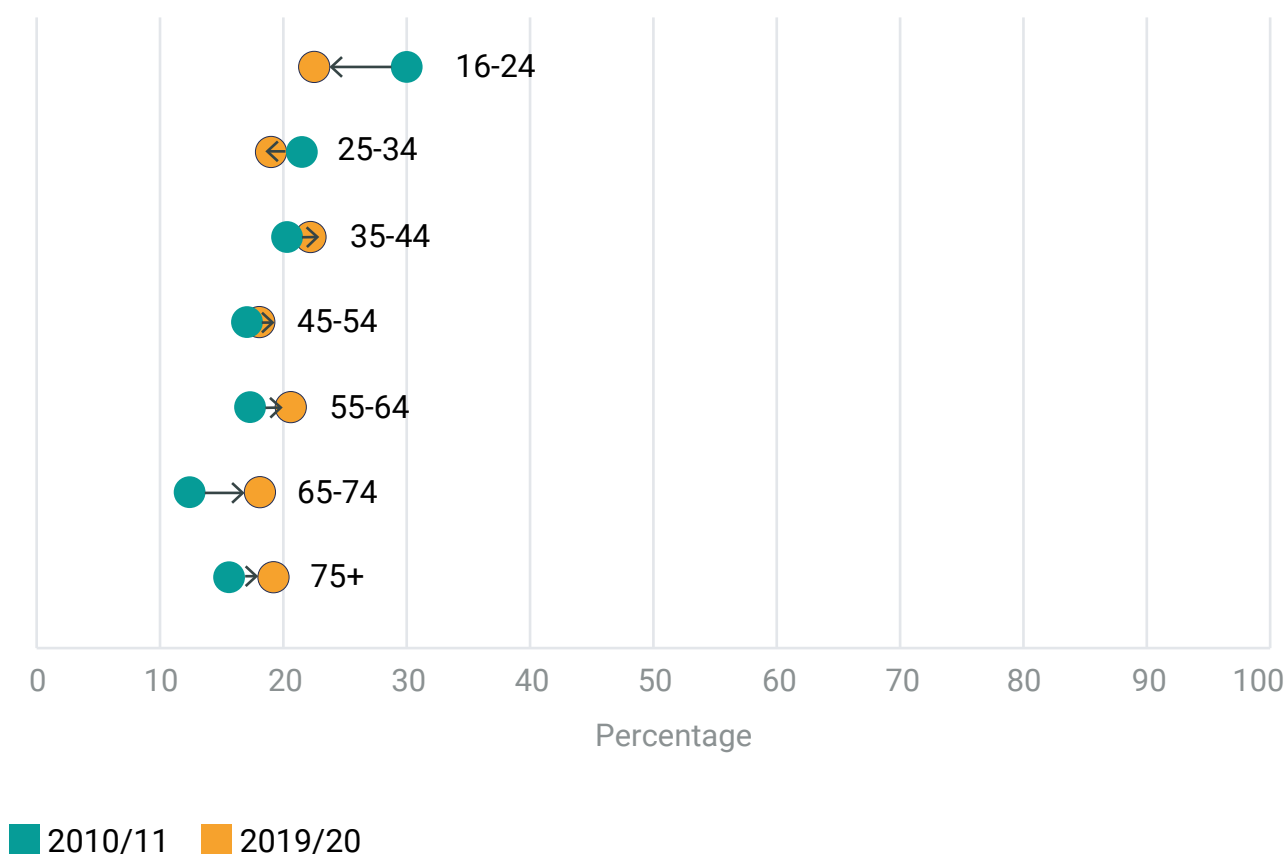
Living standards

Adult poverty

The poverty gap between young and older adults in Britain narrowed between 2010/11 and 2019/20.³¹ This was due to a decrease in poverty for 16–24-year-olds and 25–34-year-olds, alongside an increase in poverty for all other age groups except those aged 45–54 years.

Our analysis of the Family Resources Survey (FRS) found that, despite this decrease, people aged 16–24 years, and those aged 35–44 and 55–64 years, were more likely to be in poverty in 2019/20 compared to people aged 45–54 years.

Figure 16: Adult poverty in Britain, 2010/11 and 2019/20



(Source: EHRC analysis of Family Resources Survey)

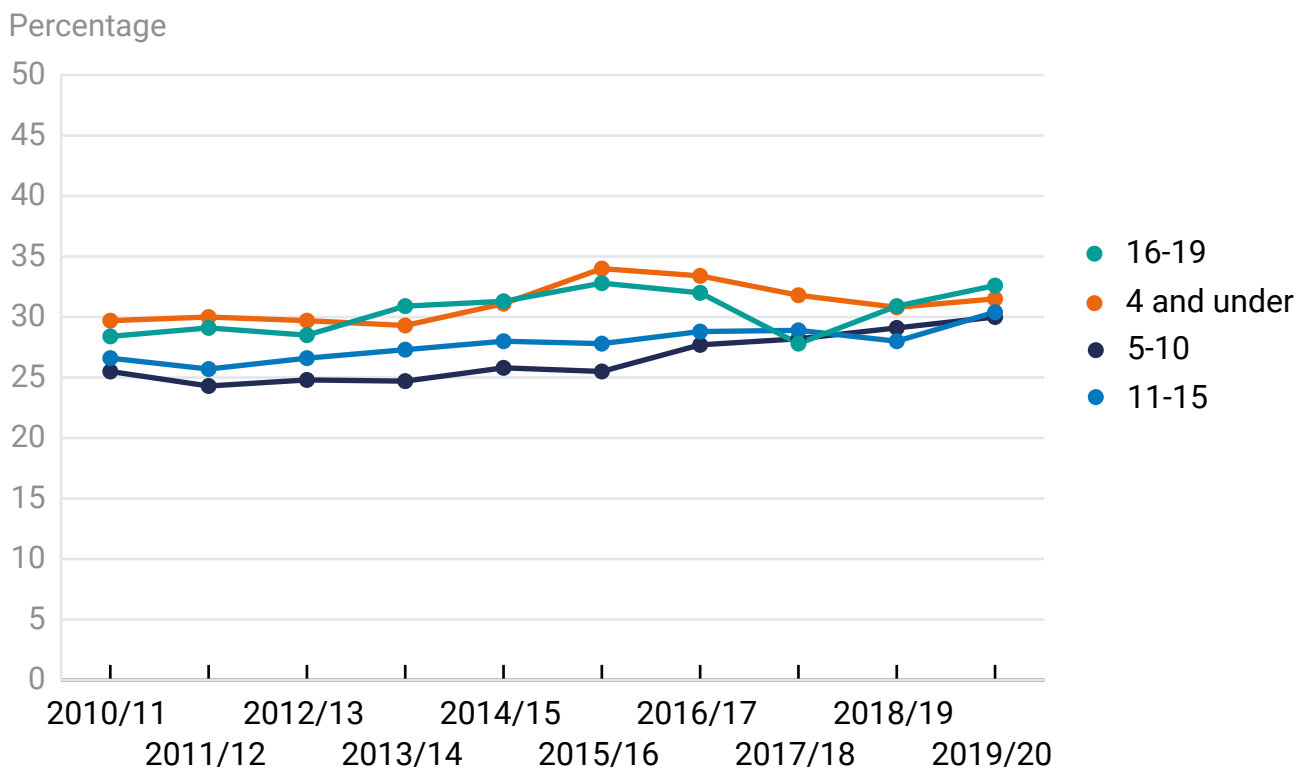
³¹ Analysis ends at 2019/20 as data for 2020/21 is subject to additional uncertainty at this level.

Child poverty

Child poverty in Britain has risen for children and young people aged five and above between 2010/11 and 2019/20.³²

Our FRS analysis found despite a decrease since our last period of review in 2015/16, around three in 10 (31.5%) children aged four and under were in poverty by 2019/20.

Figure 17: Child poverty in Britain, 2010/11 to 2019/20³³



(Source: EHRC analysis of Family Resources Survey)

³² Analysis ends at 2019/20 as data for 2020/21 is subject to additional uncertainty at this level.

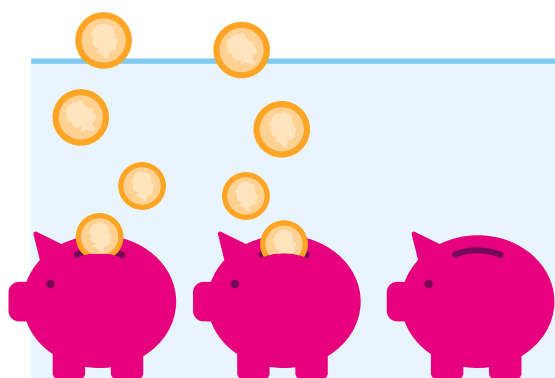
³³ The category 16 to 19 refers to dependent children.

Food insecurity

In 2021/22, 18.0% of households in the UK headed by someone aged 16–24 were food insecure, the highest of any age group and higher than in 2020/21 (14.0%) and 2019/20 (15.0%) (DWP, 2023a; 2022a; 2021a).

However, data from early 2020 shows 77.0% of people in the UK referred to the Trussell Trust network of food banks were aged 25–54 and only 10.0% were aged 18–24. This suggests that, though young adults are more likely to experience food insecurity, they are less likely to be referred for support (Bramley et al., 2021).

Two-child limit on benefits and benefit caps



The number of children affected by the policy to provide Universal Credit and Child Tax Credit for a maximum of two children is growing each year.

It affected 1.3 million children in the UK as of April 2022, up from 1.1 million in 2021, 911,000 in 2020 and 592,000 in 2019 (DWP and HMRC, 2022; 2021; 2020; 2019).

Most households in Britain subject to benefit caps have children. Although this percentage fell from 93.0% of households in November 2019 to 84.0% in November 2020, it has since increased by one percentage point each year to 86.0% in November 2022 (DWP, 2023b; 2022b; 2021b; 2020).

Children in social care

The number of children looked after (CLA) by local authorities in England grew to 82,170 in 2022, up 9.0% from 2018, with increases observed each year. CLA in England are mainly older. About four in 10 (39.0%) are aged 10–15 and one in four (25.0%) are aged 16 and over. In 2022 most CLA (70.0%, or 57,540 children) were in foster placements (DfE, 2022g).

In 2022, there were 7,080 CLA in Wales, up 10.5% from 6,405 in 2018, but falling from 7,245 in 2021 and 7,165 in 2020, though numbers have increased over the longer term (StatsWales, 2022a). In 2022, 69.4% of these children were in foster placements (StatsWales, 2022b) and 39.4% were aged 10–15 (StatsWales, 2022a).

Adults in social care

Most new requests for adult social care in England are from people aged 65 and above, but the rate declined from 13,400 to 13,065 requests per 100,000 adults from 2018/19 to 2021/22. During the same period new requests from adults aged 18–64 years increased from 1,625 to 1,800 requests per 100,000 adults. In 2021/22, requests from adults aged 65 and over were more likely to result in care (48.4%) compared to adults aged 18–64 (31.5%). Working-age adults were most likely to be signposted to other services (34.3%) or receive no services (33.6%) (NHS Digital, 2022).

Unpaid care

The Census 2021 data shows that people in England and Wales aged 55–59 are most likely to provide unpaid care, similar to the 2011 census (ONS, 2023a). The percentage of unpaid carers declined in most age groups compared with 2011 (ONS, 2023b).

Women in England were significantly more likely to provide unpaid care in every age group up to 75–79, while in Wales it was every age group up to 70–74. From the age of 80, men were more likely to provide unpaid care (ONS, 2023b).

Women aged 75–79 (5.6%) and men aged 85–89 (7.4%) provided the highest percentage of 50 hours or more of unpaid care in England (ONS, 2023b).

These estimates may have been affected by the COVID-19 pandemic.

Health

Impact of the COVID-19 pandemic on children and young people

Mental Health

Analysis of Health Survey for England data suggests young adults aged 16–24 and those aged 55–64 experienced significant increases in poor mental health between 2010 and 2018. The Scottish Health Survey suggests slightly different age groups (aged 16–24, 25–34 and 65–74) in Scotland saw increases in poor mental health across this period.

Evidence has emerged about the impact the COVID-19 pandemic had on young people's mental health.

Longitudinal research with young people in England found one in six (17.4%) children aged 6–16 had a probable mental health disorder in 2021, compared with one in nine (11.6%) in 2017. Young people aged 17–19 saw similar increases, from one in ten (10.1%) to one in six (17.4%). Comparing the same individuals over time, 52.5% of 17–23-year-olds had experienced a deterioration in their mental health since 2017 and 15.2% an improvement (NHS Digital, 2021).

Similarly, the Schools Health Research Network, which includes all state-maintained schools in Wales, found the percentage of pupils with very high SDQ (Strength and Difficulties Questionnaire) scores increased from one in five (19.0%) to one in four (24.0%) between 2019/20 and 2021/22 (Page et al., 2021; Page et al., 2023).

In Britain, young people's access to mental health services continues to lag behind demand in Britain despite increasing capacity. In England, analysis by the Health Foundation showed the number of children and young people in contact with CAMHS increased by 46.6% from 2019 to 2021, though there was also a rise in demand (Grimm et al., 2022). Consequently, the proportion of children and young people with a probable mental health condition in contact with CAMHS only increased from 25.0% to 27.0%.

Public Health Scotland data shows the proportion of children and young people starting treatment at CAMHS within 18 weeks of referral has consistently fallen below and failed to meet the Scottish Government 90.0% standard since the 18-week referral to treatment target was set in December 2014. In the quarter ending 30 June 2022, only 68.4% of children and young people started specialised CAMHS treatment within 18 weeks of referral (Public Health Scotland, 2022). There are similarly long waiting times in Wales, with 24.0% of patients waiting over 18 weeks from referral to treatment, compared with an average 21.0% of patients across the UK (NHS Benchmarking Network, 2023).

Physical Health

Analysis of the GP Patient Survey in England found young people with long-term health conditions were less likely than adults to say they received enough support from local services or organisations. The proportion of young people aged 16 to 24 who felt supported dropped from 82.0% to 75.0% between 2018 and 2021 (NHS, 2023).

Numbers of routine and urgent referrals from GPs in England dropped a lot during the COVID-19 pandemic. By the end of 2021, routine referrals were back to similar levels than before the COVID-19 pandemic, but urgent referrals were 47.0% higher than before COVID-19. This could suggest a deterioration in children's health with presentations of illness occurring later and possibly doctors are choosing to categorise cases as urgent to ensure patients are seen more quickly (Morris and Fisher, 2022).

Life expectancy and healthy life expectancy

Improvements to life expectancy for both men and women in England have slowed since 2010 and health inequalities have widened, driven by deprivation. The 2018–2020 life expectancy at birth estimates show a decrease due to COVID-19 mortality and was 79.0 years for men and 82.9 years for women (ONS, 2021d).

Inequality in life expectancy at birth between those in the most deprived areas and the least deprived areas increased in for both men and women in England and Scotland and for women in Wales compared to 2015 (NRS, 2021; ONS, 2022d; ONS, 2022e). In England, the 2018-20 gap in life expectancy between the most and least deprived areas was 9.7 years for men and 7.9 years for women (ONS, 2022d).

Impact of the COVID-19 pandemic on older people

Older people (aged over 60) in Britain and internationally were at a greater risk of death from COVID-19 than younger age groups (UKHSA, 2023).

The COVID-19 pandemic also indirectly affected older people, including their access to healthcare. In England, older people's strength and balance activity reduced considerably between March and May 2020, with the greatest change in duration among both men (45.0% decrease) and women (49.0%) aged 70–74. Inequalities in physical activity have persisted, with the most deprived older people more likely to be inactive than the least deprived (Public Health England, 2021).

International comparisons of older people's health and care during the COVID-19 pandemic found the UK had the highest percentage of older adults with no 'out of pocket' costs associated with receiving healthcare, and they were among the most likely to be able to get a same-day doctor appointment.³⁴ But there was a lot of disruption to routine care in the UK, with 25.0% of appointments cancelled. Twice as many older adults had not seen a doctor in the past year in 2021 than in 2017 (Thorlby et al., 2022). The UK has fewer doctors per capita (3.2 doctors per 1,000 inhabitants) than all but one EU country (OECD, 2022).³⁵

34 Comparing the UK with Australia, Canada, France, Germany, the Netherlands, New Zealand, Norway, Sweden, Switzerland and the US.

35 Belgium also has 3.2 doctors per 1,000 inhabitants.

Justice

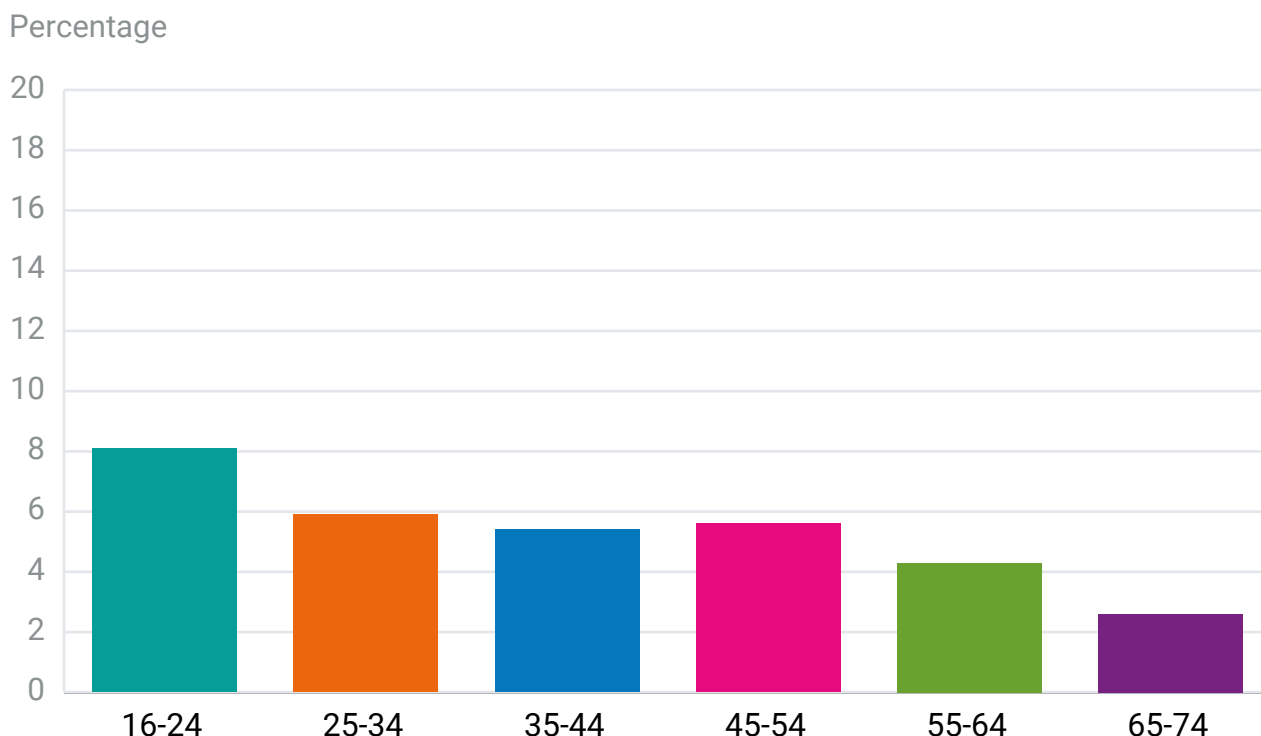
Use of force (Tasers)

There were eight incidents in England and Wales in 2021/22 when police used a Taser on a child under 11. The Taser was discharged in one incident. This is a slight increase from six incidents and one discharge the previous year. Taser incidents involving those aged 11–17 rose from 2,584 in 2020/21 to 2,678 in 2021/22, but the number of discharges fell from 122 to 100 (Home Office, 2022).

Domestic abuse

Analysis of Crime Survey for England and Wales (CSEW) data found in England the youngest age group (16–24) were more likely to have experienced domestic abuse in the past year than older age groups.³⁶ Similarly, in Scotland in 2018/20 experience of partner abuse was highest among people aged 16–24 (Scottish Government, 2021).

Figure 18: Proportion of people experiencing domestic violence or abuse in past year, by age, England, 2019/20



(Source: EHRC analysis of Crime Survey of England and Wales)

³⁶ The CSEW has removed the upper age limit on questions about domestic abuse, providing more robust estimates of the prevalence of domestic abuse among older adults in future (ONS, 2022c).

Sexual assault

Men and women aged 16–24 in England and Wales are more likely to experience sexual assault than any other age group (ONS, 2021a). Younger women are more likely to be victims of rape or assault by penetration than older women (ONS, 2021b).³⁷

In Scotland, people aged 60 and over were less likely to have experienced serious sexual assault than younger age groups in 2018–2020 (Scottish Government, 2021).

Youth custody

Youth custody figures in both England and Wales, and Scotland have fallen over the past decade.

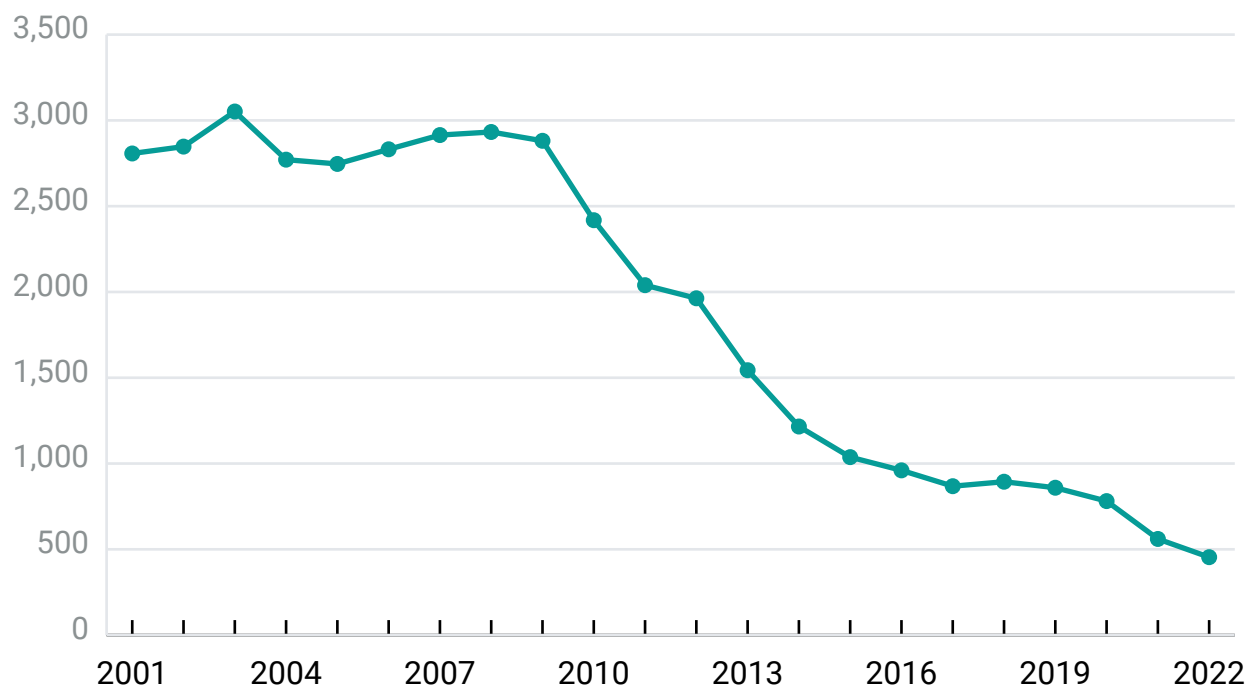
There were on average 450 children aged 10-17 in custody in England and Wales in 2021/22, a 19.0% decrease since 2020/21 and the lowest number on record. The average youth custody population has dropped by 77.0% over the past decade.

However, the proportion of children held on remand has increased from 40.0% of children in custody in 2020/21 to 45.0% in 2021/22 (Youth Justice Board, 2023).

³⁷ Based on three years of pooled data from the Crime Survey for England and Wales, 2017/18, 2018/19 and 2019/20.

Figure 19: Youth custody population aged 10–17 in England and Wales, 2001 to 2022

Average monthly population



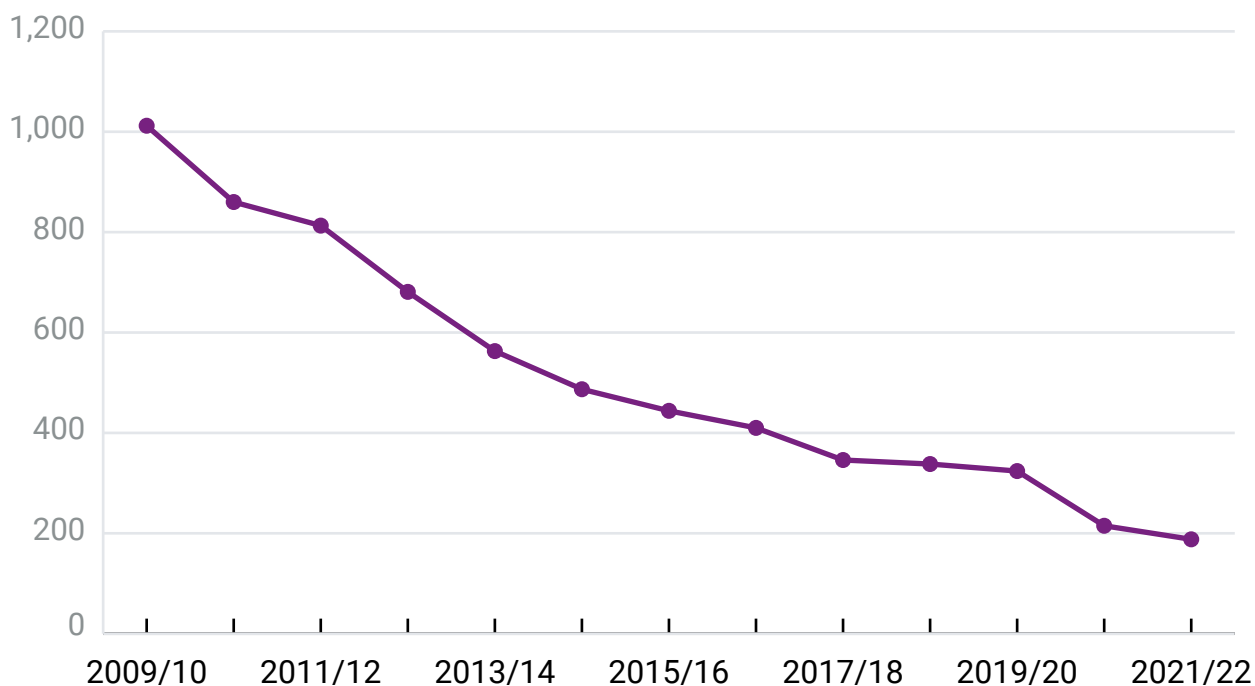
(Source: Youth Justice Board)

The number of young people aged 16–20 in custody in Scotland continues to fall. There were 14 young people aged 16 and 17 in custody in 2021/22, down from 22 the previous year, and the number of 18–20-year-olds in custody fell from 194 to 174.

As in England and Wales, a growing proportion of young people in custody in Scotland are held on remand, rising from around 30.0% before the COVID-19 pandemic to 44.0% in 2020/21 and 48.0% in 2021/22 (Scottish Government, 2022).

Figure 20: Youth custody population aged 16–20 in Scotland, 2009/10 to 2021/22

Average daily population



(Source: Scottish Prison Statistics)

Ageing population in prisons

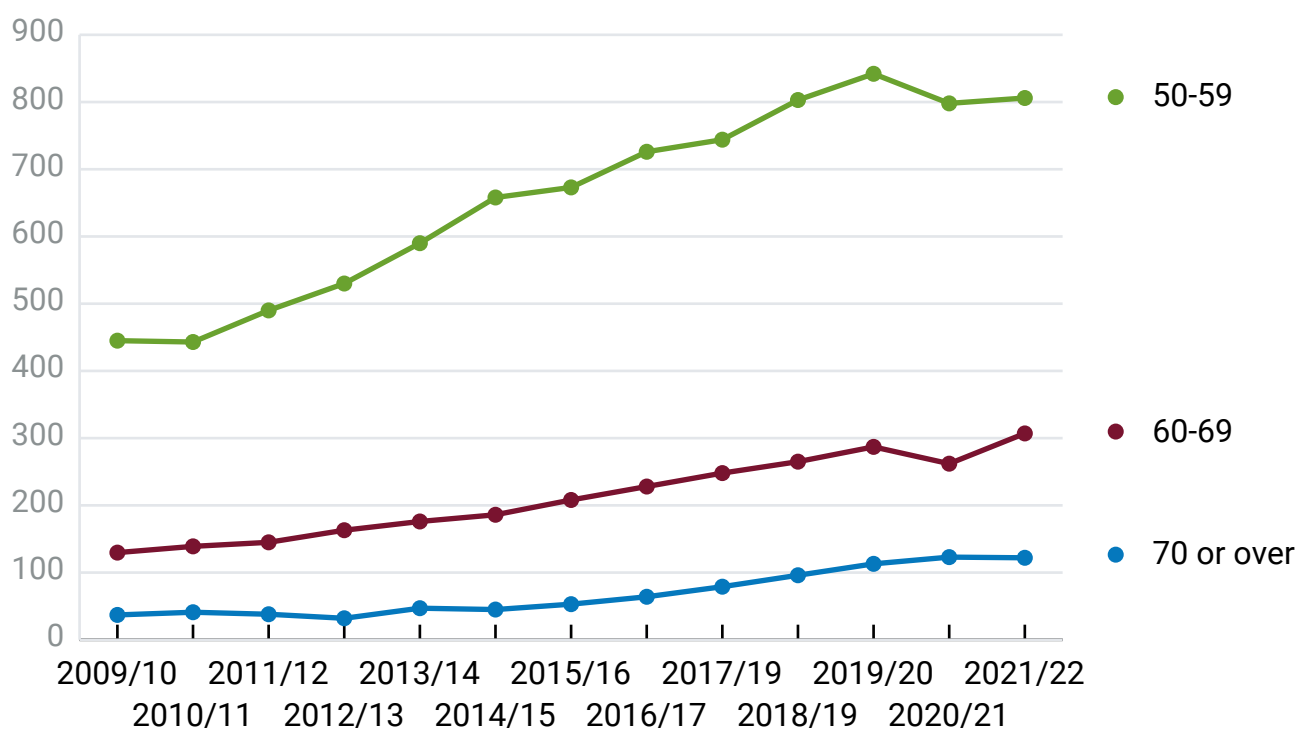
The numbers of older people in prisons in both England and Wales, and in Scotland has increased substantially over time (House of Commons Justice Committee, 2020), and there are concerns about whether the prison systems are meeting the needs of older prisoners.

At the end of March 2023, there were 3,824 people in prison aged 60–69 and 1,876 aged 70 or over (MoJ and HM Prison and Probation Service, 2023). The number of prisoners aged over 50, over 60 and over 70 is projected to increase between November 2022 and November 2024 in line with an expected overall rise in the prison population in England and Wales (MoJ, 2023).

The average daily prison population in Scotland in 2021/22 was 7,504. A small increase from 2020/21, but a decrease of 8.0% from 2019/20 when the average daily population was at its highest recorded level³⁸ (8,198). Across the period 2009/10 and 2021/22, the average prison population in Scotland has fluctuated, however the number of older prisoners has consistently increased, as has the proportion of prisoners in Scotland aged 50 and over, from 7.7% in 2009/10 to 16.4% in 2021/22 (Scottish Government, 2022).

Figure 21: Average daily custody population aged 50 and over, Scotland, 2009/10 to 2021/22

Average daily prison population



(Source: Scottish Prison population statistics)

The House of Commons Justice Committee in England and Wales and a review of the lived experience of older prisoners in Scotland's prisons found similar issues relating to the ageing prison population. These included poor general accessibility (particularly in older Victorian buildings), difficulty accessing suitable health and social care facilities and a lack of age-appropriate recreation (House of Commons Justice Committee, 2020; HMIPS, 2020).

³⁸ Data available from 2000/01.

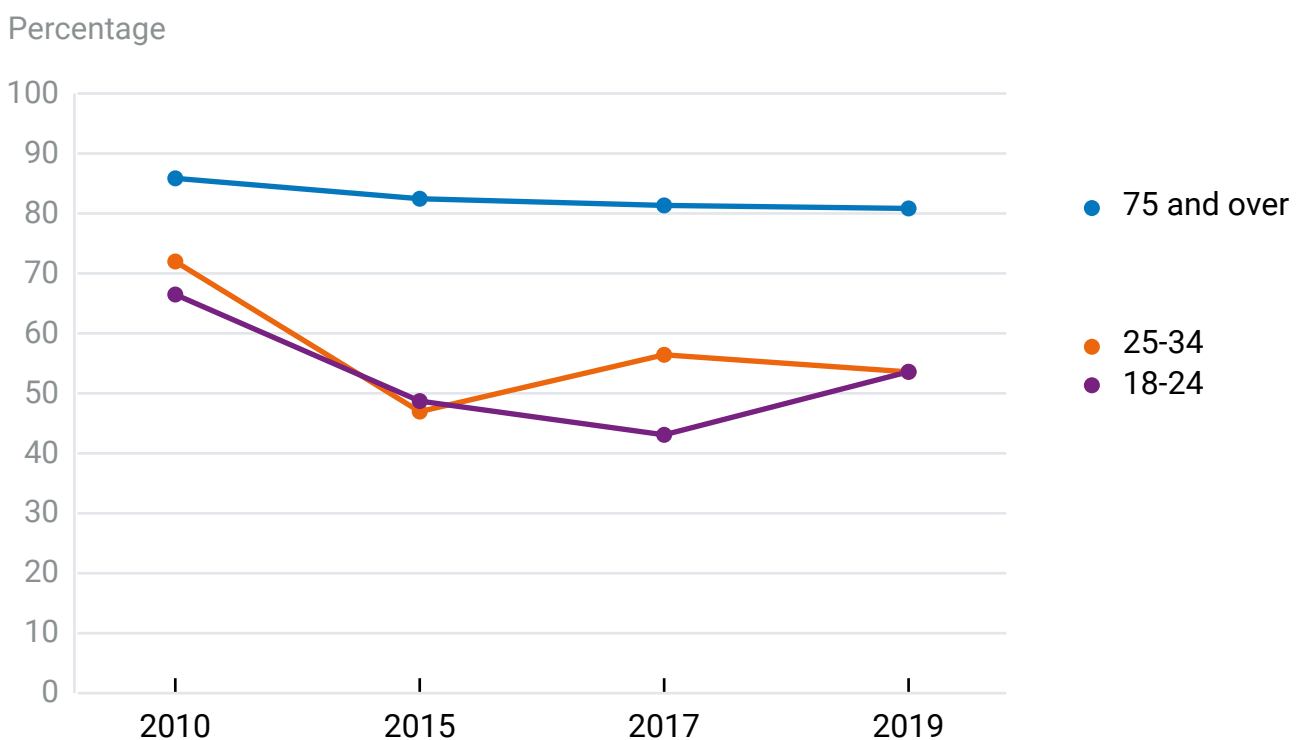
Participation

Voting

People aged 75 and over were the most likely to have voted (80.8%) in the 2019 general election, and those aged 18–24 (53.6%) and 25–34 (53.6%) were the least likely.

Analysis of British Election Study data shows the voting behaviour of this older age group and those aged 55–64 has remained relatively stable in general elections between 2010 and 2019 but fluctuated among other groups.

Figure 22: Voting in the general election, Britain, 2010 to 2019, selected age groups

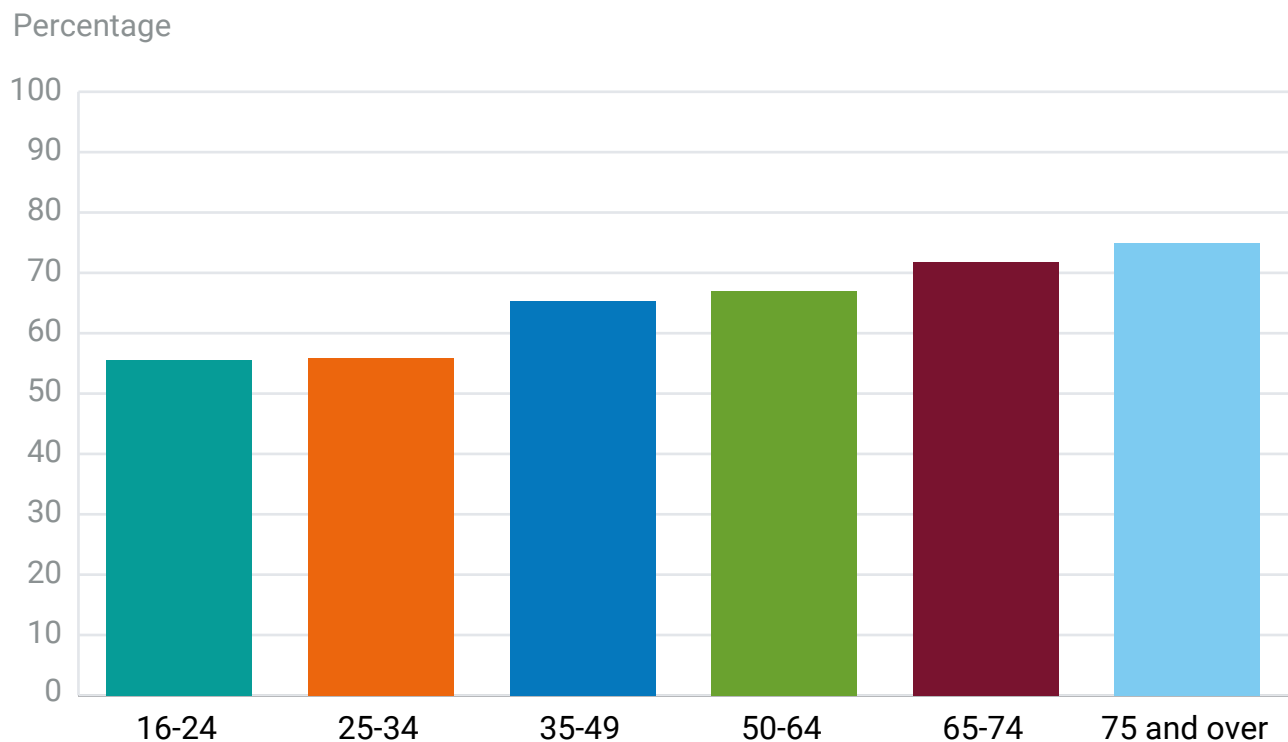


(Source: EHRC analysis of British Election Study)

Trust and sense of belonging in local neighbourhood

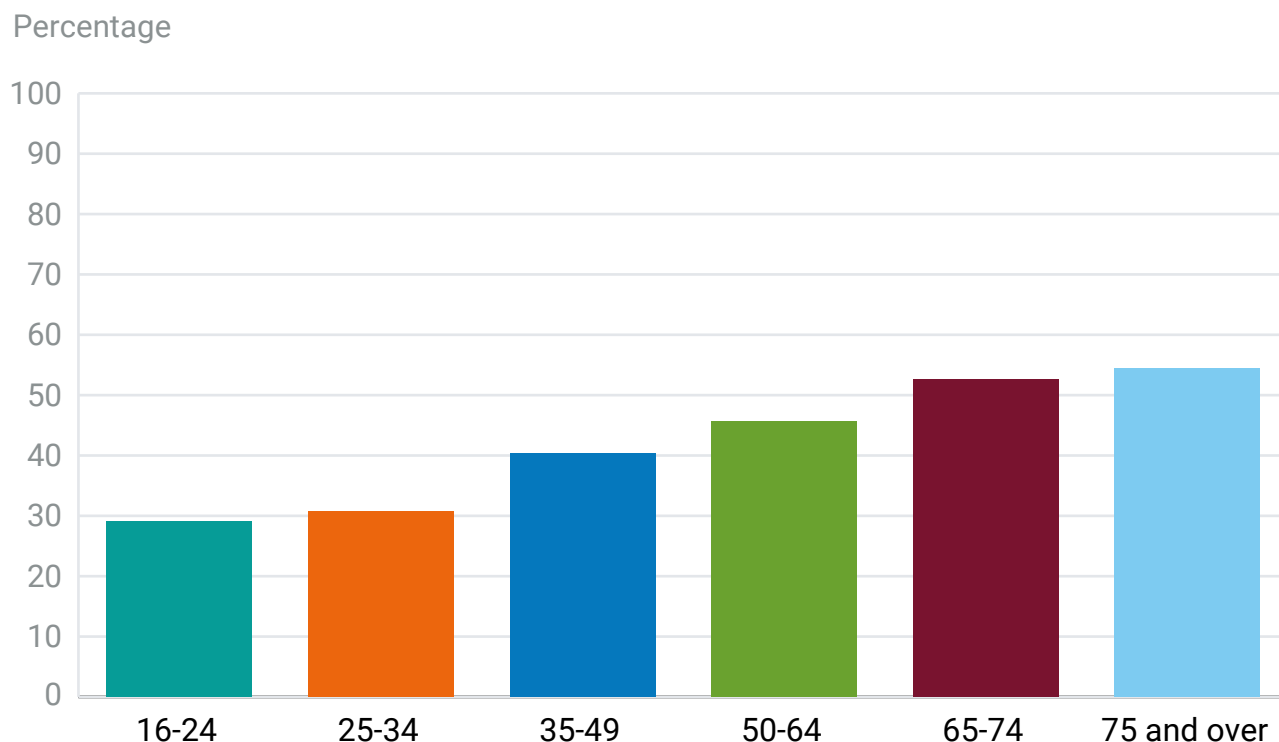
Analysis of the Community Life Survey (CLS) found people's sense of belonging to their immediate neighbourhood in England increased by age. In 2020/21 such feelings were lowest among those aged 16–24 (55.6%) and 25–34 (55.9%).

Figure 23: Sense of belonging in local neighbourhood, 2020/21, England



(Source: EHRC analysis of Community Life Survey)

Similarly, our CLS data analysis showed that trust of people in the local neighbourhood also increased by age. Levels of trust in England in 2020/21 were lowest among those aged 16–24 (29.1%) and 25–34 (30.8%).

Figure 24: Feeling that those in local neighbourhood can be trusted, 2020/21, England

(Source: EHRC analysis of Community Life Survey)

Internet access and use (adults)

Only 7.0% of households in the UK did not have access to the internet at home in November 2022. But many more people aged 65 and over (25.0%) had no internet access from their home.

The risk of digital exclusion goes beyond this. When communication services regulator Ofcom examined people's use of the internet it divided them into 'narrow', 'medium' and 'broad' internet users.³⁹ In 2022, 43.0% of those aged 65 or over were classed as 'narrow' users, compared with 21–34.0% of younger age groups (Ofcom, 2023a).

³⁹ 'Narrow users' have only engaged in up to four of the following online activities: banking or paying bills; paying for council tax or another local council service; looking for public services information on government sites; finding information for work/business/school/college/university; looking or applying for jobs; finding information for leisure time; completing government processes; signing a petition or using a campaigning website; using streamed audio services; listening to live, catch-up or on-demand radio through a website or app; watching TV programmes/films/content; and watching or posting livestream videos. This is not an exhaustive list but was found to be the most discriminating in determining breadth of internet use (Ofcom, 2023a).

Although 40.0% of those aged 70 or over said in 2020 they did not use or have access to the internet, this increased to 53.0% among people of this age who lived alone and to 60.0% if they lived alone and had a limiting condition (Ofcom, 2022).

Internet access and use (children)

In 2022, nearly all households with children aged up to 17 had access to the internet. But this did not always mean children had adequate access to technology for home learning.



More than a third (38.0%) of primary school age children did not always have access to an adequate device for online home learning. This was also true of 23.0% of secondary school age children (Ofcom, 2023b).

Over a third of children (35.0%) aged 8–17 said they been bullied either online or offline. Most of these children (84.0%) said this was through technology (text or messaging, social media, online games, phone or video calls or apps), compared with 57.0% who were bullied face to face (Ofcom, 2023c).

Public Appointments

The majority (70.0%) of serving public appointees in the UK on 31 March 2022 were aged 55 years and over, the same as the previous year. 62.0% of all appointments in 2021/22 went to candidates aged 55 years and over compared with 83.0% in 2020/21, 61.0% in 2019/20 and 60.0% in 2018/19 (Cabinet Office, 2023).

Recommendations

2. Governments, education providers and relevant inspectorates should take, and report on, action to:
 - a. reduce the rates of absenteeism among children in schools in England
 - b. address the learning loss experienced by children during the COVID-19 pandemic, particularly those that are disadvantaged.
3. Central and local government should take, and report on, action to reduce rates of child poverty.
4. Governments and health providers should take, and report on, action to:
 - a. reduce the incidence of poor mental health, with a particular focus on those aged under 25 and those aged over 55.
 - b. improve the proportion of young people with mental health conditions who are receiving care through CAMHS.
5. All government departments and public bodies with responsibility for providing public services should take action to ensure that the 20.0% of older people who still do not regularly access the internet are not disadvantaged in accessing services.
6. Governments, prison and probation services should take, and report on, action to provide appropriate services to meet the needs of older prisoners in the prison estate.

Further recommendations for the Scottish and Welsh governments are outlined in the Scotland and Wales reports.



Disability

Key findings

- Disability discrimination claims at employment tribunals are one of the most common forms of tribunal discrimination claims. However, disability discrimination claims are more commonly withdrawn or settled through Acas (the Advisory, Conciliation and Arbitration Service).
- Disabled people in England and Wales are more likely to have experienced domestic abuse (11.5% in 2019/20) compared with non-disabled people (4.5%). Disabled women (1.9%) are more likely to have experienced rape in the past year than non-disabled women (0.6%).
- The number of disability hate crime incidents fell by 38.0% between 2007–09 and 2017–2020 in England and Wales. But reporting of hate crime to the police continues to rise.
- Disabled people in England have a lower level of trust and sense of belonging in their local neighbourhood than non-disabled people. This has deteriorated since our last review in 2018.
- Poverty levels in Britain are still higher for disabled people and they are more affected by the rising cost of living.
- The employment gap between disabled people and non-disabled people has narrowed. However, the earnings gap has increased. The reasons for this are unclear.

Definitions

Disability: under the Equality Act 2010 a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Most data sources use this definition. But the social model of disability defines disability in relation to barriers in society that disadvantage certain people or restrict their activities.

Special educational needs (SEN) and disabilities (SEND): when referring to children this report uses SEN and SEND if they have a learning difficulty or disability which calls for special educational provision to be made for them. In Scotland, the term additional support needs (ASN) is used and in Wales additional learning needs (ALN) is the correct term.

Demographics

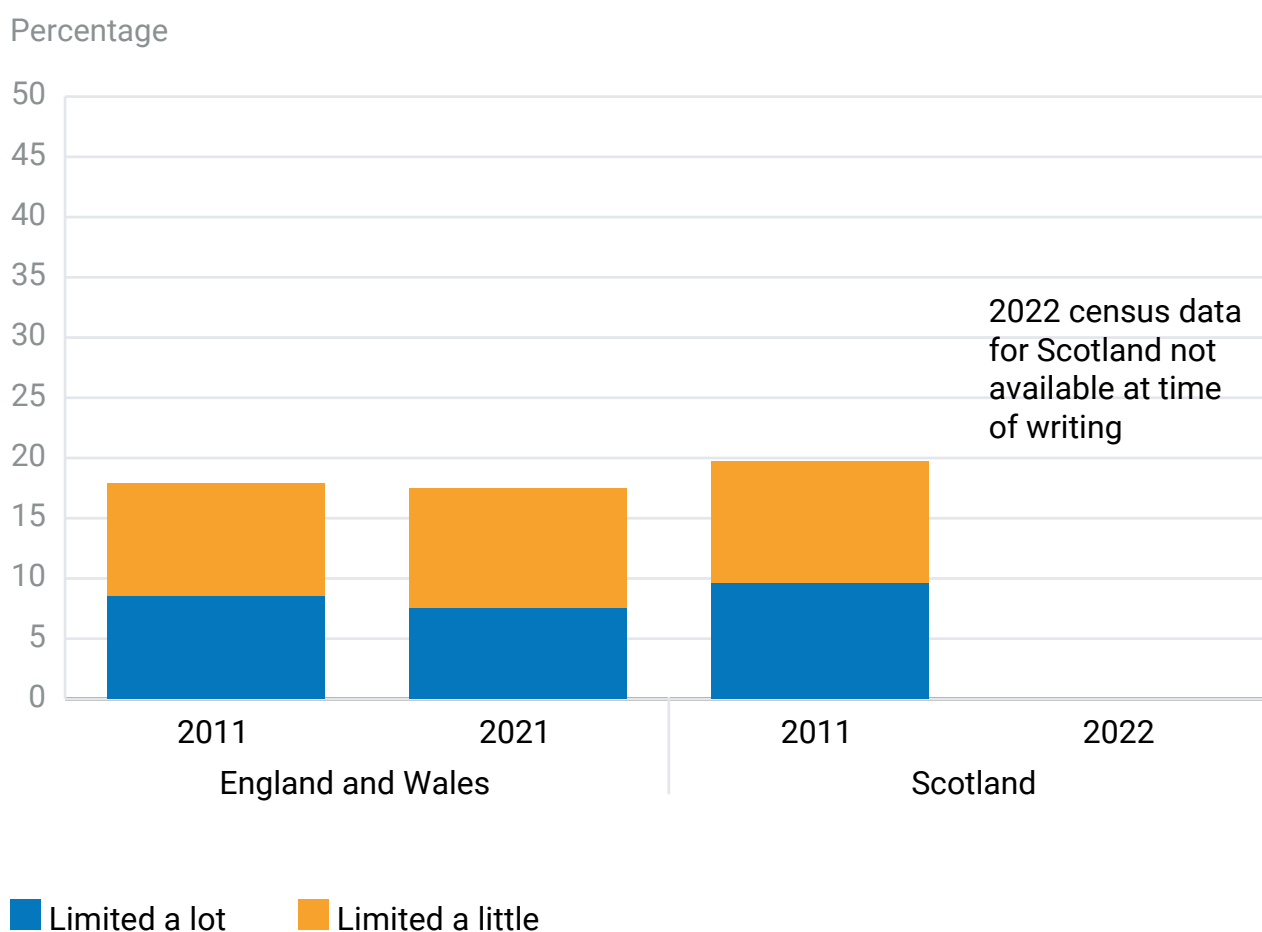
The 2021 census shows disabled people make up 17.5% of the population of England and Wales. This percentage has remained relatively stable compared with the 2011 census (17.9%), though the number of disabled people has grown by almost 400,000 (ONS,2023a). The census results also show 17.0% of the population of England and Wales say their daily activities are limited by a disability, with 7.0% reporting they are limited a lot.

Office for National Statistics (ONS) census results reporting age-standardised rates showed a decrease in the percentage of disability in the population between 2011 and 2021 from 19.5% to 17.8%. The non-age-standardised results have been used here to focus on the number of disabled people in England and Wales. Questions asked about disability in 2011 and 2021 changed slightly, so the results may not be directly comparable. Disability groups are concerned that the new census format could underestimate the number of disabled people in the population.

Disability

According to the 2011 Scotland census, 19.6% of the population said their day-to-day activities were limited by a long-term health problem or disability, of whom 9.6% of people said their day-to-day activities are limited a lot.

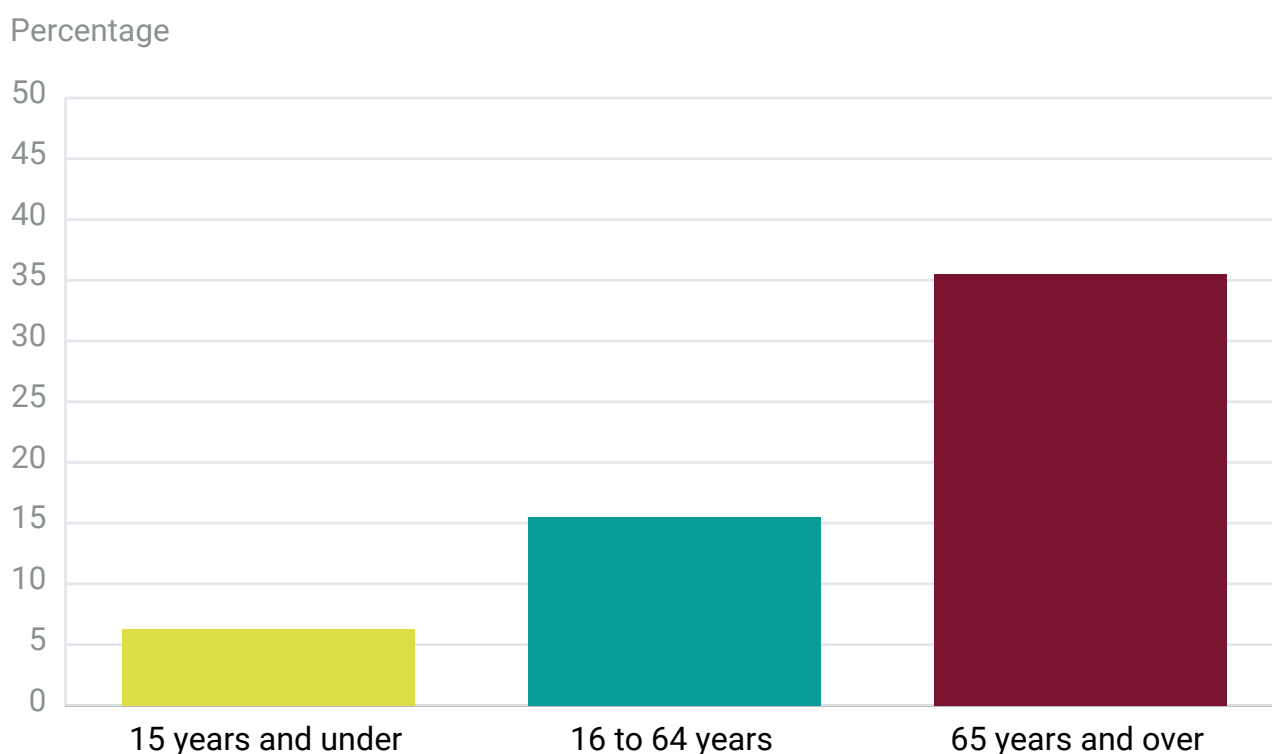
Figure 25: Percentage of disabled people in total population of England, Wales, and Scotland: census results 2011 and 2021



(Source: National Records of Scotland, Office for National Statistics)

According to the 2021 census for England and Wales most disabled people were of working age (55.7%), while 37.6% were aged 65 and over and 6.7% were aged 15 and under. However, as a proportion of their age group, older people were much more likely to be disabled. 35.5% of people aged 65 and over were disabled, 15.5% of working-age people were disabled, and 6.3% of people aged 15 and under were disabled.

Figure 26: Percentage of disabled people in each age group in England and Wales 2021



(Source: Office for National Statistics)

Legal and policy developments

Mental health, learning disabilities and autism

Both the UK and Scottish governments have published reviews of mental health legislation and intend to reform their mental health laws; this is outlined in more detail in our Scotland report. Much of the legislative and policy change in mental health since 2018 has focused on reducing detention and improving treatment while detained. In 2021, the Welsh Government published a Code of Practice to clarify the responsibilities of health boards, local authorities and regional partnership boards, and the services they provide, to support autistic people (Welsh Government, 2021). See the Wales report for more detail on Wales.

The UK government-commissioned Independent Review of the Mental Health Act 1983 led to the draft Mental Health Bill 2022 (HM Government, 2022). The Bill aims to give patients in England and Wales more choice in their care and treatment, reduce detentions through stronger detention criteria and reduce the number of people with learning disabilities and autism detained inappropriately, address racial disparities in the use of compulsory powers, and ensure appropriate care for people in the criminal justice system (CJS).

There has been work by the UK government seeking to prevent inappropriate detention of people with learning disabilities and autistic people. In 2021, the UK government published plans to prevent avoidable detentions in mental health settings (DHSC and DfE, 2021b) as part of its refreshed autism strategy, including funding to accelerate discharge and improve access to community support and housing (DHSC and DfE, 2021a). The UK government also responded to an independent review of long-term segregation (DHSC, 2021b) and the Care Quality Commission (CQC) review of restraint (DHSC, 2021c). In 2022, it published the 'Building the Right Support Action Plan' which aims to strengthen community support for people with a learning disability and / or autism (DHSC, 2022). However, the Action Plan has been widely criticised for not going far enough and a lack of appropriate community support means too many autistic people and people with learning disabilities are kept in unsuitable secure mental health hospitals.

The UK government had already legislated to reduce inappropriate use of force and improve accountability and transparency in England through the Mental Health Units (Use of Force) Act 2018, known as Seni's Law after Olaseni Lewis, who died after being forcibly restrained (DHSC, 2021a). The Mental Capacity (Amendment) Act 2019 introduced Liberty Protection Safeguards (LPS) to replace Deprivation of Liberty Safeguards (DoLS), previously criticised as overly complicated and bureaucratic. However, implementation of the LPS has been delayed. These safeguards protect the rights of someone who is detained but lacks capacity to consent.

In Scotland, the Scottish Mental Health Law Review aimed to improve the rights of people affected by mental health, incapacity or adult support and protection laws (Scottish Mental Health Law Review, 2022).

In 2022, the Welsh Government published its 'Learning Disability Strategic Action Plan' that prioritises action on reducing health inequalities and avoidable deaths, supporting independent living, and improving access to services (Welsh Government, 2022b).

In 2020, NHS England and NHS Improvement published the Advancing Mental Health Equalities strategy to bridge the gaps for communities faring worse than others in mental health services (NHS England, 2020a). See the Race chapter for racial disparities in mental health.

The UK government sought to improve children and young people's mental health, seeking to improve early intervention and address stigma. The UK government claims that it has achieved its 2018 commitment to increase early intervention in schools and colleges in England (DHSC and DfE, 2018). In 2020/21, 26.0% of pupils and 20.0% of institutions had specialist mental health support team coverage, against a target of 20.0-25.0% (DHSC and DfE, 2022).

But the House of Commons Health and Social Care Committee's 2021 report on children's mental health raised concerns that some children will not have access to specialist mental health support teams for years and the original targets were not ambitious enough (Health and Social Care Committee, 2021). It noted community support was still undervalued, with spending on youth services in England down by 71.0% since 2010.

In 2020, NHS England achieved full national coverage of liaison and diversion services in police custody (NHS England, n.d.). These services identify people with mental health conditions, learning disabilities, substance misuse or other vulnerabilities when they enter the criminal justice system, so they receive appropriate support.

Mental health and well-being were included in compulsory relationship and sex education in schools in England from September 2020 (DfE, 2020a). Steps taken in Scotland and Wales are outlined in detail in the separate reports for each nation.

Work

All three nations have tried to reduce the employment rate gap between disabled people and non-disabled people. The UK government's strategy 'Improving Lives: The Future of Work, Health and Disability' (DWP and DoH, 2017) aims to get a million more disabled people into work by 2027, including through the welfare system, inclusive workplaces and better healthcare services.

'A Fairer Scotland for Disabled People: employment action plan' (Scottish Government, 2018) aims to halve the disability employment gap in Scotland by 2038. It reported progress in 2021 (Scottish Government, 2021a) and was refreshed to promote inclusive workplaces and further actions (Scottish Government, 2022a). The Welsh Government's 2018 employability plan (Welsh Government, 2018) committed to reducing the number of disabled people out of work. Its follow up plan, 'Stronger, fairer, greener Wales', (Welsh Government, 2022a) establishes a network of Disabled People's Employment Champions to support business with recruitment and retention of disabled people.

The UK government's focus on promoting inclusivity and creating cultural change through transparency led to a 2018 voluntary reporting framework encouraging large employers to report on disabled people's recruitment and retention (DWP and DHSC, 2018).

But a work capability assessment to determine eligibility for welfare financial support has been criticised for inappropriately finding many disabled people fit for work.

During this statutory review period (2018–2022), and since the financial crisis of 2008/9, there has been a distinct narrowing of the employment gap for disabled people. It is unclear how much of this is due to the above initiatives and how much to underlying economic or social conditions.

Education

In England there has been significant investment in education for children with SEND, with an extra £2.75 billion high-needs funding since 2018/19, reaching £9.1 billion in 2022/23 (DfE, 2017; ESFA, 2023). Some was spent on new special free schools, providing up to 3,000 extra places for pupils with SEND by September 2022.

A child is identified with special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for them. An EHC plan is for children and young people who need more support than is available through special educational needs support. According to the Department for Education (DfE), the number of pupils with SEN In England rose to 1.49 million (16.5% of all pupils) in 2022 with continuing increases since 2017. Of these, 1,129,083 pupils (12.6% of all pupils) were receiving SEN support while the other 355,566 pupils (4.0% of all pupils) had an EHC plan.

Pupils with an EHC plan made up 24.0% of all pupils with SEN in January 2022. The number of pupils with an EHC plan rose by 9.0% between 2021 and 2022, and by a total of 50.0% since 2016, an increase noted by the House of Commons Education Select Committee (Education Select Committee, n.d.). In 2019, the National Audit Office (NAO) raised concerns that budgets were not meeting needs and children with SEND without EHC plans were not being supported effectively (NAO, 2019).

In March 2023, the UK government published the 'SEND and Alternative Provision Improvement Plan'. It set out proposals with a view to improving outcomes for children and young people with SEND. For example:

- a continuum of support, including better mainstream provision, transition support and wrap-around services backed by considerable investment, and
- creating a single integrated SEND and alternative provision system, with consistent clear standards, and
- a focus on strengthening accountabilities to enforce statutory responsibilities. (DfE, 2023).

In Wales, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 set a new statutory framework for supporting learners up to the age of 25, replacing previous special educational needs systems. In 2021, the Welsh Government began a three year phased implementation of the legislation.

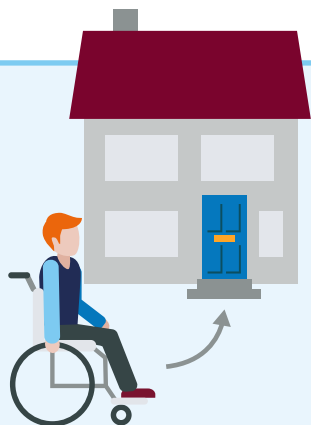
Social care

Adult social care funding in Britain has long been under pressure, partly due to demographic changes and pressure on local government finances. In 2021, the UK government announced plans to increase social care funding through higher national insurance contributions (the Health and Social Care Levy). The new levy would have supported £1.7 billion in funding and a cap on care costs (DHSC, 2021d). In 2022 the levy was cancelled after a change in administration and the care cost cap and means test reforms paused until 2025.

In Scotland the Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 extended free personal care to people under 65.

An independent review of adult social care in Scotland recommended creating a national care service (Scottish Government, 2021b). The Scottish Government brought forth the National Care Service (Scotland) Bill, currently being considered by the Scottish Parliament. At this stage it is unclear when the Bill will be progressed, and what it may deliver. See the Wales report for information on social care in Wales.

Housing



In 2022, the UK government committed to raising mandatory accessibility standards for all new homes in England, which we recommended in our inquiry report, 'Housing and Disabled People: A Hidden Crisis' (EHRC, 2018).

In 2022 the UK government consulted on proposals to bring into force the remaining parts of section 36 of the Equality Act 2010, to place a duty on landlords to make reasonable adjustments to the common parts of let residential premises when requested by a disabled person. The government's consultation response has not yet been released.

Actions to increase the number of accessible homes in Scotland were included in the Housing to 2040 strategy (Scottish Government, 2021c) and National Planning Framework 4 (Scottish Government, 2022b). The Relevant Adjustments to Common Parts (Disabled Persons) (Scotland) Regulations 2020 also make it easier for disabled people to make accessibility adaptations in common areas of a property.

Following several reviews, including our own inquiry report, the Welsh Government issued Housing Adaptations Service Standards (Welsh Government, 2019) aimed at improving the delivery and installation of housing adaptations.

National Disability Strategy

The UK government published its National Disability Strategy in 2021 (Disability Unit, EH and DWP, 2021). This was the first cross-government strategy on disability since 2011, covering England and non-devolved matters in Scotland, Wales and Northern Ireland. It made several wide-ranging commitments, including to:

- improve education provision for children with SEND
- make the welfare system easier to navigate
- improve support for disabled people to start or stay in work and help employers create inclusive workplaces
- raise accessibility standards for housing, and
- improve public transport accessibility.

The cross-government approach was welcomed. However, there was criticism that some commitments were not new, there was a lack of detail and a lack of meaningful consultation with disabled people.

In 2022, the UK government announced several commitments would be paused after the High Court declared the strategy unlawful because the UK Disability Survey, which informed it, did not comply with legal requirements on public consultations. On 28 June 2023, the Court of Appeal found in favour of the government that the survey was lawful.

COVID-19 pandemic

In March 2020, the UK entered a national lockdown (HoCL, 2021). Various controls and exceptions put in place to limit COVID-19 transmission particularly affected disabled people, including blanket restrictions on social care and healthcare visits. Many services moved to remote provision. The Coronavirus Act 2020 temporarily relaxed adult social care legal duties in England and Wales and modified mental health and mental capacity legislation. Similar provision was made in Scotland.

There has been criticism of the failure to protect people in residential care in England during the COVID-19 pandemic, including discharging hospital patients directly into residential care without adequate testing. Widespread concerns have been raised around human rights breaches in care settings during this period in the UK (JCHR, 2022). For example, a CQC report found evidence of inappropriate use of 'do not resuscitate' orders (CQC, 2020).

NHS England and the Department of Health and Social Care (DHSC) issued legal guidance allowing temporary departures from the Mental Health Act 1983 (MHA) code of practice during an undefined 'pandemic period' (NHS, 2020b). The High Court found remote assessments for MHA detention as per the guidance were unlawful as they did not comply with the requirements in the MHA for patients to be seen personally or personally examined.⁴⁰ In 2020/21, use of the MHA to detain people with mental health problems in hospital for assessment and treatment rose by 4.5% (CQC, 2022b) and the CQC raised concerns reduced access to community mental health services during the COVID-19 pandemic may have contributed to this (CQC, 2022a).

At several points during the COVID-19 pandemic, schools in the UK were closed to all except children of critical workers, vulnerable children and some other limited groups, such as some children with EHC plans (DfE, 2020c). The Coronavirus Act 2020 introduced powers to alter the SEND regulations in England, including the legal obligation on local authorities and health commissioning bodies to provide the support listed in a child's EHC plan (DfE, 2020d) so they only needed to make 'reasonable endeavours' to discharge their duty (DfE, 2020d). The UK Parliament's Women and Equalities Committee concluded that 'some flexibility was needed', but was concerned that the duration of this modification would leave 'many children and young people with special educational needs and disabilities with very little or no support for three months' (WEC, 2020).

Read the Scotland and Wales reports for information on Scotland and Wales.

⁴⁰ Case No: CO/2408/2020.

Outcomes

Education

An increase in the number of pupils with SEN, SEND and EHC plans in England since 2018 has put pressure on school services that support them (DfE, 2022a). Scotland has seen a year-on-year increase in pupils identified as having ASN and assessed or declared as having a disability (Scottish Government, 2022c).

School exclusions

Analysis for England shows children with SEN are three times more likely to be excluded from school as those without. For example, in 2019/20, children with no identifiable SEN had an exclusion rate of 131.3 per 10,000 pupils compared to children with any identified SEN, who had an exclusion rate of 499.9 per 10,000. This represents a difference of 368.8 between the two groups.

The Education Policy Institute (EPI) confirms pupils with identified SEND account for almost half of all exclusions. The percentage of children (with and without SEN) who are excluded has gone down. However, the disparity between those with SEN and those without remains the same. A similar trend is seen in Scotland and Wales. There are also higher rates of exclusion among pupils assessed or declared as having a disability.

Special Educational Needs and Disability (SEND) Tribunals

Claims made to the SEND tribunal in England have risen, increasing from 115 to 175 between 2014/15 and 2021/22 before dropping slightly during the COVID-19 pandemic (MoJ, 2022). The proportion of appeals upheld has varied between 27.0% and 34.0% of claims. This suggests experiences of disability discrimination have remained consistent with the population increase of children with SEN.

Higher Education

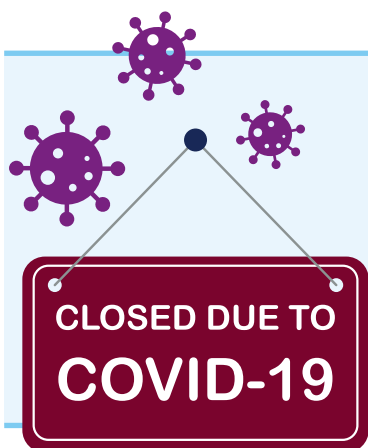
In higher education, in 2021/22, 16.0% of UK students were recorded as having a known disability, an increase from 13.0% in 2017/18. Wales had the highest percentage of HE students with a known disability, at 17.0% (HESA, 2023).

Work

Employment trends

Analysis of the Annual Population Survey (APS) found that disabled adults (38.9%) had a lower rate of employment than non-disabled adults (73.3%) in 2019/20 and were more likely to be unemployed and economically inactive. Further analysis shows that between 2014 and 2021, disabled people have a worse 'flow' in and out of work, compared to non-disabled people. Disabled people leave work twice as fast as non-disabled people and they move back into work at one-third of the rate of non-disabled people (DWP, 2023a). However, despite disabled people having a clear labour market disadvantage, there are signs of improvement. As shown in Figure 27, in 2019/20, the employment gap was at its lowest point since 2013/14,⁴¹ driven by faster growth in the disabled group's employment rate compared to the non-disabled group.

Between 2019/20 and 2021/22 (including the COVID-19 pandemic) the employment gap narrowed further as disabled employment rates grew and non-disabled employment rates declined. While the disabled employment gap did show an overall narrowing during the COVID-19 pandemic, there was an initial short-term widening of the disabled employment gap during the COVID-19 pandemic (DWP, 2023a).



Further analysis has shown that disabled people were significantly more likely to be temporarily away from work during the COVID-19 pandemic, given their over-representation in 'shutdown' industries (Jones, 2021).

41 The definition of disability in the ONS Labour Force Survey and Annual Population Survey changed in 2013, limiting comparison with previous years.

The number of disabled people in the UK increased by 1.5 million between 2013/14 and 2020/21.⁴² Analysis suggests the increasing prevalence of disability could partially explain growing employment rates among disabled adults. This should be considered when evaluating the success in closing the employment gap (DWP, 2023a).

The employment gap in the UK in recent years is around the average for OECD countries (27.0% for those aged 15–69 years). Internationally the employment gap has remained generally unchanged. The UK is one of few OECD countries to see improvement in both the employment rate of disabled people and the employment gap between disabled and non-disabled people (OECD, 2022).

Earnings

Analysis of the APS shows that in 2019/20, disabled workers' median hourly earnings were 15.6% lower than those of non-disabled workers'.

Despite the gap in employment narrowing over time, the gap in earnings has widened from 12.0% in 2013/14 to 15.6% in 2019/20, as non-disabled workers' earnings are growing faster than disabled workers' earnings.

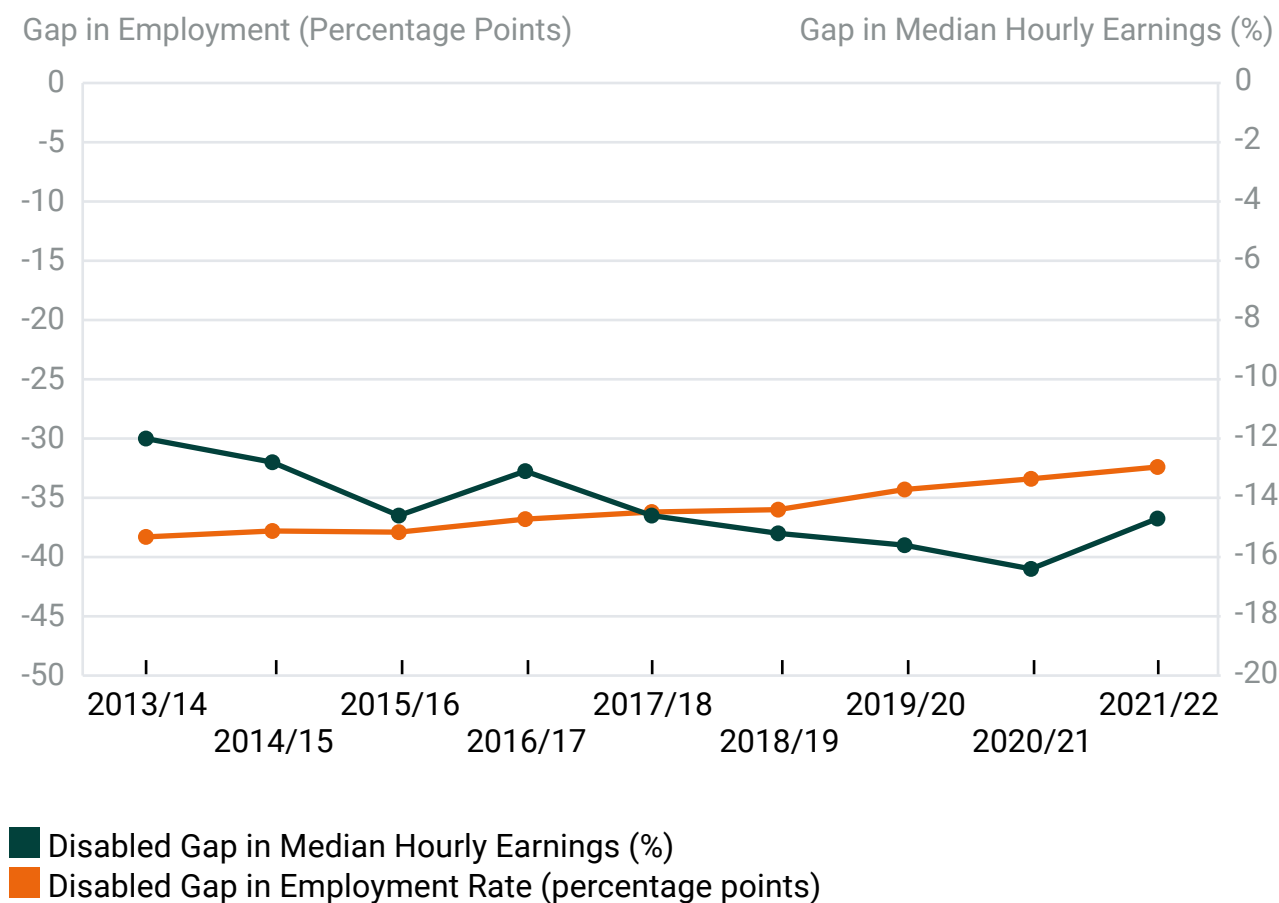
We found earnings gaps across all types of impairment,⁴³ the largest being for people with learning difficulties or disabilities (31.2%).

The disability earnings gap infers that disabled workers are paid less because of their disability. However, analysis by ONS (2022) suggests that other variables (e.g. occupation, educational attainment) do have some impact on the disability earnings gap. Analysis suggests that the disability earnings gap is smaller in size when other factors are removing the impact of other factors (i.e. other factors are controlled for), though the gap is not eradicated entirely.

⁴² Research suggests that increasing self-reported disability levels can only partially be accounted for by changing attitudes/awareness to disability, as some research shows increasing prevalence in some conditions.

⁴³ These include: progressive health conditions, vision, hearing and physical disabilities; learning difficulties or disabilities; mental health conditions and other health conditions.

Figure 27: Employment and median hourly earnings gaps between non-disabled people and disabled people, Britain, 2013/14 to 2021/22⁴⁴



(Source: EHRC analysis of Annual Population)

⁴⁴ A negative gap infers that disabled people have lower earnings than non-disabled people.

Occupational segregation

Analysis found occupation gaps have grown too. Between 2013/14 and 2019/20, non-disabled workers became significantly less likely to be in an LPO, but disabled workers were as likely to be in an LPO in 2019/20 as they were in 2013/14. This was particularly the case for those with learning difficulties or disabilities. Disabled workers are also more likely to be in insecure employment, though the disability gap in insecure employment rates has not changed over time.

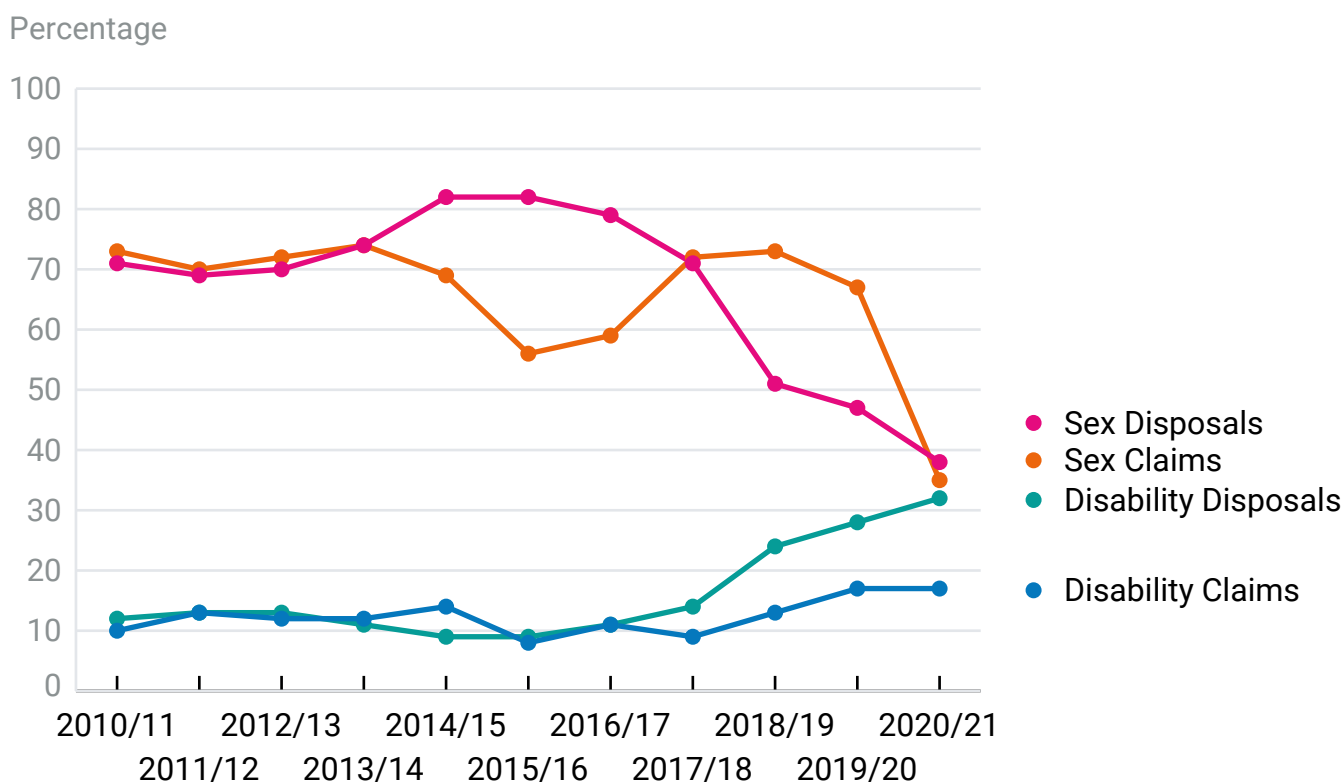
The number of disabled people in the gig economy, using one measure of those on zero-hours contracts, also appears to have increased rapidly. However, experts cannot agree whether this is an advantage (in terms of flexibility for disabled people's health and other needs) or a disadvantage (reflecting exclusion from traditional labour market roles).

Employment tribunals

In Britain, more discrimination complaints are made on the grounds of disability than all other protected characteristics except sex. In 2019/20, 17.0% (8,178) of all discrimination-related complaints within claims and 28.0% (6,285) of all discrimination-related complaints within disposals were related to disability.

Analysis of Ministry of Justice (MoJ) data found that the proportion of disability complaints grew substantially from 2017/18 (for both claims and disposals) (MoJ, 2022).

Figure 28: Percentage of jurisdiction complaints related to disability and sex⁴⁵ as a proportion of total discrimination complaints, for employment tribunal claims and disposals, Britain, 2010/11 to 2019/20⁴⁶



(Source: Ministry of Justice)

In 2019/20, only 3.0% of all disposals that included a disability complaint were resolved by a successful hearing, lower than the proportion (9.0%) of all discrimination complaints that were resolved in this way. This can be accounted for by the fact that disposals that include disability complaints are more commonly withdrawn or settled through Acas. Based on analysis, the proportion successful at a hearing has been relatively stable over time (consistently 3.0–5.0% of all disposals, which included a disability complaint, was resolved through a successful hearing) (MoJ, 2022).

⁴⁵ Sex complaints aggregate complaints made on the grounds of 'equal pay', 'Sex discrimination' and 'Suffer a detriment / unfair dismissal' – pregnancy.

⁴⁶ The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 introduced fees to transfer some tribunal system costs from taxpayers to tribunal users, encourage early settlement and discourage unreasonable behaviour. This reduced the number of claims being made to tribunals. In 2017, the Supreme Court ruled the fees order prevented access to justice and was indirectly discriminatory (R v Lord Chancellor [2017] UKSC 51).

Living standards

Adult poverty

Our analysis of the Family Resources Survey (FRS) shows that poverty levels are still higher for disabled people (27.2% in 2019/20) in Britain than non-disabled people (17.4%). These levels have increased significantly compared with 2012/13 (22.6%).⁴⁷

Figure 29: Adult poverty rate for disabled and non-disabled people in Britain, 2012/13 to 2019/20



(Source: EHRC analysis of Family Resources Survey)

Focusing disability benefits on more severe conditions may have pushed less severely disabled people into employment that doesn't offset their loss of income. The Institute for Fiscal Studies (IFS) found people who stopped receiving or had their disability benefits reduced because these had been reviewed or their health improved were 4 percentage points more likely to be in work the following year but also 7 percentage points more

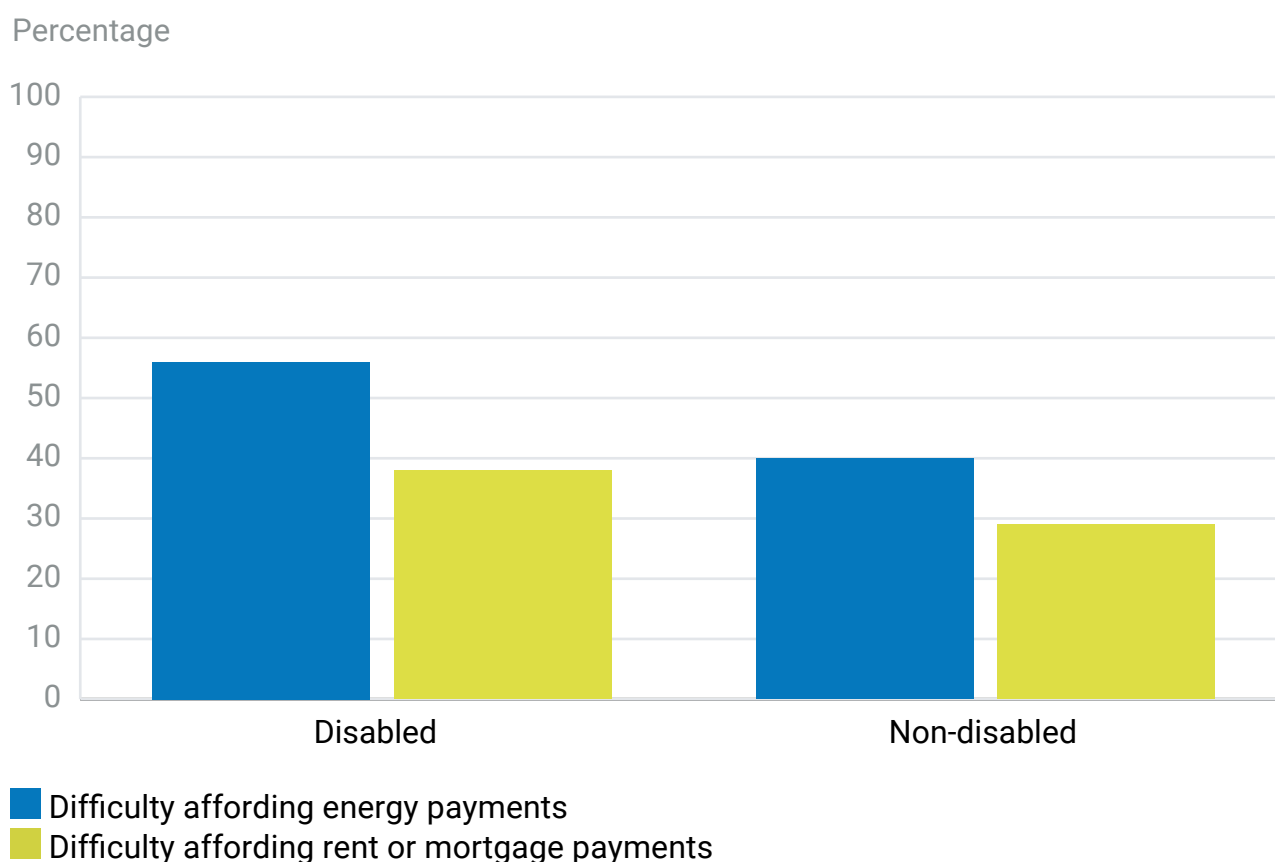
⁴⁷ Analysis ends at 2019/20 as data for 2020/21 is subject to additional uncertainty at this level.

likely to be in poverty (Cribb, et al., 2022). Four years after benefit reduction, the likelihood of employment increased by 10 percentage points and of relative poverty by 15 percentage points.

Cost of living

Disabled people in Britain have been affected by the increased cost of living. They already face higher costs associated with their disability, such as additional energy use (Scope, 2023). ONS data shows disabled people (34.0%) were significantly more likely to experience financial vulnerability than non-disabled people (19.0%) from September 2022 to January 2023. Disabled people (56.0%) were more likely to report difficulty paying their energy bills than non-disabled people (40.0%) and rent and mortgage (38.0% compared with 29.0%) (ONS, 2023c).

Figure 30: Proportions reporting difficulty affording energy, rent or mortgage payments in Britain, September 2022 to January 2023



(Source: Office for National Statistics)

Food insecurity

Cost of living pressure is aggravating food insecurity, which was already higher for disabled people than non-disabled people. The FRS shows that in 2021/22, 11.0% of UK households including a disabled person were food insecure, compared with 3.0% of households where no one was disabled (DWP, 2023b). Between November and December 2022, 21.0% of disabled adults were worried their food would run out before they could afford more, compared with 12.0% of non-disabled adults (ONS, 2023b).

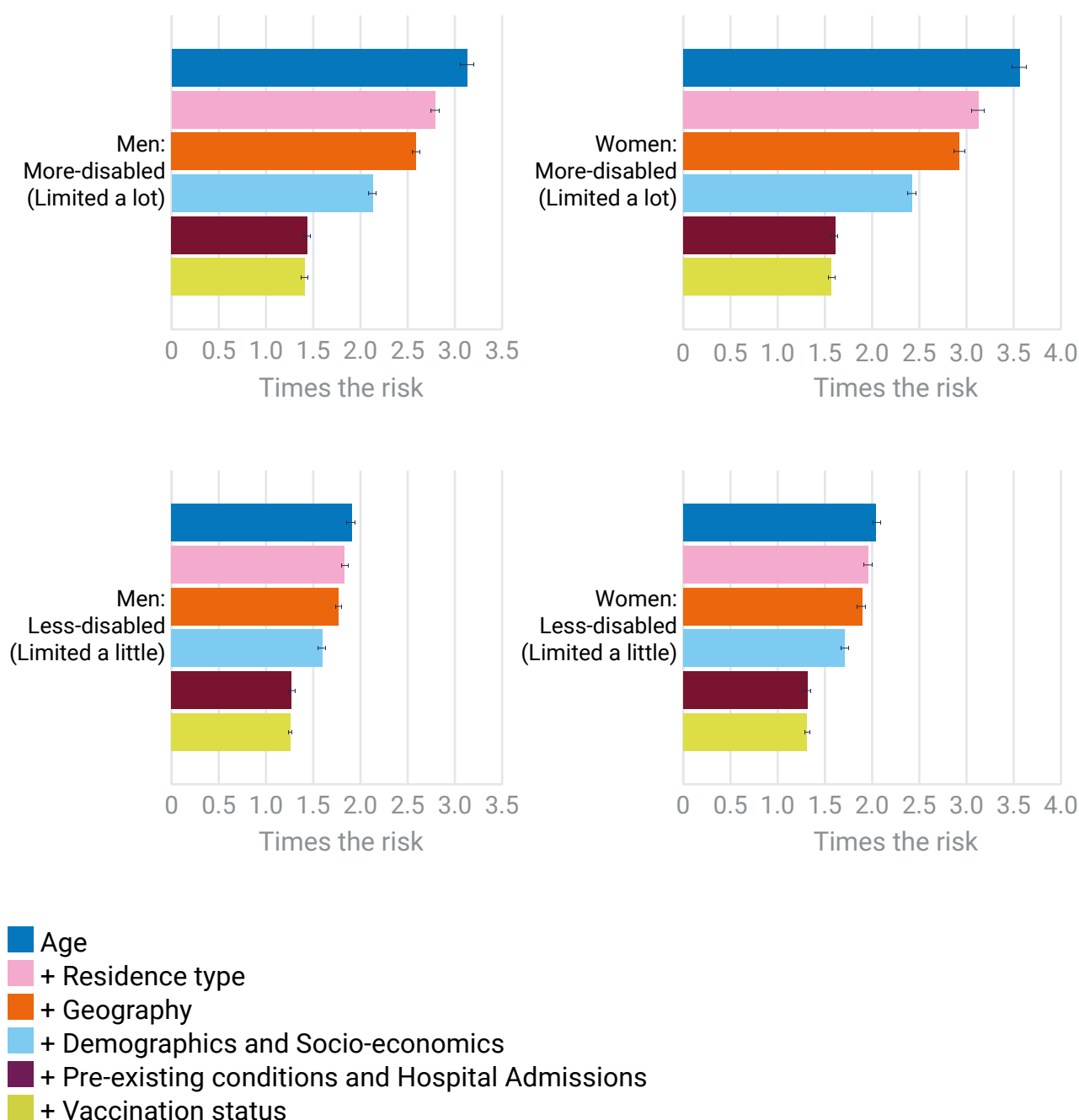
Health

COVID-19 mortality

During the COVID-19 pandemic, both disabled men and women in England were at more risk of COVID-19 mortality, mostly due to 'disadvantageous circumstances' such as poor housing and socio-economic factors (ONS, 2021a). Even taking these elements into account, disabled people still had higher rates of mortality. For example, controlling for age alone, the risk of death was 2.0–3.5 times higher for disabled women than for non-disabled women. Controlling for age, residence type, geography, socio-demographic factors, pre-existing conditions and hospital admission, the risk of death for disabled women was 1.2–1.4 times higher. For men, it was 1.1 times higher.

In England, those with a learning disability were disproportionately affected early in the COVID-19 pandemic, representing 5.8% of deaths in the first wave compared with 1.2% of the population (ONS, 2021a). People with a learning disability already had lower life expectancy (White, et al., 2022). Once adjusting for age, residence type, geography, socio-demographic factors, pre-existing conditions and hospital admission, the risk of death for those with a learning disability was 1.7 times that of non-disabled people (ONS, 2021a).

Figure 31: Risk of COVID-19-related death for disabled men and women compared with non-disabled people, adjusting for various factors (England, 24 January 2020 to 9 March 2022)

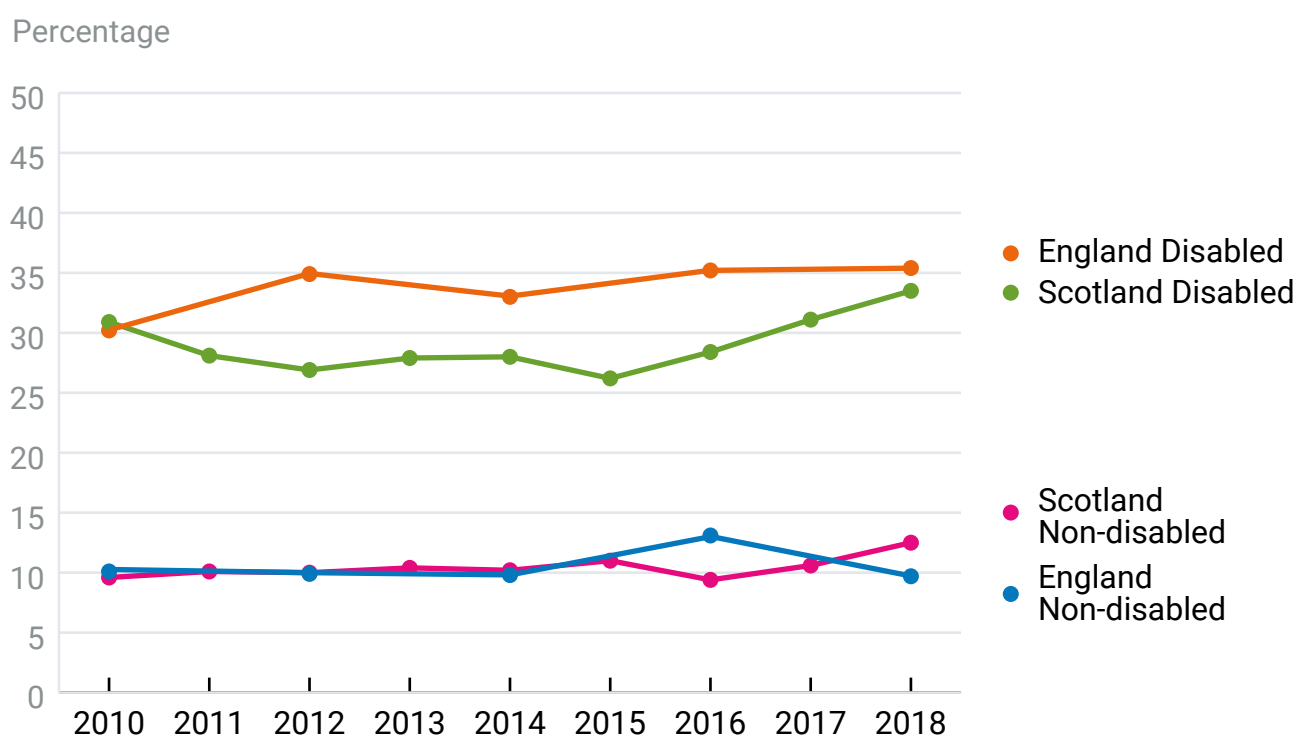


(Source: Chart reproduced from Figure 2 of the ONS article 'Updated estimates of coronavirus (COVID-19) related deaths by disability status, England: 24 January 2020 to 9 March 2022')

Mental health

The latest data from the Health Survey for England, the Scottish Health Survey and National Survey for Wales (from 2018) shows disabled people in all three nations are more likely to report poor mental health than non-disabled people – England (35.4% compared with 9.7%), Scotland (33.5% compared with 12.5%) and Wales (34.3% compared with 15.4%). In England, a higher proportion of disabled adults reported poor mental health in 2018 than in 2010 (when it was 30.2%). In contrast, poor mental health rates in non-disabled people have remained fairly stable. In Scotland the rates of disabled people reporting poor mental health was variable between 2010–2015, but have seen increases since 2015. More non-disabled people have also reported poor mental health since 2016.

Figure 32: Proportion of disabled people reporting poor mental health compared with non-disabled people 2010–2018 in England and Scotland⁴⁸



(Source: Health Survey for England and Scottish Health Survey)

⁴⁸ Values for England and Scotland are not directly comparable as they are from separate surveys.

ONS analysis has found disabled people in England and Wales have higher rates of suicide than non-disabled people, even after accounting for other relevant factors such as socio-economic status (ONS, 2023d). The suicide rate over the period 2011–2021 is estimated at 48.36 and 18.94 per 100,000 among disabled men and women, compared with 15.88 and 4.47 among non-disabled men and women.

Some of these trends may be linked to changes in benefits paid to disabled people. Analysis has found changes to the work capability assessment corresponded with increased mental health problems. Disabled people and disabled people's organisations have raised concerns about this (Barr, et al., 2016). Other research indicates the benefits system may particularly affect the mental health of people with pre-existing mental health conditions (Machin and McCormack, 2021).

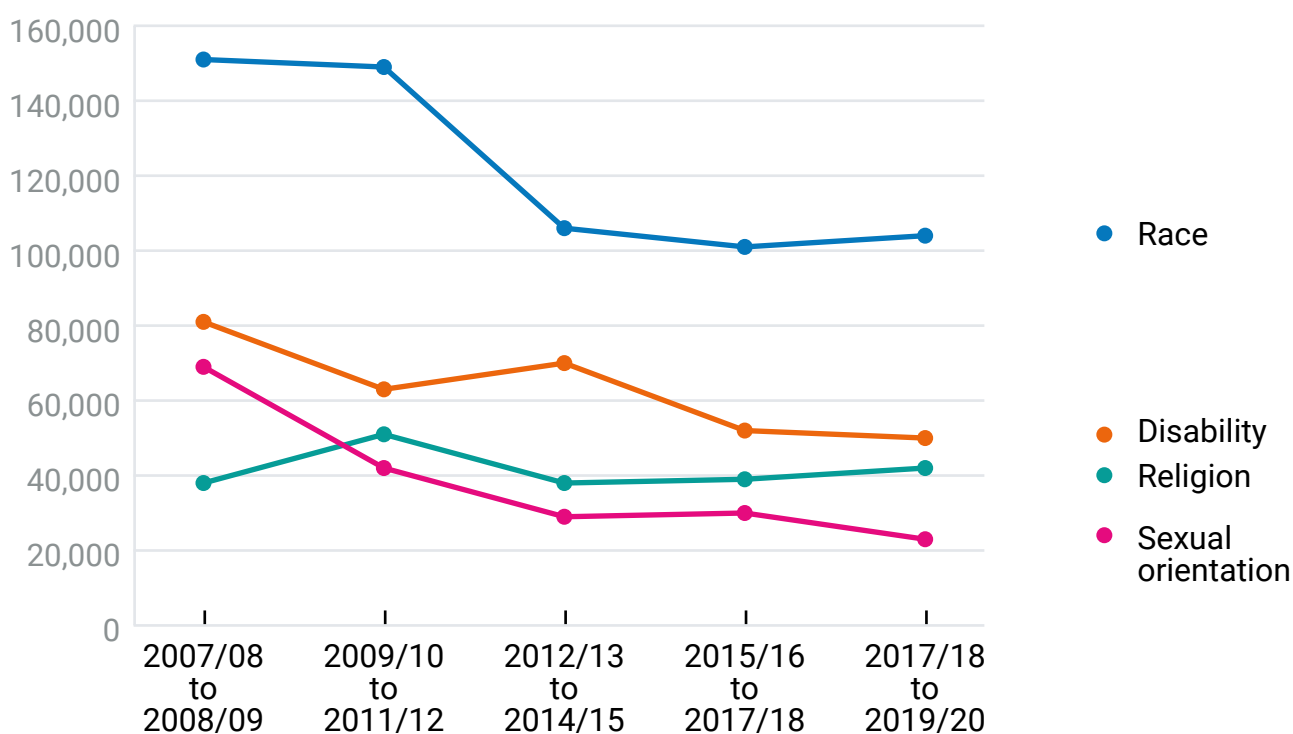
Justice

Hate and other crimes

Disability hate crime has fallen by 38.0% in England and Wales between 2007–2009 and 2017–2020, as estimated by the Crime Survey for England and Wales (CSEW). Similar decreases over time have been seen in other types of hate crime, excluding religion (Home Office, 2020).

Figure 33: Prevalence of hate crime in England and Wales estimated by the CSEW, 2007/08 to 2019/20

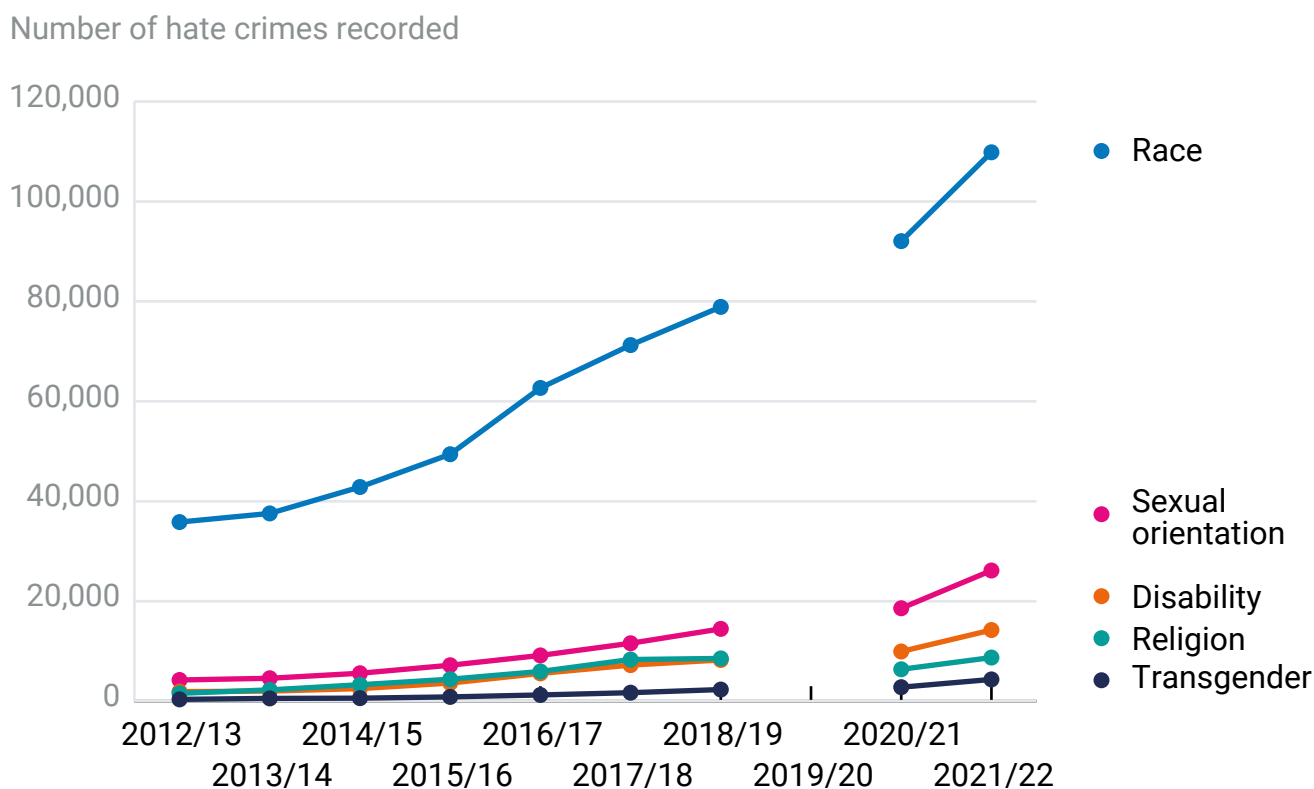
Number of hate crime incidents



(Source: Crime Survey for England and Wales)

Reporting of hate crimes to the police has increased over time. Between 2020/21 and 2021/22, the number of disability-motivated hate crimes in England and Wales recorded by the police increased by 43.0% (Home Office, 2022b). In Scotland, the number of hate crimes with a disability aggravator recorded by the police doubled from 260 in 2014/15 to 552 in 2021/22 (Scottish Government 2023).

Figure 34: Police recorded hate crime in England and Wales, 2012/13 to 2021/22⁴⁹



(Source: Police recorded crime)

Though hate crime has decreased in England and Wales (but is more often reported to police) disabled people are still more likely to face some other types of crime. In England, disabled people are more likely to experience domestic abuse. Analysis of CSEW data found 11.5% of disabled people in 2019/20 had experienced domestic violence and abuse in the previous 12 months compared with 4.5% of non-disabled people. This pattern has not changed since 2013/14. In Wales, the difference in disabled and non-disabled people's experience of domestic abuse was not statistically significant.

ONS analysis in England and Wales has also shown that disabled women were more likely to experience rape in the last year (1.9% of disabled women compared with 0.6% of non-disabled women) (ONS, 2021b) or sexual assault (5.0% of disabled women compared with 2.8% of non-disabled women) (ONS, 2021c). There is no difference between the experiences of disabled and non-disabled men.

⁴⁹ Comparable data for 2019/20 is not available due to missing data for the Greater Manchester Police Force area.

Safety, police incidents and police custody

A survey of prisoners in England and Wales found that disabled prisoners were more likely to say they did not feel safe (HM Inspectorate of Prisons, 2021).

Data from Scotland shows prisoners reporting a disability rose in 2017–2019, from 34.0% to 38.0% (SPS, 2020). HM Inspectorate of Prisons for Scotland (HMIPS) inspections between 2019 and 2022 found detention conditions varied in how accessible they were for people with physical disabilities (HMIPS, 2022).

People perceived as having a mental health condition were involved in proportionally more incidents with police involving a taser in England and Wales in 2021/22, including incidents when it was discharged (Home Office, 2022a). In England and Wales, 6 out of the 11 people who died in or following police custody in 2021/22 had mental health concerns (IOPC, 2022).

Access to justice

Aspects of the court modernisation programme in England and Wales (including court closures and virtual hearings) negatively affect disabled people and their access to justice. Our inquiry into disabled people's experience of the criminal justice system looked at the use of video hearings, which grew rapidly during the COVID-19 pandemic (EHRC, 2020). It found remote links impeded effective participation and neurodivergent defendants could find it particularly difficult to follow and participate in proceedings.

Participation

Political activities

Based on analysis of the Community Life Survey, in England the proportion of disabled adults engaging in political activities has remained high since 2016/17, reaching its highest (47.6%) in 2020/21, while the proportion of non-disabled people doing so has dropped and remains significantly lower at 43.7%. In Scotland, according to analysis of the Scottish Social Attitudes Survey, the proportion of both disabled and non-disabled people engaged in political activities in 2016/17 was around 61.0%.

Feelings of belonging and trust

Analysis of the Community Life Survey found in England fewer disabled people (61.1%) agreed they belonged in their neighbourhood than non-disabled people (65.8%) in 2020/21. In Scotland and Wales, based on analysis of the Scottish Household Survey and the National Survey for Wales, there are no significant differences in feelings of belonging between disabled and non-disabled people, though disabled people in Scotland have reported a decline since 2016. Disabled people continue to be under-represented in public appointments in Scotland (Ethical Standards Commissioner, 2022).

Since 2018/19 the percentage of disabled people in England who agreed people in their local area could be trusted has declined. By 2020/21 these feelings of trust were lower for disabled people (36.9%) than non-disabled people (44.6%), based on analysis of the Community Life Survey. Both Scotland and Wales have seen declines in community trust since 2013, though in Wales a similar trend in non-disabled people means the gap has narrowed.

Use of the internet

The percentage of both disabled and non-disabled people in Britain who use the internet rose between 2010 and 2017. The rise was greater for disabled people (60.9% to 80.8%) but from a lower starting point than non-disabled people (86.4% to 95.8%). The proportion of disabled people who had used the internet in Scotland (86.4%) was higher than in England (80.9%). In Wales, analysis of ONS data found the proportion varied considerably from year to year, possibly due to limited sample sizes. The proportion of disabled people using the internet was much lower than non-disabled people despite a significant increase, though this trend appears to have plateaued.

Using a slightly different source and measure, the number of disabled adults in the UK who used the internet in the last three months rose from 78.3% in 2019 to reach 81.4% (almost 11 million people) in 2020, compared with 95.7% of non-disabled adults (ONS, 2021d). There is still a significantly larger and persistent proportion of disabled people who do not use the internet and remain digitally excluded, compared with non-disabled people.

Exercise and sport



In 2019/20 non-disabled people in England (90.1%) were more likely to have exercised in the last four weeks than disabled people (69.5%).

This was the case whatever their impairment, though those with mental health conditions were more likely to have exercised than other disabled people. Between 2016/17 and 2019/20 there was a decline in sport or exercise participation by disabled people (3.6 percentage points) but no change for non-disabled people. This may be linked to disabled people's fears their benefits or financial assistance could be taken away if they do more exercise. An online survey of disabled people for Activity Alliance found 41.0% avoided exercise because of this fear and 31.0% knew of a disabled person who had benefits removed after increasing physical activity (IFF Research, 2020).

The gap in participation in sporting activity between disabled and non-disabled people in 2019/20 was larger in Scotland (55.0% of disabled people compared with 86.9% of non-disabled people). In Wales, the gap was similar and unchanged between 2016/17 and 2019/20.

Public Appointments

7.0% of holders of public appointments in the UK on 31 March 2022 reported having a physical or mental health condition or illness lasting or expecting to last 12 months or more, the same as in 2020. The proportion of public board members who reported having a disability was 7.0% on 31 March 2022, compared to 9.0% in 2021 and 7.0% in 2020 (Cabinet Office, 2023).

Recommendations

7. Government and local government, in collaboration with disabled people in line with Article 4(3) of the Convention on the Rights of Persons with Disabilities (UNCRPD), should take, and report on, action to narrow the earnings and employment gaps between disabled and non-disabled people.
8. A mandatory duty should be placed on public sector employers in England and on private sector employers in England, Scotland and Wales with more than 250 staff to monitor and report on the recruitment, retention, progression and pay of disabled workers, appropriately disaggregated by impairment type. This should be accompanied by a requirement for employers to publish action plans to address any identified disparities.
9. The UK government should review the Disability Confident scheme to ensure that it improves employment outcomes for disabled people.
10. Central and local government should take, and report on, action to reduce the higher rates of poverty for disabled people compared with non-disabled people.
11. Government and health providers should take, and report on, action to understand and reverse the larger increase in poor mental health experienced by disabled people⁵⁰ compared with non-disabled people.
12. Government and police forces should take, and report on, action to reduce disabled people's greater risk of experiencing crime, with specific focus on where multiple characteristics put people at greater risk, for example disabled women being at greater risk of sexual assault.
13. All government departments and public bodies with responsibility for providing public services should take action to ensure that the 20.0% of disabled people who still do not regularly access the internet are not disadvantaged.

Further recommendations for the Scottish and Welsh Governments are in the Scotland and Wales reports.

50 Disabled people here excludes those whose impairment is a mental health condition.

Gender reassignment

Key findings

- Census data on gender identity is available for the first time. In 2021, around 262,000 people in England and Wales said that their gender identity is different from their sex registered at birth. Data from Scotland's 2022 census is forthcoming.
- There is some evidence that trans and non-binary people have poorer physical and mental health and report poorer experiences when accessing healthcare than others.
- Demand for gender identity services has increased for both adults and children across Britain, resulting in very long waiting times for services.
- Emerging research on sexual and reproductive healthcare has found that trans individuals are less likely than others to access sexual health services or maternity services.

Definitions

The Equality Act 2010 uses the term 'transsexual' for individuals who have the protected characteristic of gender reassignment. We recognise that some people consider this term outdated, so we have used the term 'trans' to refer to a person who has the protected characteristic of gender reassignment. However, we note that some people who identify as trans may not fall within the legal definition.

Research and data use a variety of terms to capture the experiences of people whose gender identity is different from their sex registered at birth, not all of whom will fall within the legal definition of gender reassignment. When reporting on external research or data, we use the terminology of the source material to avoid mislabelling the concepts measured. As a result, different terms may be used within this chapter to refer to the protected characteristic of gender reassignment, and to gender identity.

Gender reassignment: Under the Equality Act 2010, a person has the protected characteristic of gender reassignment if they have proposed, started or completed a process to reassign their sex by changing attributes of sex. To be protected from gender reassignment discrimination or harassment, a person does not need to have undergone any medical treatment or surgery and it does not matter whether or not they have applied for or obtained a Gender Recognition Certificate.

Gender Recognition Certificate (GRC): A Gender Recognition Certificate is a document issued under the Gender Recognition Act 2004 that recognises a person's acquired gender as their sex in law.

Non-binary: A person who does not identify as entirely male or female.

Non-trans: non-trans people (or non-trans men / non-trans women) are those whose gender identity matches their sex registered at birth. Some research uses the term 'cisgender' and we have acknowledged this when reporting the research or evidence, for example the 2018 National LGBT Survey (GEO, 2018a).

Trans: Trans people (or trans men / trans women) is used to refer to any individuals with the protected characteristic of gender reassignment, though some people who identify as trans may not fall within the legal definition. This does not generally include non-binary individuals, unless stated.

Data considerations

The availability of robust, representative data on trans people in Britain is a continuing issue. Analysis of large-scale national survey data on gender reassignment was not possible, due to several factors:

- some surveys did not include questions on gender reassignment or gender identity
- some surveys have introduced questions on gender identity, but base sizes are too small for robust analysis, and
- the lack of data on the trans population means samples could not be designed to be representative.

Despite improvements made to some national surveys and the new estimates from the 2021 England and Wales census, the evidence in this chapter has mostly been taken from self-selecting samples. As a result, the number of topics covered by this chapter is fewer than in other chapters where data was available.

The Office for Statistics Regulation is conducting a short review of the 2021 England and Wales census data on gender identity in response to concerns raised by some users. The ONS will publish further research in summer 2023 if individual responses were affected by different interpretations of the question (OSR, 2023).

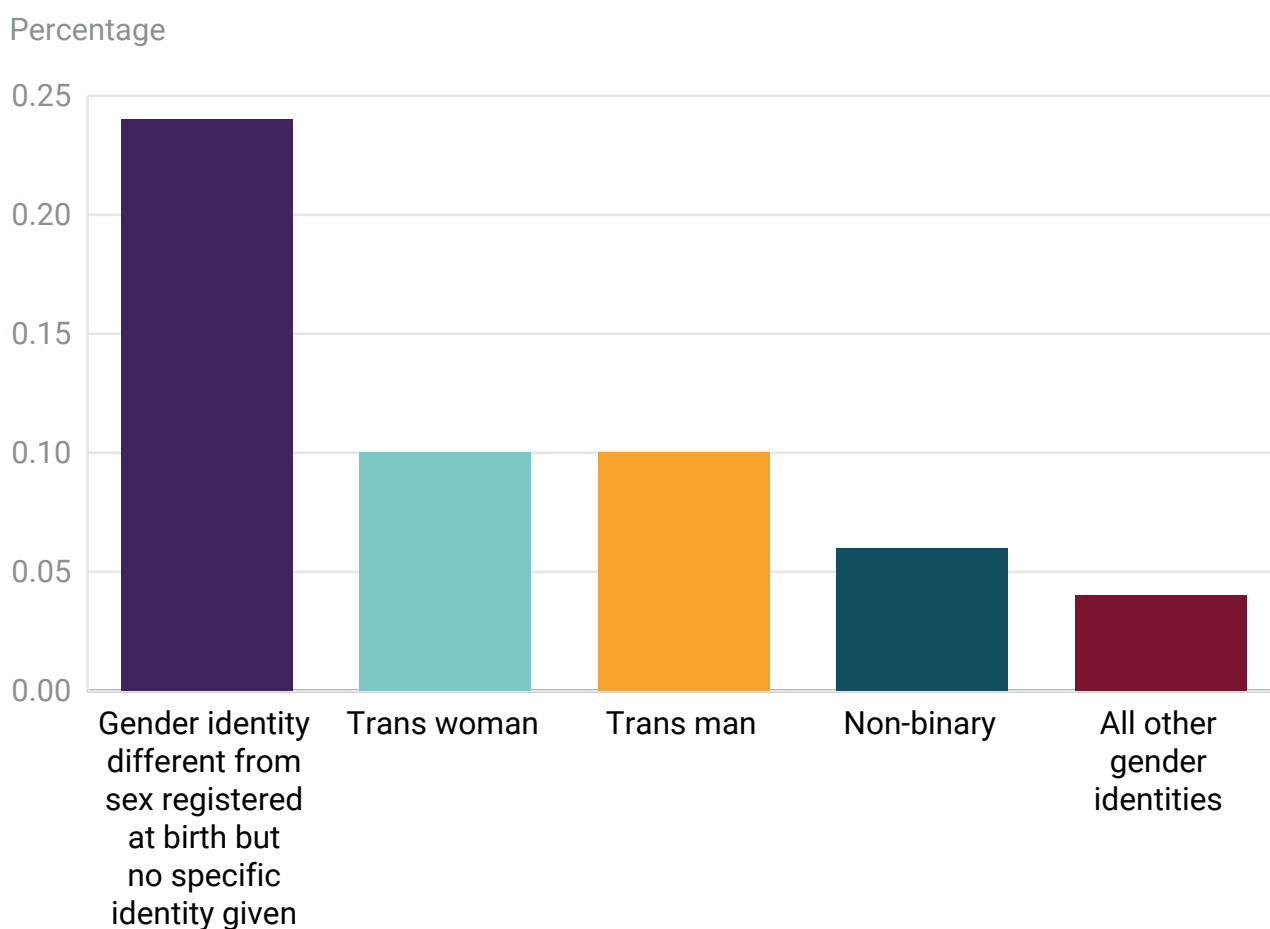
It should be noted that some policies and data refer to the wider umbrella of 'LGBT' and as such include the experiences of lesbian, gay and bisexual people alongside trans people. We reflect the language of that policy or evidence when reporting it within this chapter so will on occasion report LGBT as a single group where it cannot be separated. For the purposes of this report, policy and outcomes affecting lesbian, gay and bisexual people are addressed separately in the 'sexual orientation' chapter.

Demographics

The 2021 census in England and Wales (ONS, 2023a) included a question on gender identity for the first time. The question was voluntary but answered by most people. It was not answered by 2.9 million (6.0%) people.

Around 45.4 million people (93.5% of the population) said their gender identity was the same as their sex registered at birth. A total of 262,000 people (0.5% of the population) said it was not.

Figure 35: Gender identity different from sex registered at birth, England and Wales 2021



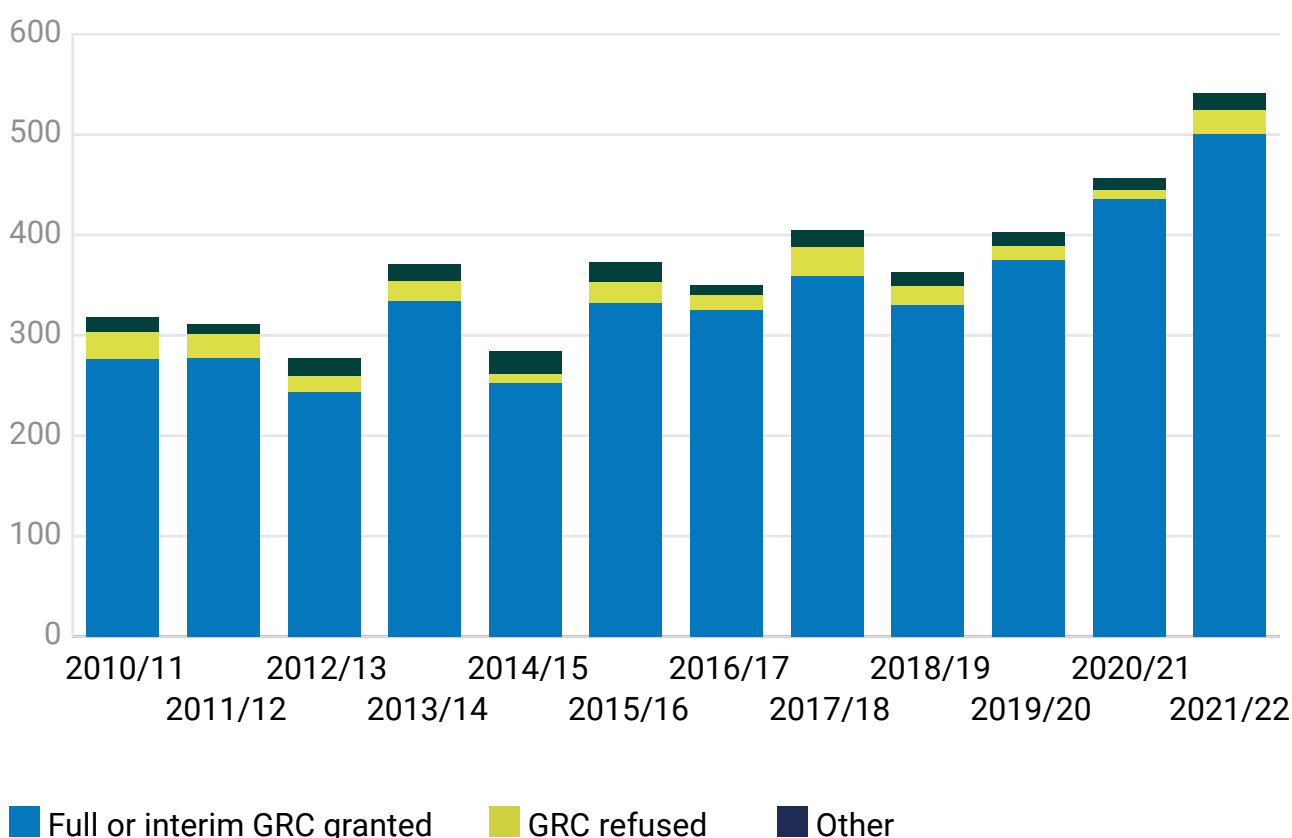
(Source: Office for National Statistics)

Gender recognition certificates

Between 2005/06 (when GRCs became available after the GRA came into force in April 2005) and 2021/22, 6,748 GRCs were granted. 317 were refused, and 247 were not granted for other reasons (withdrawn, no fee paid, or error). The number of applications increased annually from 369 in 2017/18 to 802 in 2021/22. Though there have been some annual variations, the proportion of GRC applications granted has remained consistently high. The majority of full GRCs have been granted to people registered male at birth. However, the proportion granted to people registered female at birth has increased over time and in 2021/22 outnumbered the proportion granted to people registered male at birth for the first time (52.3% compared to 47.7%) (MoJ, 2023).

Figure 36: Number of gender identity certificate decisions 2010/11 to 2021/22

Number of decisions



(Source: Ministry of Justice)

Legal and policy developments

Gender recognition process

In 2018, the UK government consulted on proposals to reform the Gender Recognition Act 2004 (GRA) for England and Wales, such as by removing the requirement for a diagnosis of gender dysphoria to obtain a GRC (GEO, 2018b).

The UK government's response to the consultation noted it would reduce the fee for applying for a GRC to a nominal amount and that steps were being taken to digitise the process. However, its position was that the balance struck in the existing legislation was correct (GEO and Truss, 2020).

In December 2022, the Scottish Government passed the Gender Recognition Reform (Scotland) Bill. If enacted, this legislation would remove the requirement for a diagnosis of gender dysphoria and reduce the time a person needs to live in their acquired gender before obtaining a GRC in Scotland. It would also reduce the age threshold from 18 to 16.

However, the UK government prevented the legislation from proceeding to Royal Assent using section 35 of the Scotland Act 1998, on the basis that it would adversely affect the operation of reserved legislation (the Equality Act 2010). The Scottish Government mounted a legal challenge to this section 35 order.

The Welsh Government has stated in its LGBTQ+ action plan 2023 that it will seek devolution of powers in relation to gender recognition.

Legal developments

The protected characteristic of gender reassignment is broad. It encompasses anyone who is proposing to undergo, is undergoing or has undergone a process of changing their sex, including both medical and social transition.

The scope of the protected characteristic of gender reassignment was considered in *Taylor v Jaguar Land Rover Ltd*. This case involved an employee whose sex at birth was registered as male, but who identified as 'gender fluid', and talked to their employer about presenting as a woman in the workplace. The tribunal found the claimant qualified for protection under the protected characteristic of gender reassignment as they were at the beginning of a process of transition. The case is a first instance case in the Employment Tribunal and so not binding and specific to its facts.

Elan-Cane v Secretary of State for the Home Department considered whether there was an obligation on the Home Secretary to issue passports with a non-gendered 'X' marker to accommodate those (including the claimant) who do not identify as male or female.⁵¹ The Supreme Court found the claimant's ECHR Article 8 rights to privacy were engaged but outweighed by public interest considerations. These included the significant costs of allowing 'X' passports and the need for a coherent approach across government in the classification of sex and gender identity. The claimant has applied to the ECHR.⁵²

Cases dealing with the definition of sex are outlined in the sex chapter. Given the increased level of debate and litigation about sex and gender-based rights, and in response to a UK government request for advice, in April 2023 we recommended that the government consider whether a biological definition of sex in the Equality Act 2010 would improve legal clarity.

Education

UK government funding for projects in England specifically tackling bullying of lesbian, gay, bisexual and trans (LGBT) pupils ended in March 2020 (GEO, 2018c). In principle the DfE's broader anti-bullying programme should include tackling bullying of LGBT pupils.

In 2022, the Department for Education (DfE) announced it would draw up guidance for schools on supporting trans children. This guidance is due to be published for consultation in 2023.

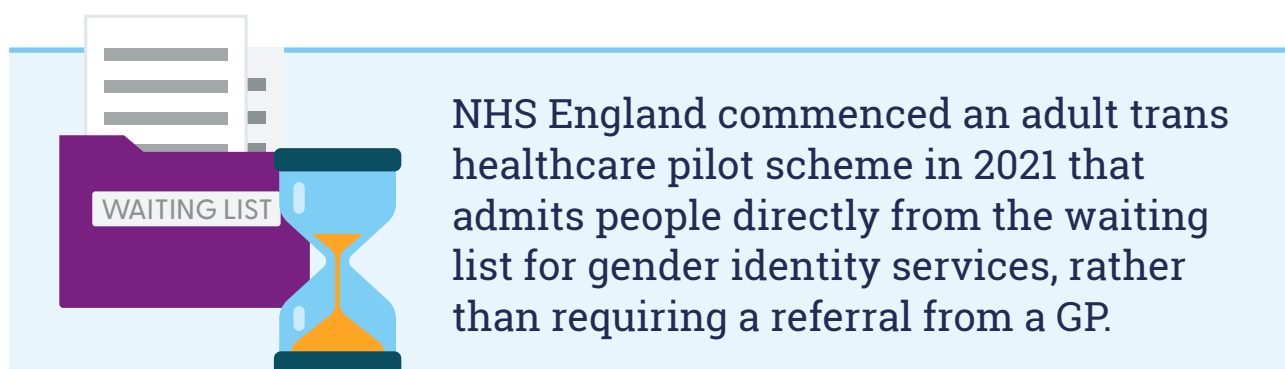
In January 2020, the Crown Prosecution Service (CPS) published updated guidance for schools in England and Wales on LGBT+ bullying and hate crime (CPS, 2020). But this guidance was withdrawn in April 2020 following a legal challenge (Safe Schools Alliance UK, 2020).

⁵¹ [2021] UKSC 56.

⁵² Read <https://elan-cane.com/2022/06/16/x-passports-application-to-european-court-of-human-rights-ecthr/>

Health

In 2020, NHS England and NHS Improvement commissioned an independent review of gender identity services for children and young people, chaired by Dr Hilary Cass, a paediatrician. The Cass Review's 2022 interim report found the existing clinical model, with a single national gender identity services provider, was not safe or sustainable in the longer term (Cass, 2022). As a result, the NHS is due to close the UK's sole specialist gender identity development service for children and young people in March 2024 (Moss, 2023). This is being replaced by a new regional service model of provision led by specialist children's hospitals.



In 2019, the UK government launched a consultation seeking evidence on the needs and experiences of people with variation in sex characteristics (GEO, 2019).⁵³ This followed UN Committee on the Rights of the Child (CRC) recommendations to prevent unnecessary surgery being routinely carried out on intersex children (EHRC, 2020). No update has been published since.

Legal issues relating to trans healthcare were recently considered by the High Court in the case of *AA and others v National Health Service Commissioning Board and others*.⁵⁴ The High Court found that the high waiting times for adults and children seeking treatment for gender dysphoria were not directly or indirectly discriminatory towards the claimants or in breach of the Public Sector Equality Duty and were instead a policy issue, which could be addressed by the relevant authorities.

⁵³ 'Variations in sex characteristics' in this context is an umbrella term describing physical sex development different from what is generally expected of males and females, such as naturally occurring genetic, chromosomal, gonadal, anatomical and hormonal variations. These may also be known as 'intersex' or 'differences of sex development'.

⁵⁴ *The King on the application of AA and others v National Health Service Commissioning Board (operating under the name of NHS ENGLAND) Defendant -and- Tavistock and Portman NHS Foundation Trust and others (Interested Parties)* [2023] EWHC 43 (Admin).

Justice

In 2018, the UK government published an LGBT Action Plan to improve the lives of lesbian, gay, bisexual and trans people, including better reporting and recording of, and responding to, LGBT hate crime in England and Wales (GEO, 2018c).

A 2021 Law Commission report recommended ‘levelling up’ protection for LGBT victims of hate crime in England and Wales, specifically by extending aggravated and stirring up offences to include sexual orientation and trans identity (Law Commission, 2021). The UK government is yet to respond to these recommendations.

The LGBT Action Plan also included plans to ban so-called ‘conversion practices’, or ‘conversion therapy’. Proposals were consulted on in 2021 (EH and GEO, 2021). In January 2023, a written statement by the Secretary of State for Digital, Culture, Media and Sport confirmed that the UK government would legislate to ban conversion practices for sexual orientation and ‘being trans’, and that legislation would be published for pre-legislative scrutiny before the end of that parliamentary session (UK Parliament, 2023).

In April 2022, the Nationality and Borders Act gained Royal Assent, despite some concerns about its impact on LGBT asylum seekers who face challenges in disclosing their gender identity and need more time to do so, or who could be persecuted because of their gender identity if returned to their country of origin (EHRC, 2021).

FDJ v Secretary of State for Justice was brought by a female prisoner who argued the Home Office’s general policy of allocating trans prisoners into the prison estate based on their acquired gender (as stated on their GRC) was indirectly discriminatory towards female inmates.⁵⁵ The High Court found any disadvantage towards women from the policy was justified by the need to balance the rights of trans prisoners to live in their acquired gender. Importantly, there were procedural safeguards in place so the general policy could be disapplied when there was evidence of significant risk.

The Home Office has recently updated its policy in respect of trans prisoners. The new policy provides that trans women who have been convicted of violent or sexual offences or who retain male genitalia will not be housed in the women’s estate, except in exceptional circumstances (MoJ and HMPPS, 2019).

⁵⁵ FDJ v Secretary of State for Justice [2021] EWHC 1746 (Admin).

Outcomes

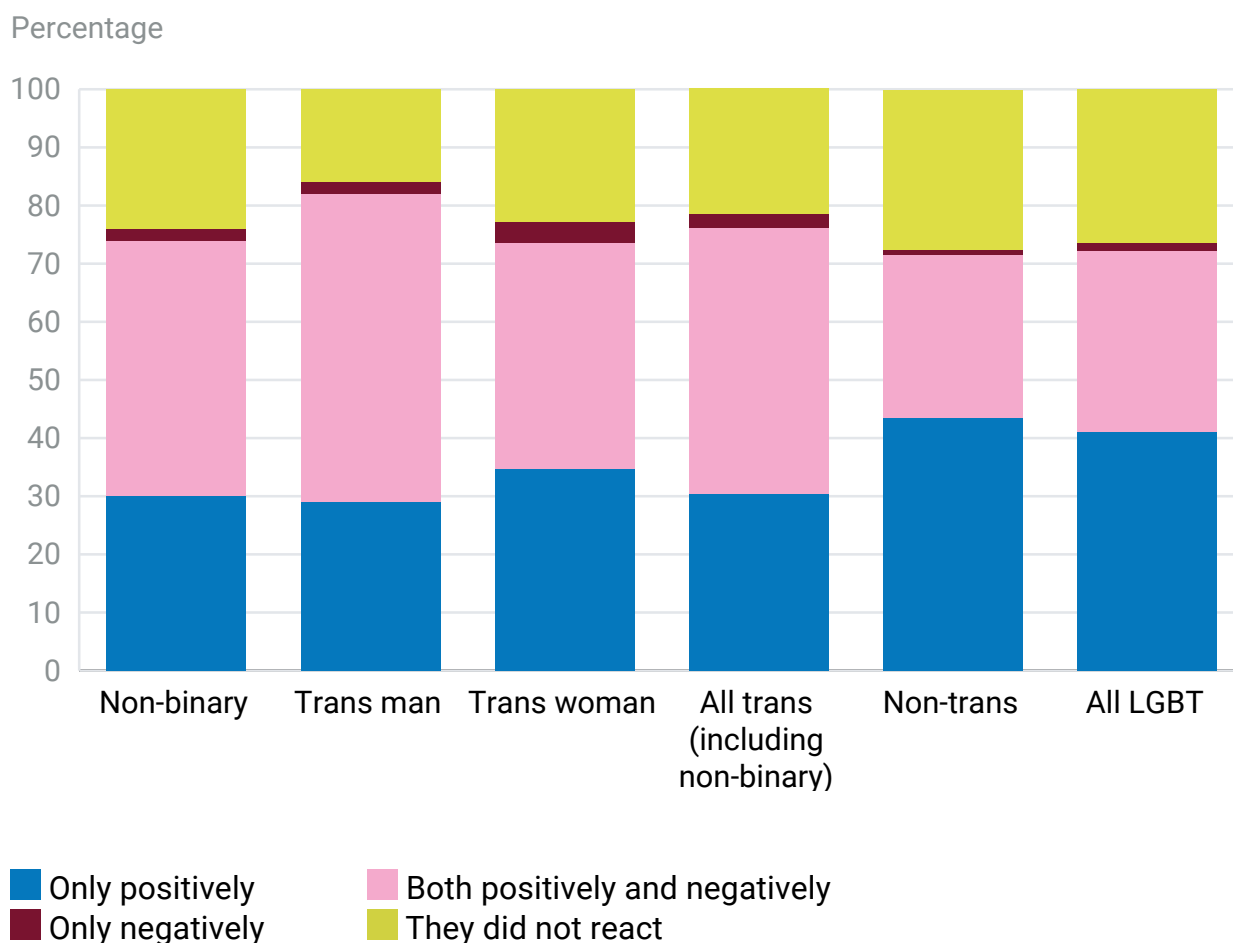
Education

According to the 2021 census in England and Wales, those who identified as having a different gender identity from their sex registered at birth were less likely (at 28.0%) to have a degree qualification than those whose gender identity was the same as their sex registered at birth (34.0%). They were also more likely to have no qualifications (28.0%) than those whose gender identify was the same as their sex registered at birth (18.0%).

In 2017, the Government Equalities Office conducted a survey of LGBT adults in the UK. Over 108,000 people took part. The survey found most of those who identified as LGBT and were in education in 2016/17 had positive experiences. Over two-thirds (67.0%) said they received either positive or no reaction to being LGBT and 31.0% had experienced both positive and negative reactions. Just 1.0% reported receiving only negative reactions (GEO, 2018a).

However, experience varied by both gender identity and sexual orientation. Trans respondents had experienced more negative reactions to being LGBT or being perceived as LGBT. Only 35.0% of trans women, 30.0% of non-binary respondents and 29.0% of trans men reported only positive reactions, compared with 44.0% of non-trans (which the survey refers to as 'cisgender') lesbian, gay and bisexual respondents (GEO, 2018a).

Figure 37: How other people reacted to respondents being LGBT, or being thought to be LGBT, in the 2016/17 academic year, in the UK

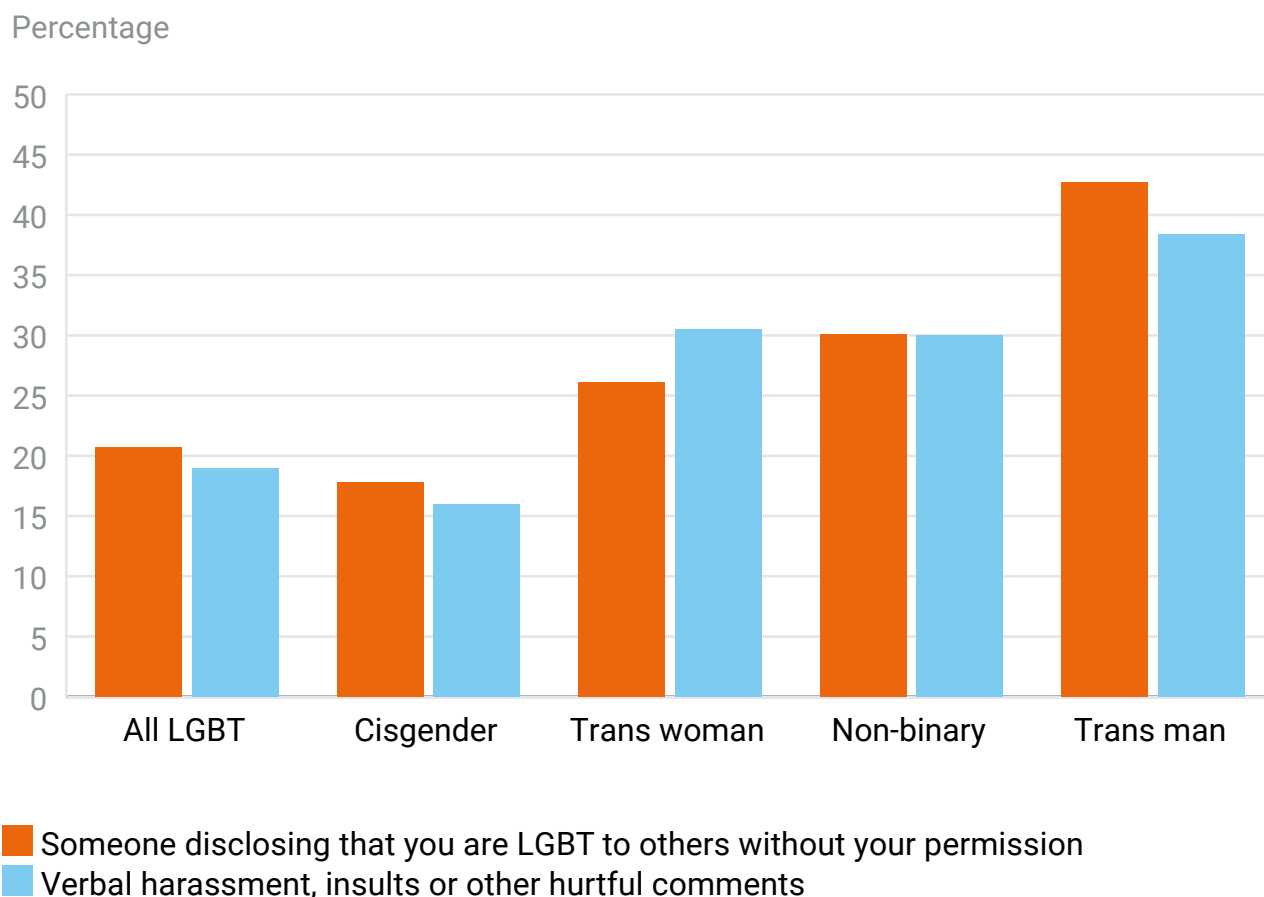


(Source: National LGBT Survey)

The survey found of all LGBT respondents who received a negative reaction to their identity, 21.0% had experienced someone disclosing they were LGBT without permission and 19.0% said they had received verbal harassment, insults or hurtful comments. A greater proportion of trans and non-binary students experienced these types of incidents than those who were lesbian, gay, bisexual and non-trans (which the survey refers to as 'cisgender').

Transforming Access and Student Outcomes in Higher Education (TASO, 2022) analysed the well-being of LGBT students during their time at university. It found that there were substantial inequalities in well-being, and that LGBT students experience lower well-being and higher anxiety than their heterosexual peers. Gay men's experiences were closer to that of heterosexual people overall, but this is because they are men and therefore less likely to experience poor outcomes. When this is taken into account, however, their experiences are similar to other LGBT people. LGBT students, particularly trans students, are more likely to experience acutely low well-being (and high anxiety), than their peers.

Figure 38: Incidents experienced because of being, or people thinking they were, LGBT in the last academic year (2016/17), in the UK



(Source: National LGBT Survey)

A self-selecting survey of lesbian, gay, bisexual, trans and intersex (LGBTI) young people in Scotland in 2022 found more than half (57.0%) of trans students experienced transphobic bullying at school.⁵⁶ The proportion of trans participants experiencing transphobic bullying fell to 14.0% for college students and 16.0% of university students (LGBT Youth Scotland, 2022).

⁵⁶ The survey received a total of 1,279 usable responses from young LGBTI people in Scotland.

Work

Employment, unemployment and economic inactivity

The Census 2021 showed that, in March 2021 in England and Wales, 57.9% of the population whose gender identity is the same as their sex registered at birth (referred to as 'same gender') were in employment. In contrast, only 49.2% of those whose gender identity didn't match their sex registered at birth (referred to as 'different gender') were in employment. Analysis shows that this difference in employment can partially be accounted for by the fact that those with a different gender are more likely to be students (who are significantly less likely to be economically active). However, when we remove students from the analysis, there is still an employment gap, though it is smaller.

Adults whose gender identity did not match their sex registered at birth also have higher rates of unemployment (6.7% compared to 3.4%) and higher rates of economic inactivity (44.1% compared to 38.7%) compared to those with the same gender as their sex registered at birth. Again, these differences are reduced slightly when students are excluded from the analysis. However, adults with a different gender to their sex registered at birth still show higher rates of economic inactivity and unemployment (ONS, 2023b).

Occupational Segregation

In England and Wales in March 2021, workers whose gender identity is different from their sex registered at birth were less likely to be in the three highest occupational classes,⁵⁷ and were more likely to work in the four lowest occupational classes, particularly routine occupations (see Figure 39) (ONS, 2023c).

⁵⁷ The three highest occupational classes are higher managerial, administrative and professional occupations; lower managerial, administrative and professional occupations; intermediate occupations.

Figure 39: Occupational class,⁵⁸ Gender Identity, England and Wales, 2021⁵⁹



- Routine occupations
- Semi-routine occupations
- Lower supervisory and technical occupations
- Small employers and own account workers
- Intermediate occupations
- Lower managerial, administrative and professional occupations
- Higher managerial, administrative and professional occupations

(Source: Office for National Statistics)

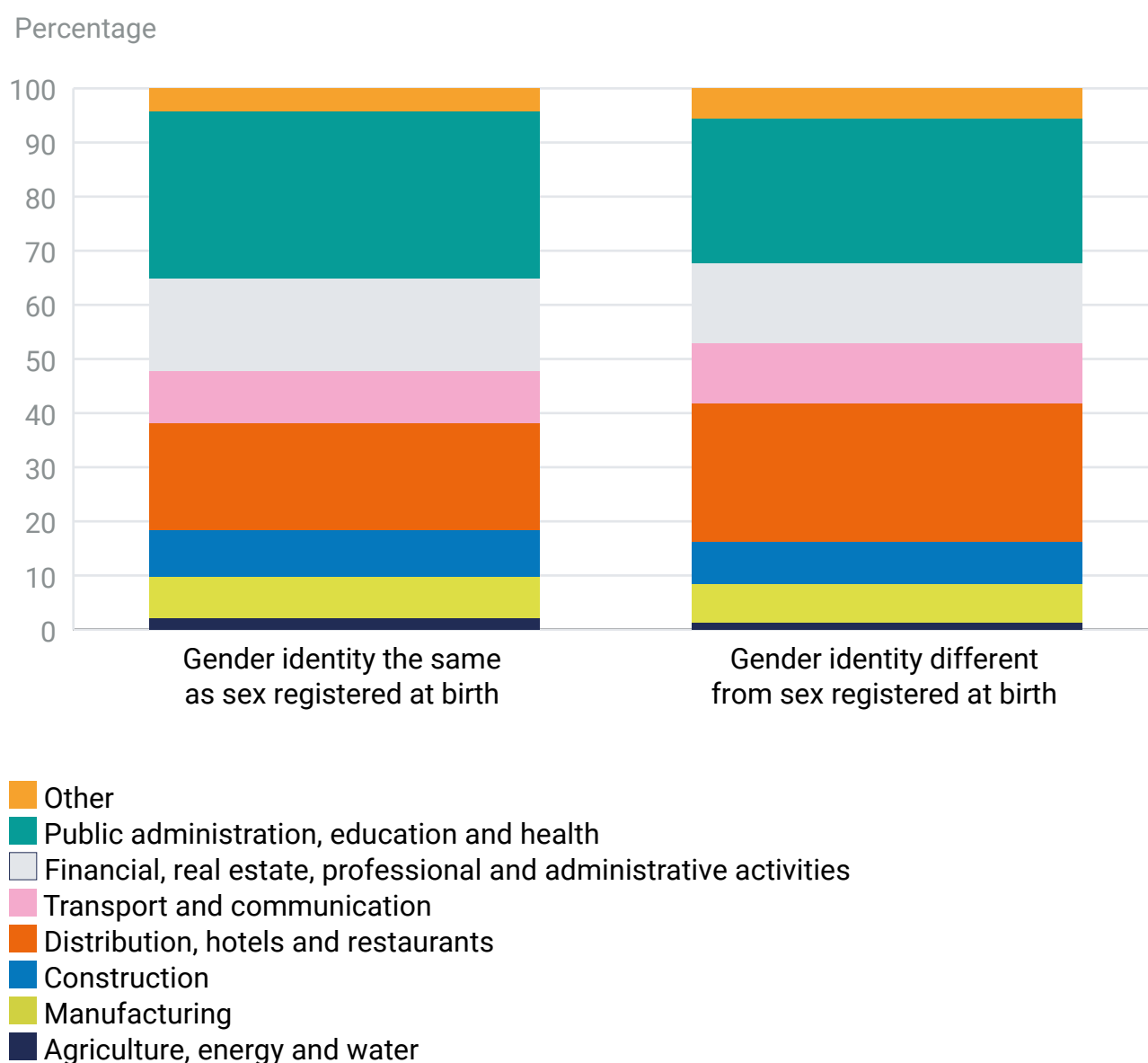
⁵⁸ Expressed as a percentage of total workers.

⁵⁹ This analysis only looks at workers, excluding those who are economically inactive or unemployed.

Gender reassignment

Workers whose gender identity is different from their sex registered at birth were more likely to work in 'distribution, hotels and restaurants' or 'transport and communication' than non-trans workers. However, they were less likely to work in 'public administration, education and health' or 'financial, real estate, professional and administrative activities' than workers with the same gender identity as their sex registered at birth (see Figure 40) (ONS, 2023d).

Figure 40: Occupational Industry, Gender Identity, England and Wales, 2021

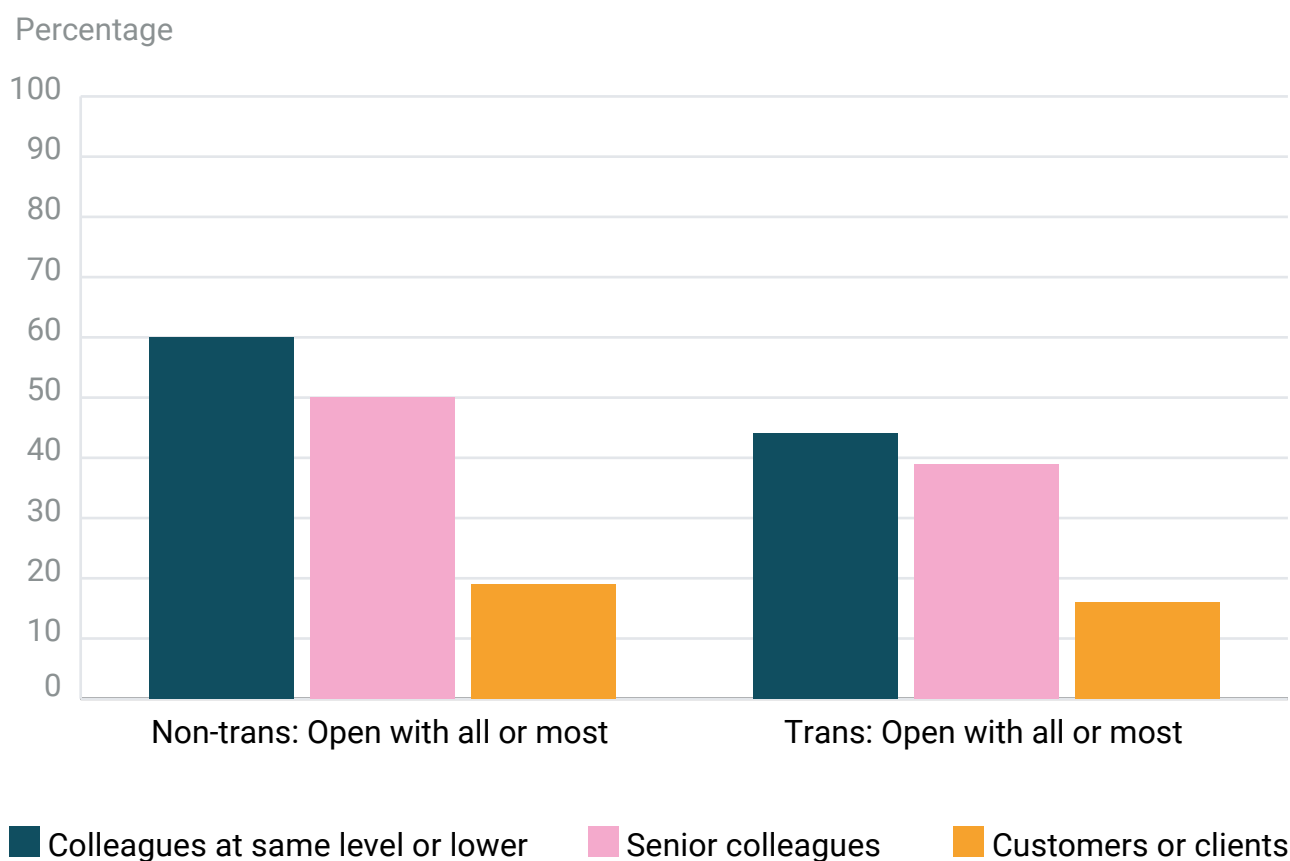


(Source: Office for National Statistics)

Openness in the workplace

The National LGBT Survey 2017 found that trans people were less likely to be open with senior colleagues and those at the same level or lower, compared to survey respondents who were non-trans (which the survey refers to as 'cisgender') and lesbian, gay or bisexual (GEO, 2018a).

Figure 41: Proportion of respondents that were open about their LGBT identity with all or most people in the workplace in the previous 12 months, in the UK



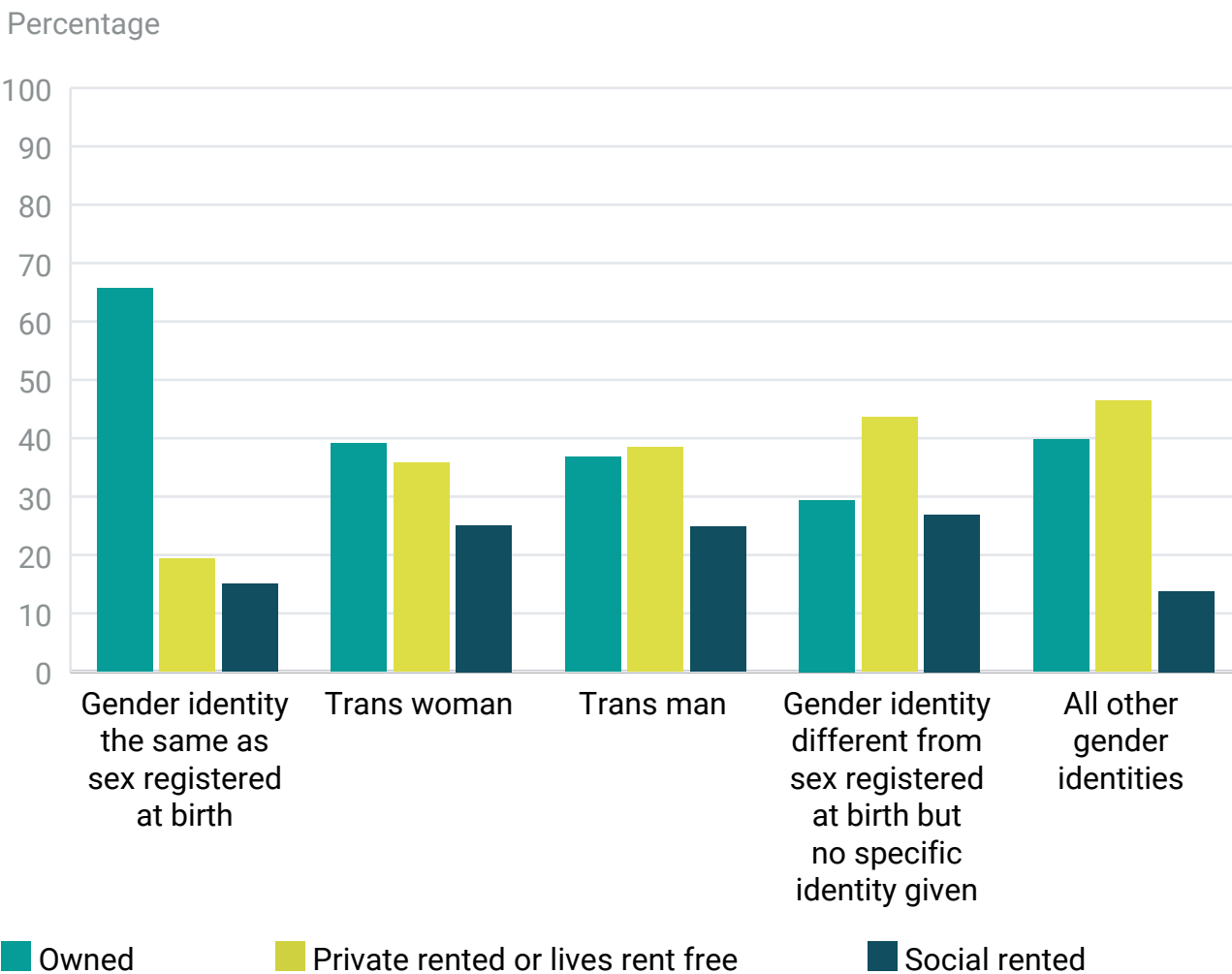
(Source: LGBT Survey)

Living standards

Housing

The Census 2021 data for England and Wales showed that 65.7% of the adult population whose gender identity is the same as their sex registered at birth lived in owner-occupied housing. In contrast, only 34.4% of those with any other gender identity⁶⁰ were in owner-occupied housing. This group was most likely to be living in private rented accommodation or to be living rent-free (41.7%) (ONS, 2023e).

Figure 42: The proportion of adults living in each tenure by their gender identity in England and Wales, 2021



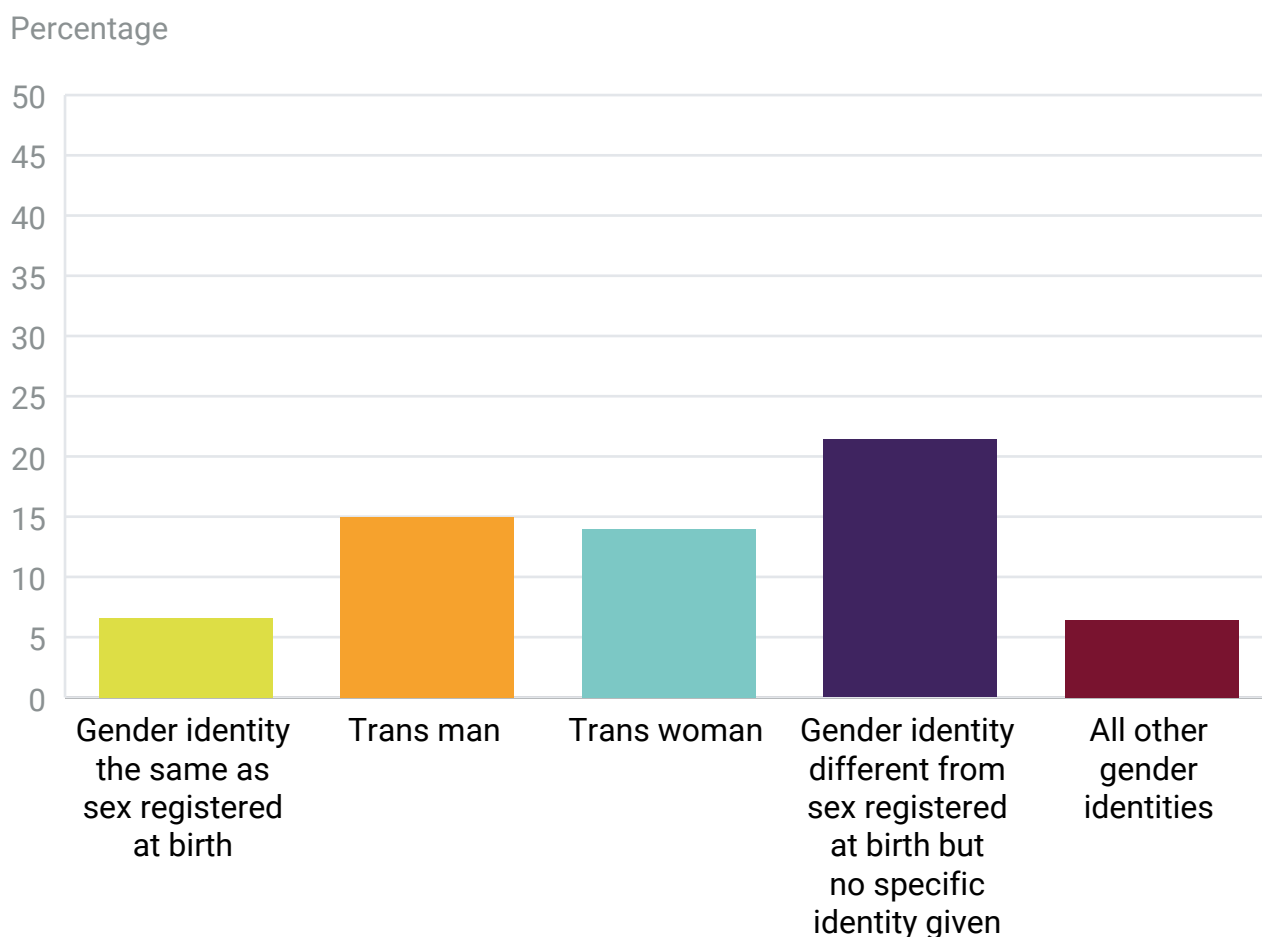
(Source: Office for National Statistics)

⁶⁰ Trans women, trans men, gender identity different from sex registered at birth but no specific identity given, all other gender identities.

Gender reassignment

The Census 2021 data for England and Wales also showed that people with any other gender identity were more likely to be living in overcrowded accommodation (16.2%) compared with people whose gender identity is the same as their sex registered at birth (6.6%), meaning they had fewer bedrooms than required. People who gave no specific identity (21.4%), trans men (15.0%) and trans women (14.0%) were most likely to be living in overcrowded accommodation (ONS, 2023f).

Figure 43: The proportion of adults living in overcrowded accommodation by their gender identity in England and Wales, 2021

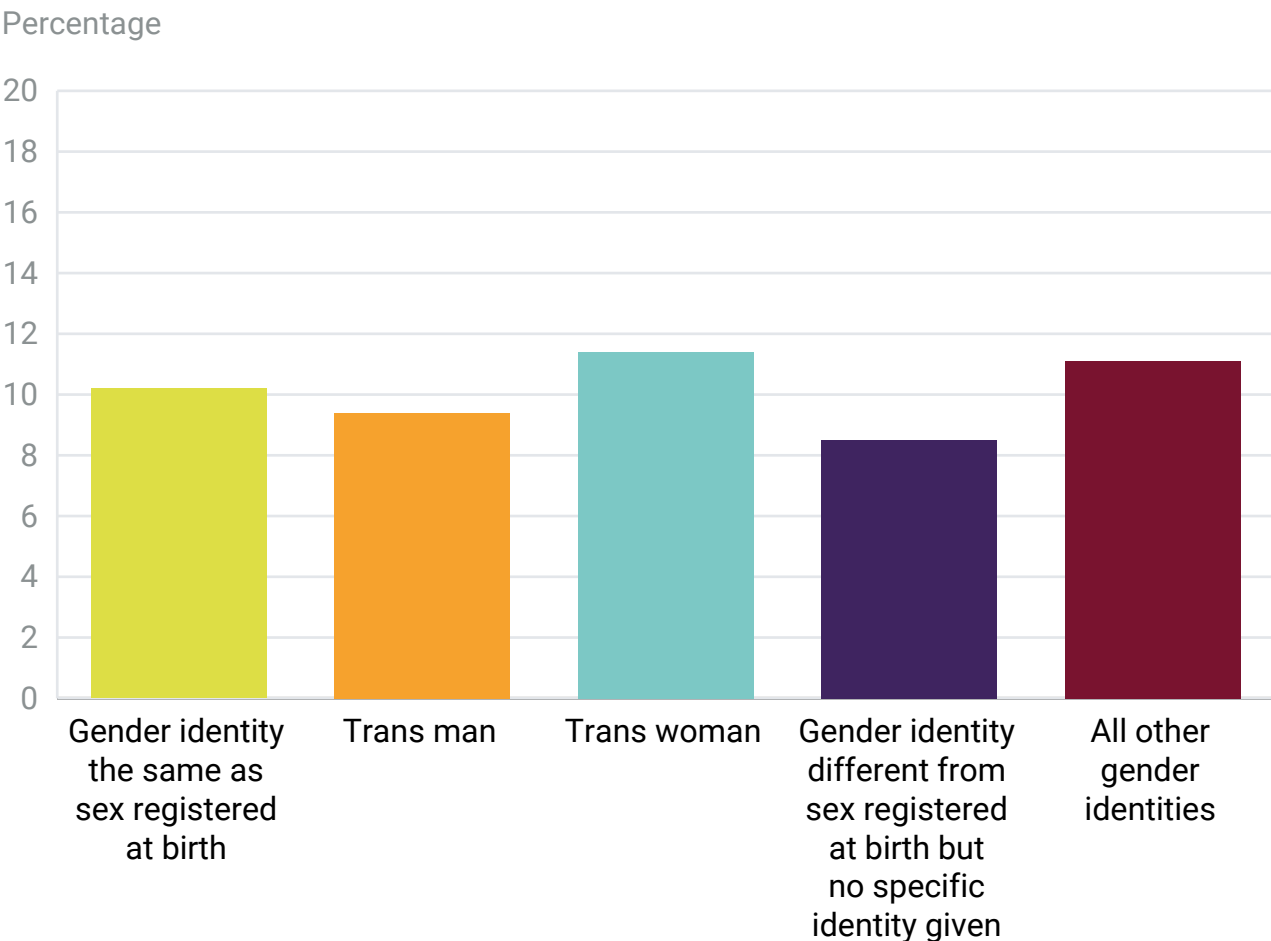


(Source: Office for National Statistics)

Unpaid care

The Census 2021 data for England and Wales 2021 showed that 10.2% of the adult population whose gender identity is the same as their sex registered at birth were unpaid carers, compared to 9.7% of adults with any other gender identity. Trans women (11.4%) were most likely to be unpaid carers (ONS, 2023g). These estimates may have been affected by the COVID-19 pandemic.

Figure 44: The proportion of unpaid carers by their gender identity in England and Wales, 2021



(Source: Office for National Statistics)

Health

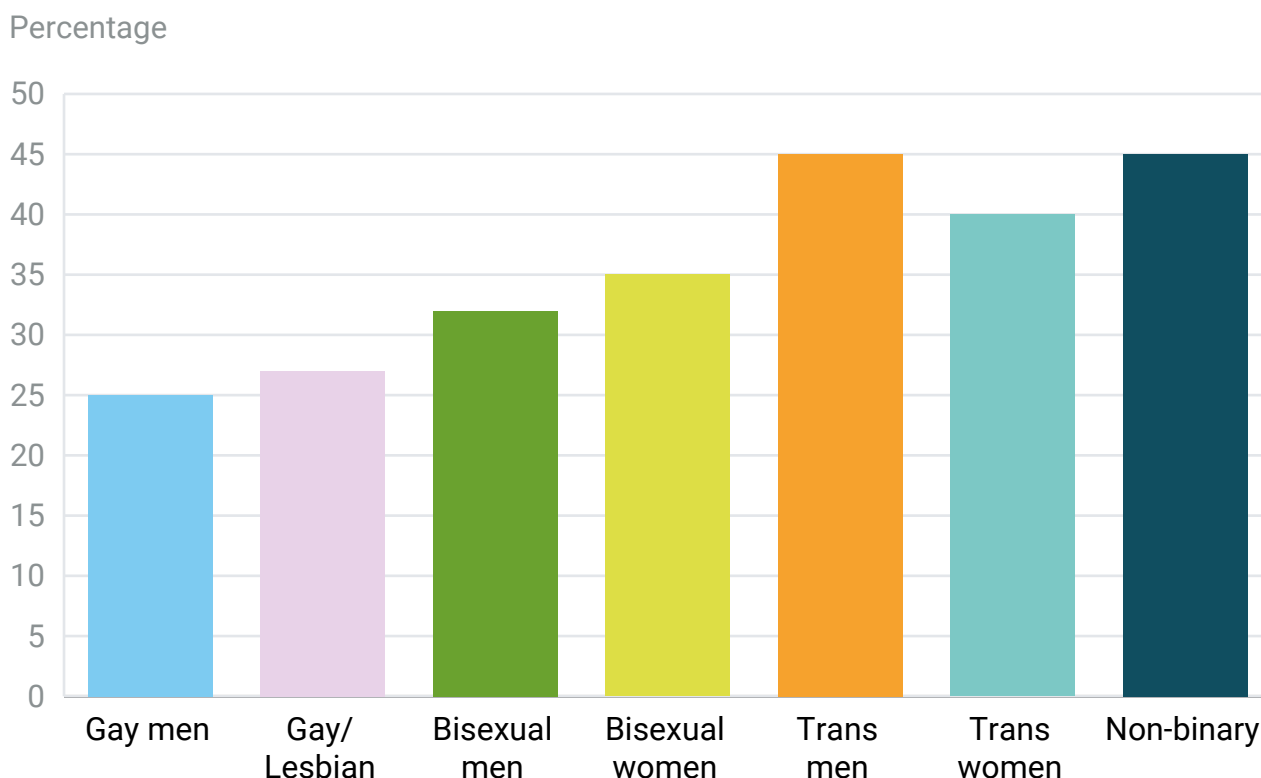
Long-term health conditions

There is evidence of higher levels of long-term health conditions among trans and non-binary people. In England, a study analysing a nationally representative sample of primary care patients from the 2021 GP Patient Survey found trans and non-binary people were more likely to report a long-term health condition compared to those whose gender identity matches their sex registered at birth (Saunders et al., 2023). The largest inequalities in conditions reported between trans and non-trans people were found in autism, dementia, learning disability and mental health conditions. Trans people were more likely to have these conditions than non-trans people.

Trans and non-binary people also consistently report poor mental health. A self-selecting survey of 6,202 young people in England aged 16–25 found 54.0% of trans respondents had sought medical help for depression or anxiety and 72.0% had self-harmed (METRO, 2016; Rimes et al., 2019). Further analysis of trans and non-binary respondents in this study found those registered female at birth (including both trans men and non-binary people) were more likely to report a current mental health condition compared with those registered male at birth (Rimes et al., 2019). Stonewall's 'LGBT in Britain: Health Report', also based on a large self-selecting sample, found 70.0% of non-binary people and 67.0% of trans people had experienced depression in the past year (Bachmann and Gooch, 2018).

Similar inequalities have been reported in Scotland. A Scottish health needs assessment based on an online survey of over 2,000 LGBT+ people found 'trans masculine / trans men' and non-binary people were more likely to report mental health problems or to have deliberately harmed themselves than trans women respondents (Leven, 2022).

Figure 45: Percentage of Scottish LGBT health needs assessment respondents reporting daily activities substantially limited by a long-term health condition



(Source: Scottish LGBT Health Needs Assessment)

Disclosure of gender identity and / or sexual orientation

A sizeable proportion of trans and non-binary people report not disclosing their gender identity when accessing healthcare across England, Scotland, and Wales. The 2017 National LGBT Survey found 51.0% of non-binary people, 36.0% of trans men and 34.0% of trans women did not divulge this when getting treatment (GEO, 2018a). Research in Scotland in 2018 found only 56.0% of trans and non-binary young people felt comfortable coming out about their sexual orientation to their doctor, a drop from 75.0% in 2017 (LGBT Youth Scotland, 2022). In Wales, a survey found 78.0% of respondents were not open about their sexuality or gender identity for fear of a negative reaction (Welsh Government, 2021). Delays in first disclosure of gender identity may be a barrier for trans and non-binary people seeking referrals to GICs (Wright et al., 2021).

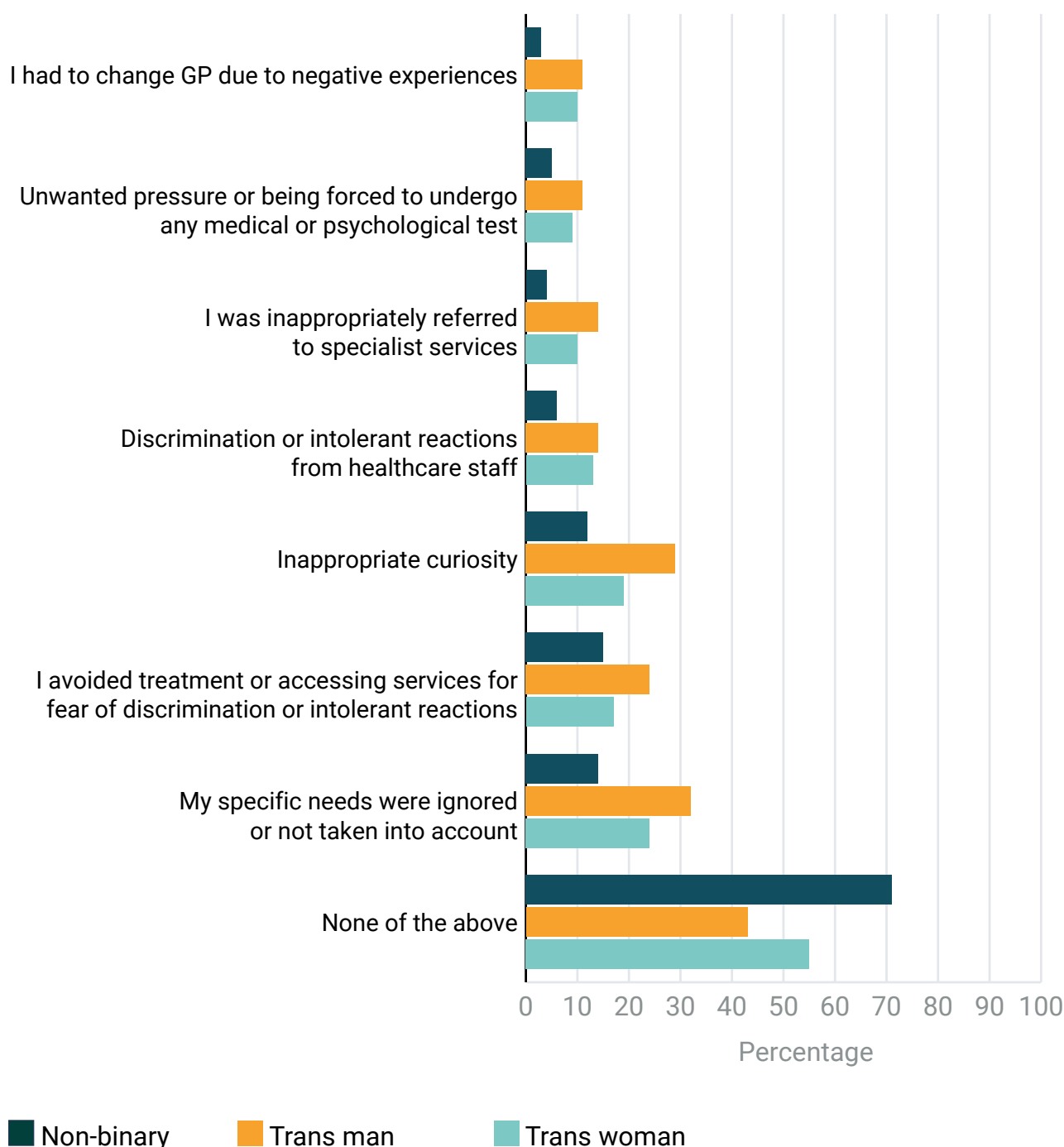
Treatment experience

Trans and non-binary people are most likely to report negative experiences of healthcare compared with other LGBT groups and non-trans heterosexual people.

In England, analysis of the 2021 GP Patient Survey showed disparities between the primary care experience of trans and non-binary patients and non-trans people (Saunders et al., 2023). When taking into account differences in age, ethnicity, deprivation and practice, trans and non-binary people reported a poorer overall primary care experience. They were also more likely to prefer a particular GP and about half as likely as non-trans patients to report a positive experience of interpersonal communication when receiving care.

Similar themes were identified in the National LGBT Survey 2017, which explored the reasons for negative experiences among trans people. The most commonly cited negative experiences were having specific needs ignored or not taken into account (21.0%), avoiding treatment for fear of negative reaction (18.0%) and receiving inappropriate curiosity (18.0%) (GEO, 2018a).

Figure 46: Experiences respondents had when accessing, or trying to access, healthcare services because of their gender identity in the 12 months preceding the survey, by gender identity in the UK



(Source: National LGBT Survey)

In Scotland, the health needs assessment found trans men were least likely to report a positive experience of using GP services and 15.0% of trans people surveyed felt they had been treated unfairly. This is over three times as often as other lesbian, gay or bisexual respondents (Leven, 2022).

Health practitioner knowledge

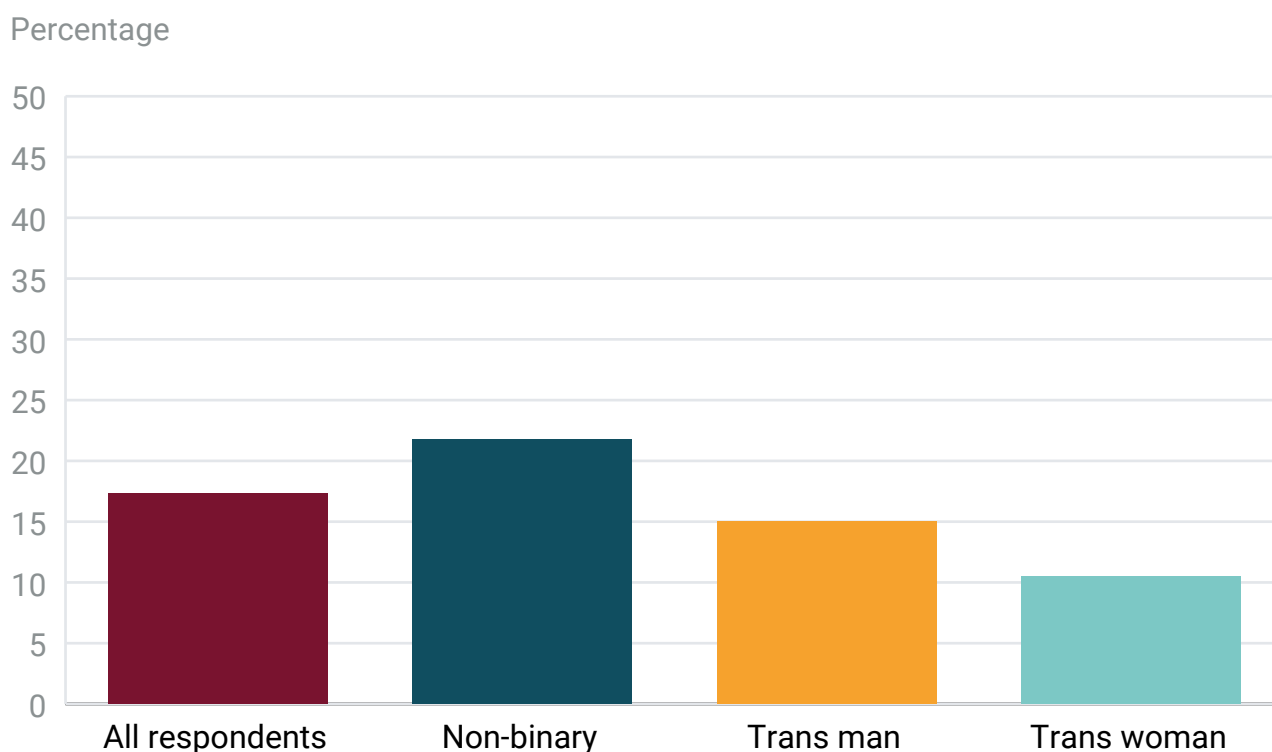
Evidence from both trans people and health professionals highlights a lack of medical knowledge about the healthcare of trans and non-binary people. A study drawing on qualitative interviews with UK health professionals identified structural, educational, cultural and technical barriers to providing good care to trans and non-binary people (Mikulak et al., 2021). Another study covering England and Wales found trans and non-binary people felt there was significant variation in GPs' knowledge and understanding and this affected their patient experience and pathways into gender-affirming care (Wright et al., 2021).

In Wales, trans people and health practitioners identified the need for greater education and training on trans and non-binary people's health and social care as they get older (Willis et al., 2019).

Sexual and reproductive healthcare

The 2017 National LGBT Survey found 17.0% of trans respondents in the UK had used sexual health services in the previous 12 months compared with 29.0% of non-trans (which the survey refers to as 'cisgender') participants (GEO, 2018a). Within this group, trans men and non-binary respondents were more likely to have used sexual health services than trans women.

Figure 47: Percentage of respondents reporting they had accessed sexual health services in the 12 months preceding the survey by gender identity



(Source: National LGBT Survey)

In Scotland, research into the use of sexual health services by trans and non-binary people found 61.0% had not visited a sexual health clinic in the previous two years and 24.0% of these people said it was because of fear and anxieties relating to their gender identity (Maund et al., 2020).

There is limited evidence on trans people's experience of maternity care. One study which focused on trans and non-binary people's experience of maternity services identified low levels of access to maternity care among its respondents. Respondents reported significant barriers, with 30.0% accessing no NHS or private support throughout their pregnancy, rising to 46.0% among people of colour. Of those who did, nearly 3 in 10 reported not being treated with respect or dignity (LGBT Foundation, 2022). In contrast, 85.0% of women and 'other pregnant people'⁶¹ who responded to the Care Quality Commission (CQC) 2022 'Maternity Survey' reported being treated with dignity and respect (CQC, 2023). These findings suggest trans men and non-binary people face

⁶¹ Terminology used by CQC – 'The language we use throughout the report aims to reflect the diverse range of gender identities whilst serving and reflecting maternity service users who identify as women. Therefore, in this report we will use the term women but will use gender neutral language in addition'.

barriers in maternity services, but further research is needed to understand how prevalent these experiences are.

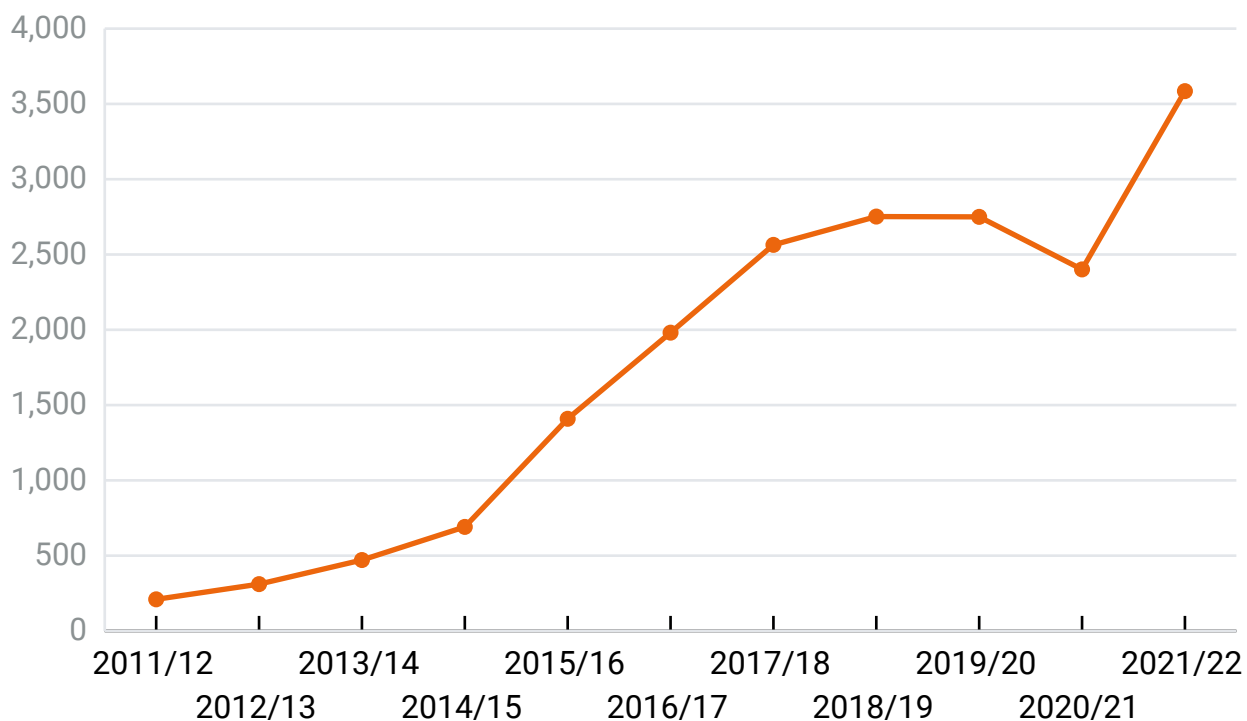
Gender identity clinic waiting times

Demand for gender identity services has been increasing. Figure 48 shows that referrals for children and young people increased from 2,500 to 3,500 in England between 2017/18 and 2020/21 (Gender Identity Development Service, 2022).

Adult referrals have also increased. The largest clinic in England had almost 11,500 people on its waiting list in May 2022 (Gender Identity Clinic, n.d.).⁶² In Wales, referrals rose from 510 in 2019/20 to 972 in 2021/22, and in Scotland referrals increased from 1,189 in July to September 2018/19 to 2,733 in July to September 2020/21 (Gender Wales, n.d.; NGICNS, n.d.).

Figure 48: Number of children and young people referrals to the Gender Identity Development Service, 2011–2022

Number of referrals



(Source: Gender Identity Development Service)

⁶² Data for each gender identity clinic in England is published separately.

These increases have translated to long waiting times, which are reported to have a substantial impact on the well-being of trans and non-binary people. Qualitative research among trans and non-binary patients awaiting treatment in England and Wales found waits had detrimental effects on the mental health of some participants (Wright et al., 2021). Research in Scotland also found long waiting times could lead to anxiety, depression, continued dysphoria, suicidal thoughts and self-harm. Some people reported self-medicating with hormone treatment they sourced online (Leven, 2022).

Trans and non-binary people report further challenges in navigating pathways to gender-affirming care.⁶³ Participants in one study said they were inappropriately transferred to mental health services before they could access gender-affirming care (Wright et al., 2021). In the same study, trans and non-binary people also reported downplaying mental health conditions and sexuality to maximise their chance of receiving gender-affirming care.

Similar findings of trans and non-binary people withholding information about mental health problems, suicide attempts and, in some cases, their true gender identity have been replicated in Scottish research (Leven, 2022).

⁶³ In this study, the term 'gender-affirming care' refers to the NHS pathway to treat trans people with issues of gender dysphoria/gender incongruence.

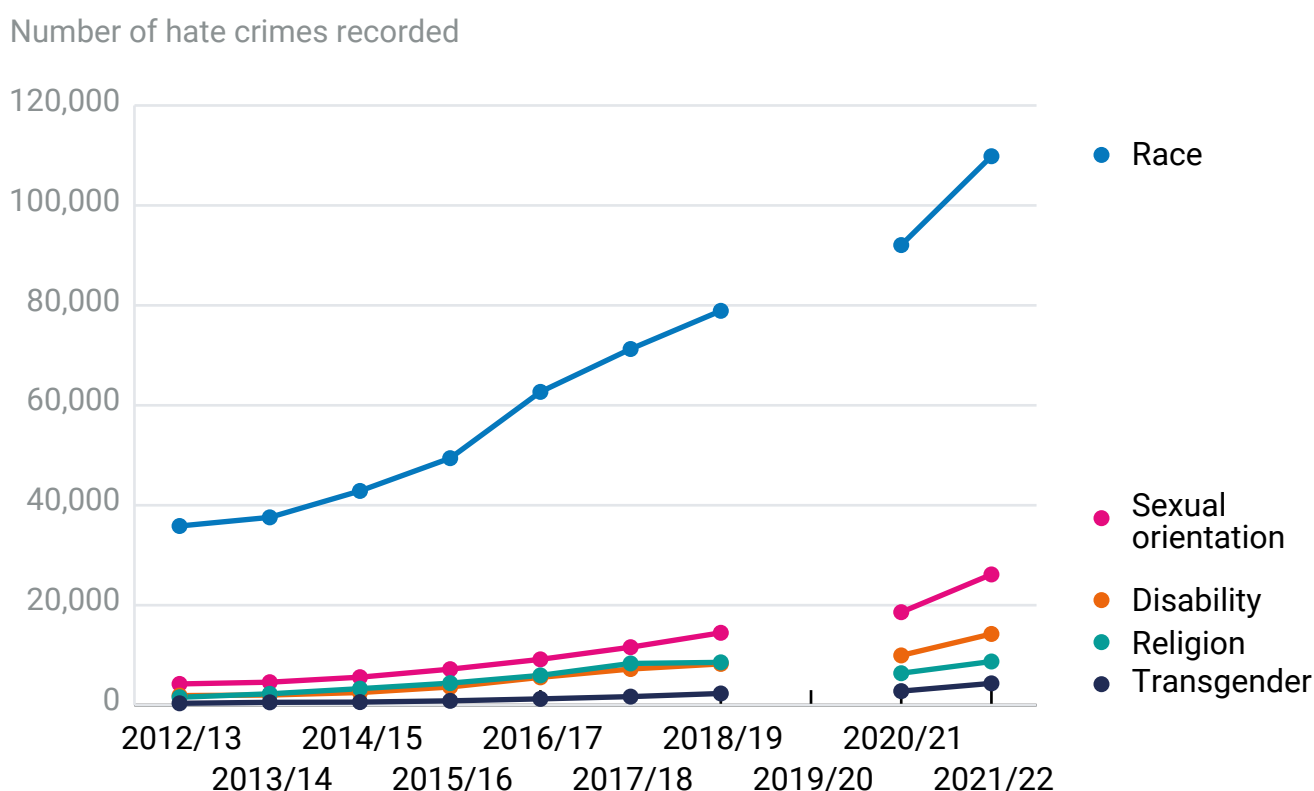
Justice

Hate crime

The Crime Survey for England and Wales (CSEW) estimates a prevalence of around 7,000 transgender identity hate crime offences per year (Home Office, 2020).⁶⁴

The police recorded a growing number of transgender identity hate crimes in England and Wales between 2012/13 and 2021/22 (see Figure 49). Between 2020/21 and 2021/22, the number of police-recorded offences increased by 56.0% from 2,799 to 4,355. Such increases are believed to be due to improvements in reporting of these crimes and police forces' recording practices (Home Office, 2022).

Figure 49: Police-recorded hate crime in England and Wales, 2012/13 to 2021/22⁶⁵



(Source: Home Office police recorded crime)

⁶⁴ Data from 2017/18 to 2019/20. It is not possible to determine the trend in trans identity hate crimes due to small sample sizes.

⁶⁵ Comparable data for 2019/20 is not available due to missing data for the Greater Manchester Police Force area.

There has been a large increase in transgender identity aggravated hate crime recorded by the police in Scotland, though the total numbers are still lower than other aggravations. Between 2014/15 and 2021/22 the number of police-recorded transgender identity hate crimes more than tripled, from 53 to 185 (Scottish Government, 2023).

Prisons

There were 230 known transgender prisoners⁶⁶ in England and Wales in 2021/22, an increase from 197 in 2020/21. However, due to the dynamic nature of the prison population, and the fact that not all transgender prisoners are likely to have declared their gender identity, this is likely to be an underestimate (MOJ, 2022).

168 transgender prisoners identified as transgender female. Of these individuals, 162 were in male prisons and 6 were in female prisons. The remaining transgender prisoners identified as transgender male (42), non-binary (13) or either did not provide a response or identified in another way (7) (MOJ, 2022).

These figures exclude transgender prisoners with a GRC. In 2021/22, 11 prisoners in England and Wales had a GRC, compared with 10 in 2020/21 (MoJ, 2022). At the end of September 2022, there were 11 trans women and four trans men in the prison population in Scotland. There were also three individuals who were non-binary or gender-fluid (SPS, 2022).

⁶⁶ Defined as 'those individuals known within prison to be currently living in, or presenting in, a gender different to their legal gender and who have had a local case board and known to the diversity and inclusion lead within the individual prison where they are housed'. For a definition of a local case board, see The Care and Management of Individuals who are Transgender policy framework (MoJ and HMPPS, 2019).

Recommendations

14. Governments and health providers should take, and report on, action to address the poorer physical and mental health and poorer experience of accessing healthcare experienced by trans people.
15. Governments and health providers should take, and report on, action to address the unacceptable waiting times for trans people to access Gender Identity Clinics.
16. Government and data producers should improve the collection, analysis, and dissemination of data on gender reassignment. They should develop methodologies to ensure robust analysis can be conducted.

Further recommendations for the Scottish and Welsh Governments are in the Scotland and Wales reports.

Race

Key findings

- The Black African, Black Caribbean, Bangladeshi and Pakistani populations had the highest risk of mortality during the COVID-19 pandemic in England. Office for National Statistics (ONS) analysis found this was mostly explained by location, disadvantage, occupation, living arrangements, pre-existing health conditions and vaccination coverage.
- Experimental analysis identified that, before the COVID-19 pandemic, all ethnic minority groups (apart from mixed) had longer life expectancies than the White British population.
- Most ethnic groups in England are experiencing improving outcomes and narrowing gaps in education and work. However, Black adults have seen earnings stagnate and unemployment remains relatively high.
- The pay gap for Bangladeshi and Pakistani workers has narrowed significantly and Bangladeshi people have also experienced a sharp fall in the poverty rate. However, both Bangladeshi and Pakistani people have a poverty rate of more than 40%, the worst of all ethnic minority groups.
- There is limited data on Gypsies, Roma and Travellers. What is available shows that these groups have the poorest educational and work outcomes and are among the most excluded.

Definitions

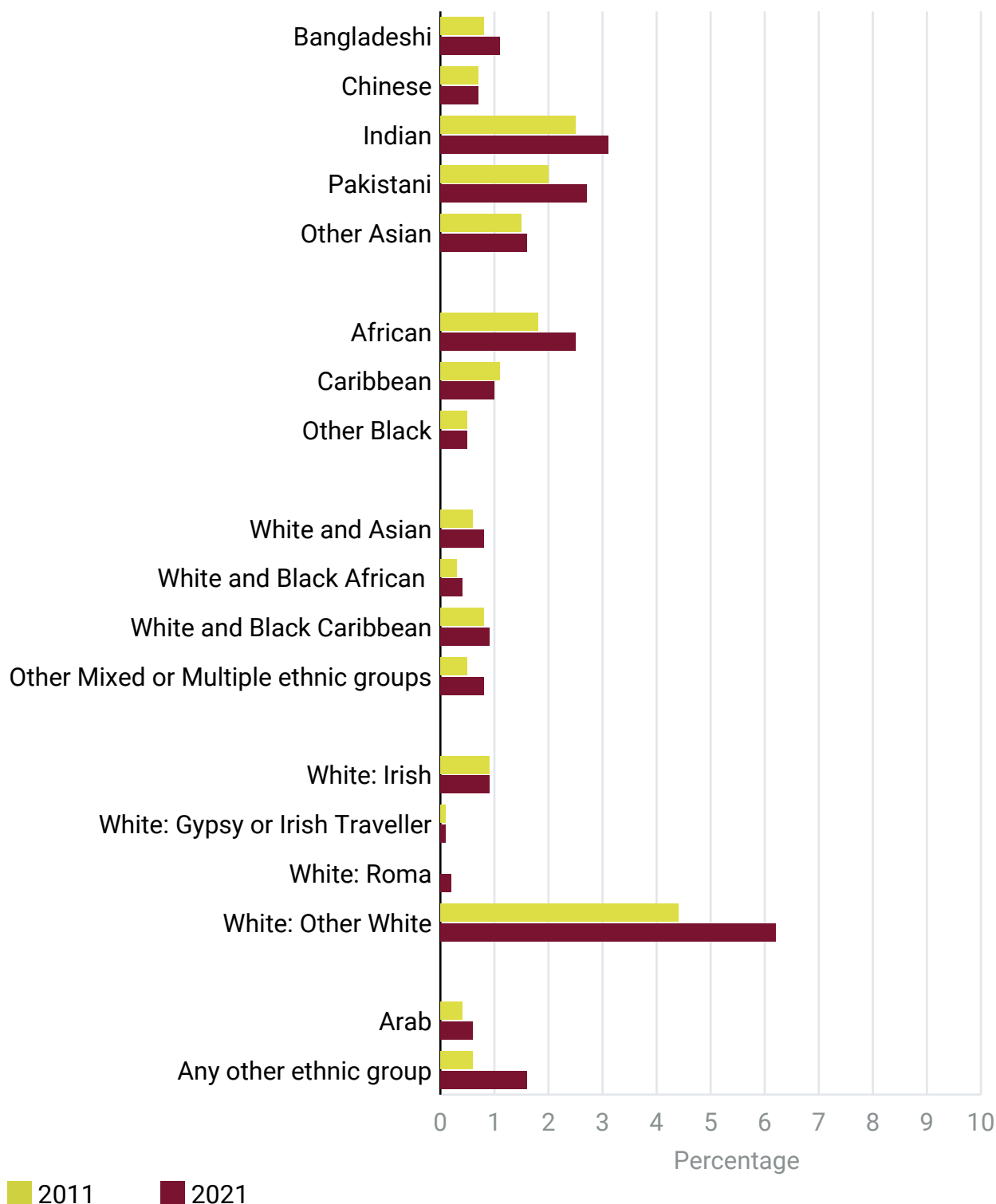
Race: in the Equality Act 2010, the definition of race includes colour, nationality (including citizenship) and ethnic or national origins.

Race is a protected characteristic, but most surveys and administrative data collect ethnicity, which is self-defined and includes aspects such as culture, heritage, religion and identity.

Demographics

The 2021 census showed fewer people (74.4%) in England and Wales identified as White English, Welsh, Scottish, Northern Irish or British than in previous censuses. This continues the trends from 2011 (80.5%) and 2001 (87.5%). The largest increase was in the number identifying as White Other.

In 2021, a quarter (25.6%) of people in England and Wales identified as being part of an ethnic minority group. Four in ten (41.9%) people who identify as being part of an ethnic minority were born in the UK. This ranged from 17.4% of the White: Gypsy or Irish Traveller, Roma or Other White ethnic groups (combined) to 43.7% of White Irish ethnic group, 45.6% of Asian or Asian British ethnic groups, and 48.6% of Black or Black British ethnic groups to 81.8% of mixed or multiple ethnic groups.

Figure 50: Ethnic minority groups, 2011 and 2021, England and Wales⁶⁷

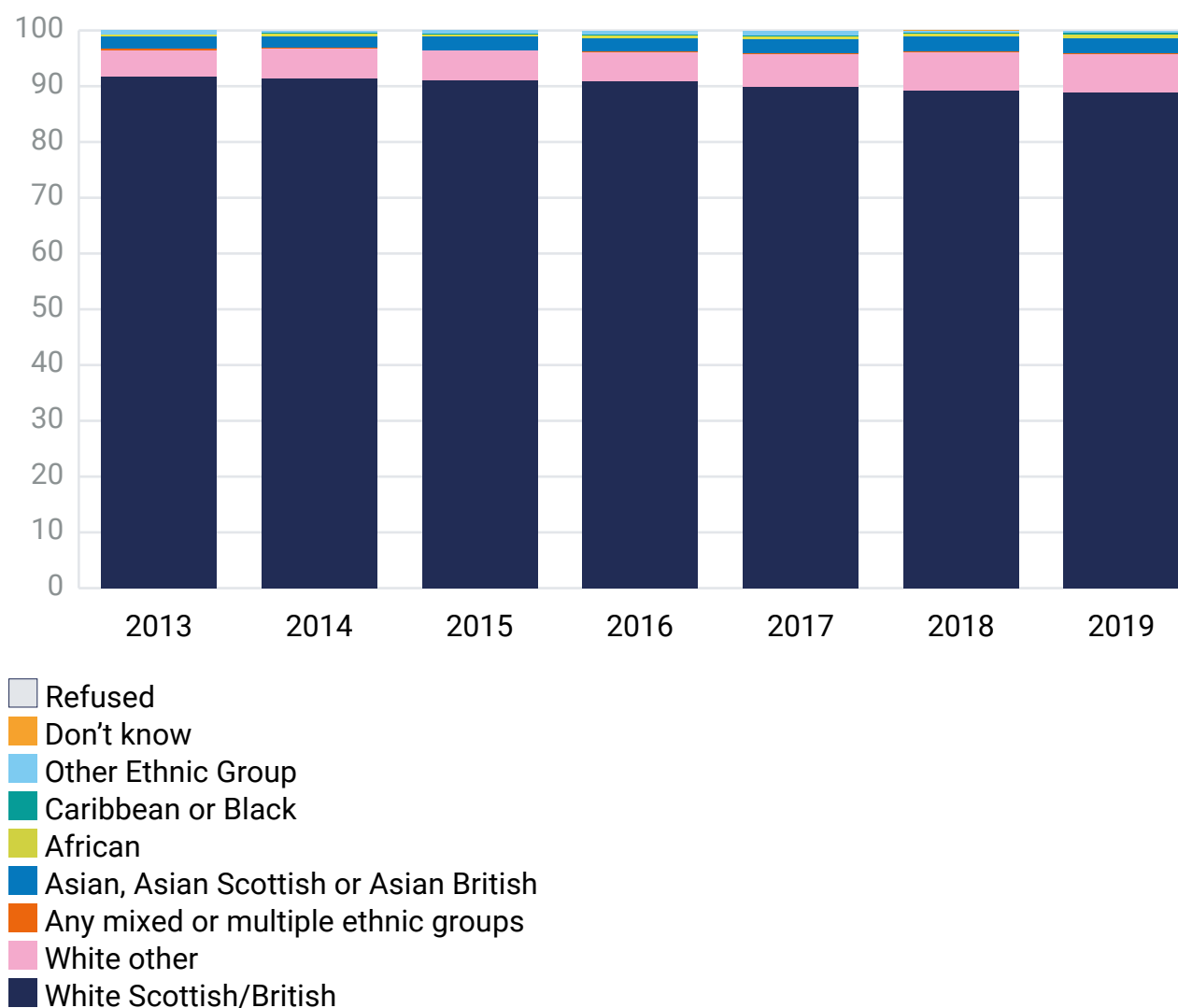
(Source: Office for National Statistics)

⁶⁷ To make it easier to see the differences, we have excluded the White English, Welsh, Scottish, Northern Irish or British categories.

Scotland's 2021 census was delayed until 2022 and no population data has yet been published. According to data from the Scottish Household Survey, between 2013 and 2019 there were fewer adults identifying as White Scottish or British. There have been increasing numbers of adults identifying as most other ethnic groups, including White Other, Asian, Asian Scottish or Asian British, and African (Scottish Government, 2020).

Figure 51: Ethnicity of adults in Scotland 2013–2019

Percentage



(Source: Scottish Government)

Legal and policy developments

The Commission on Race and Ethnic Disparities

In 2020, the UK government established the Commission on Race and Ethnic Disparities (CRED) in response to intensified political debate prompted by disparities in COVID-19 mortality among ethnic minorities and the Black Lives Matter protests. It was tasked with reviewing inequality between ethnic groups in the UK. In 2021, it made 24 recommendations on education, health, employment and criminal justice (CRED, 2021). Its conclusion that geography and class have a greater impact on disparities than race was criticised by race equality groups and others such as the British Medical Association (2021).

Poverty and geography are important factors in inequalities experienced by all ethnic groups. These factors can be compounded by others that disproportionately affect some ethnic minorities, such as cultural differences, stereotyping, power imbalances and discrimination, some of which can lead to structural racial inequalities.



The UK government's response to CRED, 'Inclusive Britain', agreed with its conclusions and set out over 70 actions (HM Government, 2022a).

Wales and Scotland Developments

In 2022, the Welsh Government published its Anti-racist Wales Action Plan (ArWAP), which articulates its aim to take a new 'anti-racist' approach to change the systems, policies and processes that previously excluded or damaged ethnic minorities (Welsh Government, 2022a).

The Scottish Government convened an expert reference group on COVID-19 and ethnicity to address longstanding structural and institutional racial inequalities (Scottish Government, n.d.). In 2021, it published plans for an equal and anti-racist recovery from COVID-19 (Scottish Government, 2021).

Education

The UK government has demonstrated a commitment to address racial inequalities in education, but progress has been slow. A Schools Bill was introduced in 2022, which included provision to reduce pupil absence rates. Evidence shows particular issues for some ethnic groups, with Traveller of Irish Heritage pupils and Gypsy / Roma pupils having the highest overall absence rates and highest rates of persistent absences. However, the Bill was withdrawn in December 2022.

In 2019, the Timpson Review examined why some children in England are more likely to be excluded from school. It did not acknowledge the possible role of racial discrimination (Timpson, 2019). The government proposed a new system of alternative provision, with aims including the reduction of preventable exclusions (DfE, 2022a) and published updated statutory exclusions and behaviour guidance (DfE, 2022b).

Our 2019 inquiry into racial harassment in higher education called for more robust regulatory action (EHRC, 2019a). The Office for Students has consulted on a new approach to regulating harassment and sexual misconduct in English higher education (OfS, 2023).

Steps taken in Scotland and Wales are detailed in the separate reports for each nation.

Work

The three nations address ethnicity pay gaps in different ways.

‘Inclusive Britain’ confirmed the UK government would not be introducing mandatory ethnicity pay gap reporting, despite calls to do so. In April 2023 they published ‘Ethnicity pay reporting: guidance for employers on how to measure, report on and address any ethnicity pay differences in their workforce’ (RDU,EH, DBT, Badenoch, 2023).

In line with the Well-being of Future Generations (Wales) Act 2015, the Welsh Government aims to eliminate the ethnicity pay gap by 2050 (Welsh Government, 2021). In the short term, it will incorporate Black, Asian and ethnic minority pay and employment data into Fair Work outcome measures (Welsh Government, 2022b).

The Scottish Parliament’s Equalities and Human Rights Committee report, ‘Race Equality, Employment and Skills: Making Progress?’ said ethnicity employment pay gaps remained unacceptable (Scottish Parliament, 2020). The Scottish Government responded with ‘A Fairer Scotland for All: An Anti-Racist Employment Strategy,’ a call to action for employers (Scottish Government, 2022).

The UK government has committed to commission research on ethnicity pay gaps across the NHS. Our 2021 inquiry into lower-paid ethnic minority workers’ experiences in health and social care highlighted the urgent need for better compliance with employment rights and greater access to redress mechanisms (EHRC, 2022).

In Wales, the ‘Antiracist Wales Action Plan’ aims to improve recruitment and conditions for ethnic minority workers across the public sector, including a workforce race equality standard for the health and social care sectors (Welsh Government, 2022a).

A 2020 follow-up report to the 2017 Parker Review of UK FTSE companies found slow progress to increase ethnic minority board-level representation (Parker Review Committee, 2020).

Health

In 2020, Public Health England published a report on disparities in COVID-19 risk and outcomes (Public Health England, 2020). This showed the COVID-19 pandemic's disproportionate ethnic minority mortality rates. In response, the UK Government established a cross-government programme of research and a programme of public health communications and engagement to address these disparities (EH and RDU, 2021).

In 'Inclusive Britain', the UK government committed to publish a new strategy to reduce the gap in health outcomes and tackle health disparities between ethnic minorities in England. In 2022, it announced plans for a health disparities white paper. However, this is no longer being published (DHSC, 2022a). The UK government has said that health disparities will instead be considered under a new 'major conditions strategy' announced in January 2023, covering six conditions which contribute to the burden of disease in England (DHSC, 2023).

Action to address racial disparities in mental health includes the draft Mental Health Bill (HM Government, 2022b) and a patient and carer race equality framework (PCREF). This was set up in 2020 to increase accountability in all mental health trusts in England as part of an 'Advancing mental health equalities strategy' (NHS England, n.d.). Wider initiatives to tackle racial inequalities in healthcare include the NHS Race and Health Observatory and the Office for Health Improvement and Disparities (OHID), both launched in 2021.

The UK government established the Maternity Disparities Taskforce in 2022, in response to data showing disproportionate maternity mortality rates for Black and ethnic minority women, as well as higher rates of miscarriage for Black women in England and Wales (DHSC, 2022b). It aims to 'explore inequalities in maternity care and identify how the government can improve outcomes for women from ethnic minority communities'.

The taskforce heard evidence from the Muslim Women's Network about the maternity experiences of Muslim women from Black, Asian and ethnic minority backgrounds (DHSC, 2022c). However, action to improve women's health and maternity services, including the 2022 women's health strategy (DHSC, 2022d), has focused on race rather than religion or belief.

Housing

Racial inequality in housing remains a concern. Following the Grenfell Tower tragedy in June 2017, the UK government responded to a public inquiry's recommendations with plans for a new fire safety regulatory regime (HM Government, 2020).

The inquiry was criticised for failing to examine the role of race and social disadvantage in light of the high proportion of ethnic minority people who died and were affected. Our submissions in 2019 found ethnic minority children were disproportionately housed in tower blocks, putting them at greater risk. We also found local authorities and public services failed in their human rights obligations to protect life and provide safe housing (EHRC, 2019b).

In 2022, the Court of Appeal found the UK government's 2015 planning policy for traveller sites to be indirectly discriminatory on the grounds of age and disability, on the facts of the case before it. The policy excluded people who permanently stopped travelling from the definition of Travellers and could subsequently be refused planning permission for sites.⁶⁸

Details for Scotland and Wales are included in the separate reports for each nation.

⁶⁸ Smith v Secretary of State for Levelling Up, Housing and Communities [2022] EWCA Civ 1391.

Justice

There have been developments to improve trust and fairness in the CJS. In 2021, the UK government committed to improving outcomes for ethnic minorities in England and Wales in the Prisons Strategy White Paper (MoJ, 2021). This was criticised for its focus on expanding the prison estate and lack of clarity on how outcomes and progress would be measured.

HM Prison and Probation Service (HMPPS) published action plans to improve the experience of ethnic minority probation service users and staff (HMPPS, 2022) and the rehabilitation and release planning of ethnic minority prisoners (HMPPS, 2020).

A two-year UK government research project into ethnic disparities in sentencing was launched in 2022 (Sentencing Council for England and Wales, Cabinet Office and Crown Prosecution Service, 2022).

The National Police Chiefs' Council and College of Policing published the Police Race Action Plan in 2022 (College of Policing and National Police Chiefs' Council, 2022). This included proposals to address the disproportionate use of police powers on Black people and lack of diversity across police forces in England and Wales.

In November 2022, the Metropolitan Police Service settled a legal claim and agreed to make 'wholesale' changes to its gang violence matrix database and remove over 1000 people from it, after it was found to disproportionately include Black people.

Also in 2022, in response to the Home Affairs Select Committee follow-up to the Macpherson report on the murder of Stephen Lawrence, the Home Secretary reiterated the 'Inclusive Britain' commitment to improve accountability and tackle negative disparities (House of Commons Home Affairs Committee, 2022).

In England and Wales, the Police, Crime, Sentencing and Courts Act 2022 created new offences and strengthened police powers in relation to unauthorised encampments. The Public Order Act gained royal assent in 2023 and introduced new stop and search powers in relation to protest. These are not yet in force. The UK government previously lifted restrictions on the use of stop and search powers that do not require reasonable suspicion (Home Office, 2019).

The Senedd (Welsh Parliament) did not give legislative consent to certain provisions contained in the Police, Crime, Sentencing and Courts Bill, including those criminalising unauthorised encampments (Welsh Parliament, 2022).

The Hate Crime and Public Order (Scotland) Act 2021 will modernise, consolidate and extend existing hate crime law in Scotland, adding age to current protections against offences aggravated by prejudice. New 'stirring up of hatred' offences will complement the longstanding Scottish offence of 'stirring up racial hatred'.

Also in Scotland, in 2019, an independent public inquiry, chaired by Lord Bracadale was set up to examine the events surrounding the death of Sheku Bayoh, a Black man born in Sierra Leone, who died in May 2015 after being restrained by police in Kirkcaldy, Scotland (Yousaf, 2019). The inquiry will examine the subsequent investigation and whether race was a factor. Evidential hearings began in May 2022.

Immigration

An independent review into the treatment of the Windrush generation concluded the Home Office had demonstrated 'institutional ignorance and thoughtlessness towards the issue of race' (Williams, 2020).

Also, in 2020 we found the Home Office failed to have due regard to the need to advance equality of opportunity for Black members of the Windrush generation when developing, implementing and monitoring its hostile environment immigration policies, and so had not complied with the Public Sector Equality Duty (EHRC, 2020a). The Home Office entered a legal agreement with us to take specific actions to stop this reoccurring.

The Nationality and Borders Act 2022 includes provisions for treating asylum seekers differently depending on their route into the UK and rules permitting the relocation of some asylum seekers to other countries. We urged the UK government to improve the availability of safe routes to claim asylum, including enabling people to seek asylum before entry, not least to reduce people smuggling. We also advised that granting temporary and insecure protection status to some asylum seekers could affect their integration, with potential implications for community cohesion.

Participation

Our 2020 investigation into antisemitism in the Labour Party identified unlawful acts of discrimination and harassment (EHRC, 2020b). The Labour Party accepted these findings and drafted a plan to resolve the issue (Labour Party, 2020) that concluded in January 2023, as we were satisfied with the actions taken.

Outcomes

Education

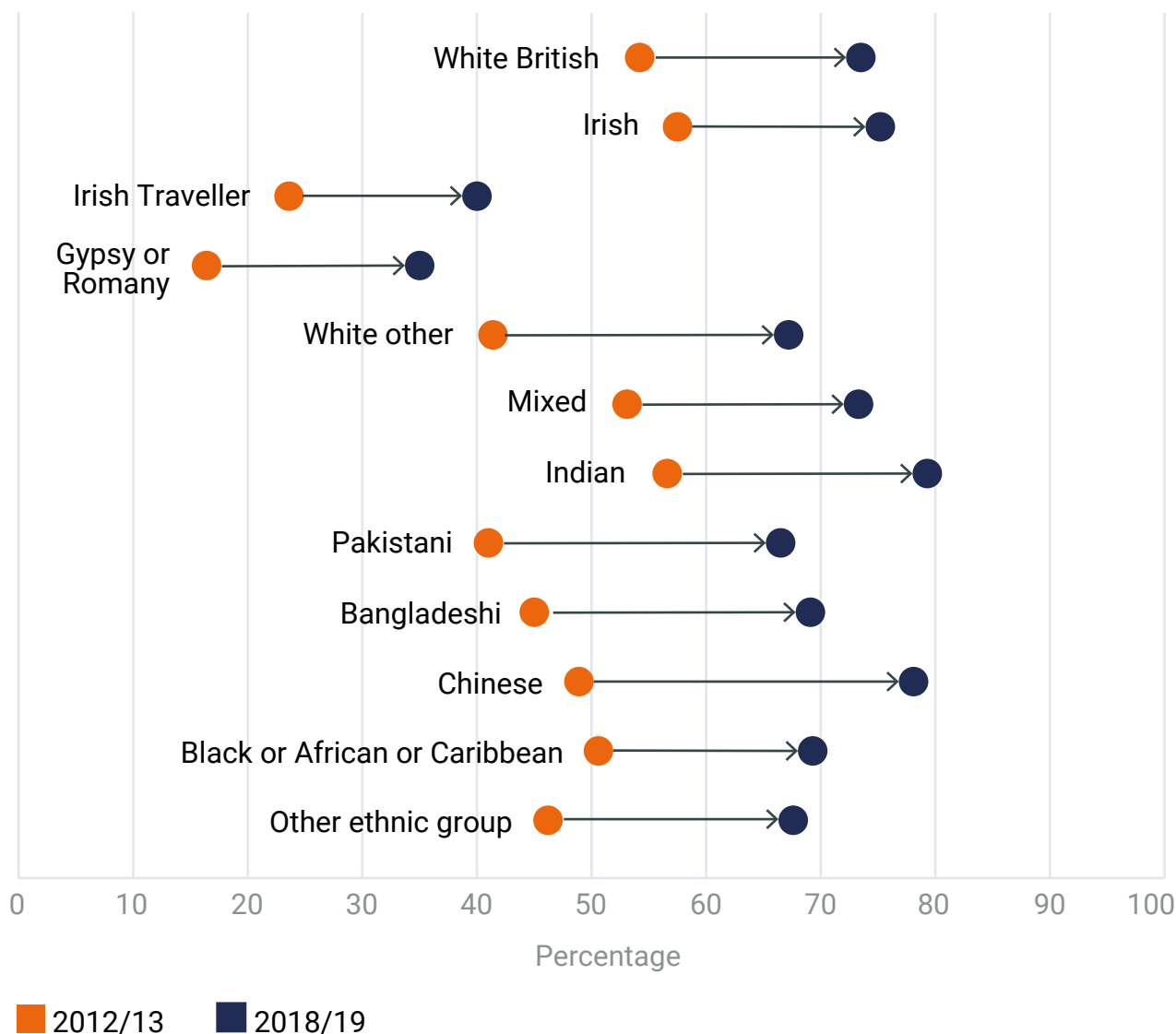
Patterns in educational attainment by race vary through the school journey. Although in England ethnic minority children typically start out behind their White British peers, most of them make faster progress. Based on analysis of Department for Education (DfE) data for England, for early years ages 4–7, from 2012/13 to 2018/19 all ethnic groups improved in having a good level of development. While several ethnic minorities performed worse than White British children, some have shown strong improvement (see Figure 52).

Among children aged 4–7 in Scotland in 2020/21, White British pupils performed best, and ethnic minorities (excluding White minorities) performed worst.

Among children aged 4–7 in Wales, White British children outperformed ethnic minorities (excluding White minorities), but when the data was disaggregated, children from the Indian ethnic group were the best performing pupils.

In England, by A level, all major ethnic minority groups outperform White British pupils and, by age 26, White British people are the least likely to hold a degree-level qualification (Farquharson, McNally, Tahir, 2022).

Figure 52: Percentage of children aged 4-7 years with a good level of development or of literacy and numeracy in early primary education (England)



(Source: EHRC analysis of Department for Education data)

Over the past two decades in England, GCSE attainment improved rapidly for students from Bangladeshi, Pakistani and Black African ethnic groups. The GCSE attainment gap between students from Bangladeshi and White British ethnic groups changed from a nine percentage point disadvantage in 2004 to a six percentage point advantage in 2019 (Mirza and Warwick, 2022).

In all three nations, students eligible for free school meals (FSM) make less progress between the ages of 11 and 16 than those not eligible (Mirza and Warwick, 2022). However, the educational outcomes of children of Bangladeshi and Pakistani ethnic groups, who are more likely to live in low-income households and be on FSM, are better and have seen greater progress than expected (ONS, 2020a; CRED, 2021).

In all three nations, students from Chinese and Indian ethnic groups continue to be particularly high performing. Attainment is highest for students from Chinese and Indian ethnic groups up to and including A levels.

In England, other ethnic groups are making educational gains, but improvements in outcomes for Black Caribbean children have stalled. After progress to close the attainment gap up to 2012/13, the gap between Black Caribbean and White British children increased to 16 percentage points in 2018/19 (Mirza and Warwick, 2022).

In Scotland, based on analysis of Scottish Government data, all ethnic groups are outperforming White Scottish pupils apart from 'Other ethnicities' and 'not disclosed / not known' in achieving the required qualification at Scottish Credit and Qualifications Framework (SCQF) level 5 or above. However, the 'not disclosed / not known' group improved at a faster rate than all other ethnic groups between 2011/12 (71.7%) and 2020/21 (83.2%). 2020/21 results were affected by the COVID-19 pandemic when qualifications were awarded via teacher assessment.

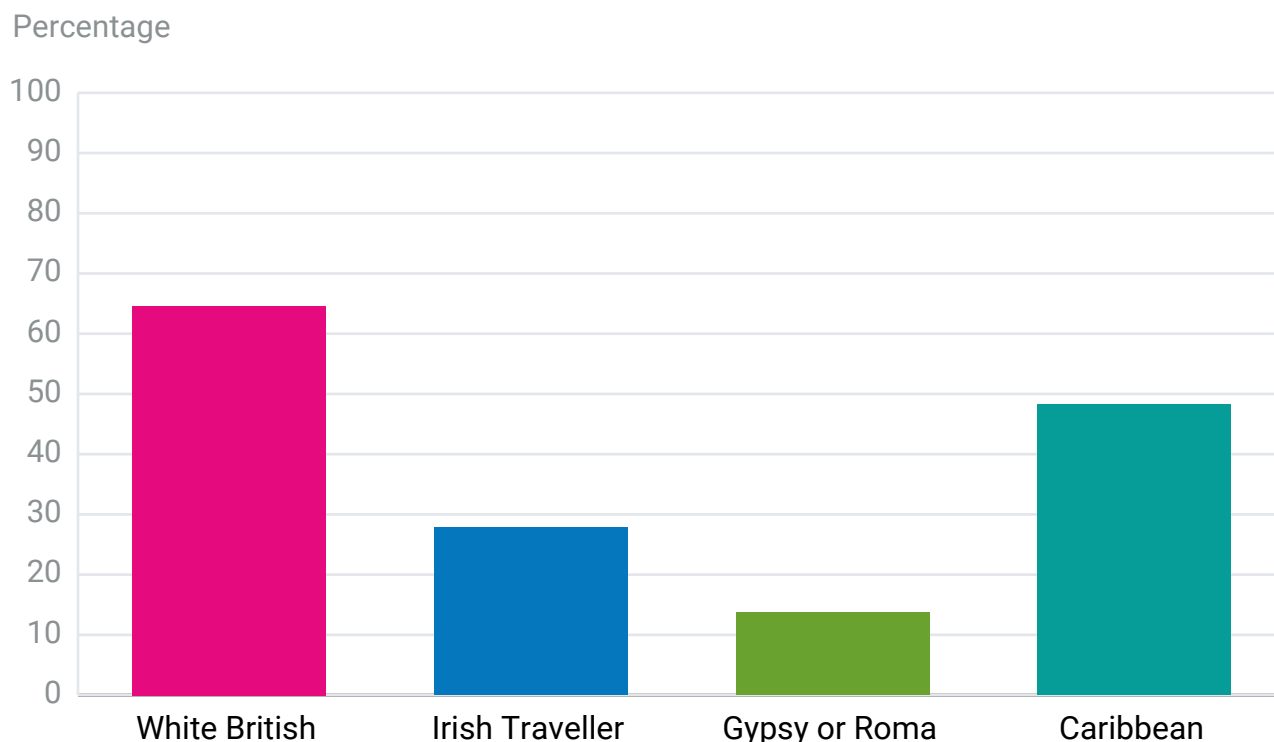
In Wales, ethnic minority pupils consistently achieve higher rates of attainment at school leaving age than White British children. This difference has risen slightly since 2015. The difference in the rate of attainment between ethnic minority and White British pupils increased from 0.9 percentage points in 2015 to 2.5 percentage points in 2019.

Attainment among both ethnic minority and White British children dropped slightly from 2015 to 2018. In 2019, there was a significant rise in the attainment of required outcomes by both White British children (from 65.1% to 74.6%) and ethnic minorities (from 64.0% to 77.1%), due to a change in measuring key stage 4 (KS4) performance in Wales.

In England, Gypsy / Roma and Travellers pupils are least likely to achieve GCSE grade 5 or above in English and mathematics, according to analysis of DfE data (see Figure 53).⁶⁹ Attainment tends to improve among other ethnic groups except for Irish Travellers, and Gypsy / Roma pupils who make the least progress between the ages of 11 and 16. Cultural, societal and socio-economic factors may contribute to this, including FSM eligibility and having an EHC plan (DfE, 2022c). Prejudice, discrimination and exclusion may be leading causes of the disrupted educational pathways Gypsy, Roma and Traveller students often experience (Brassington, 2022; ONS, 2022).

⁶⁹ In 2020 and 2021, GCSE grades were not assessed by examination (Ofqual 2020; Ofqual, 2021). Data is therefore analysed up to 2018/19.

Figure 53: Percentage of children achieving good examination results at school-leaving age or on leaving school in 2018/19 (England)



(Source: EHRC analysis of Department for Education data)

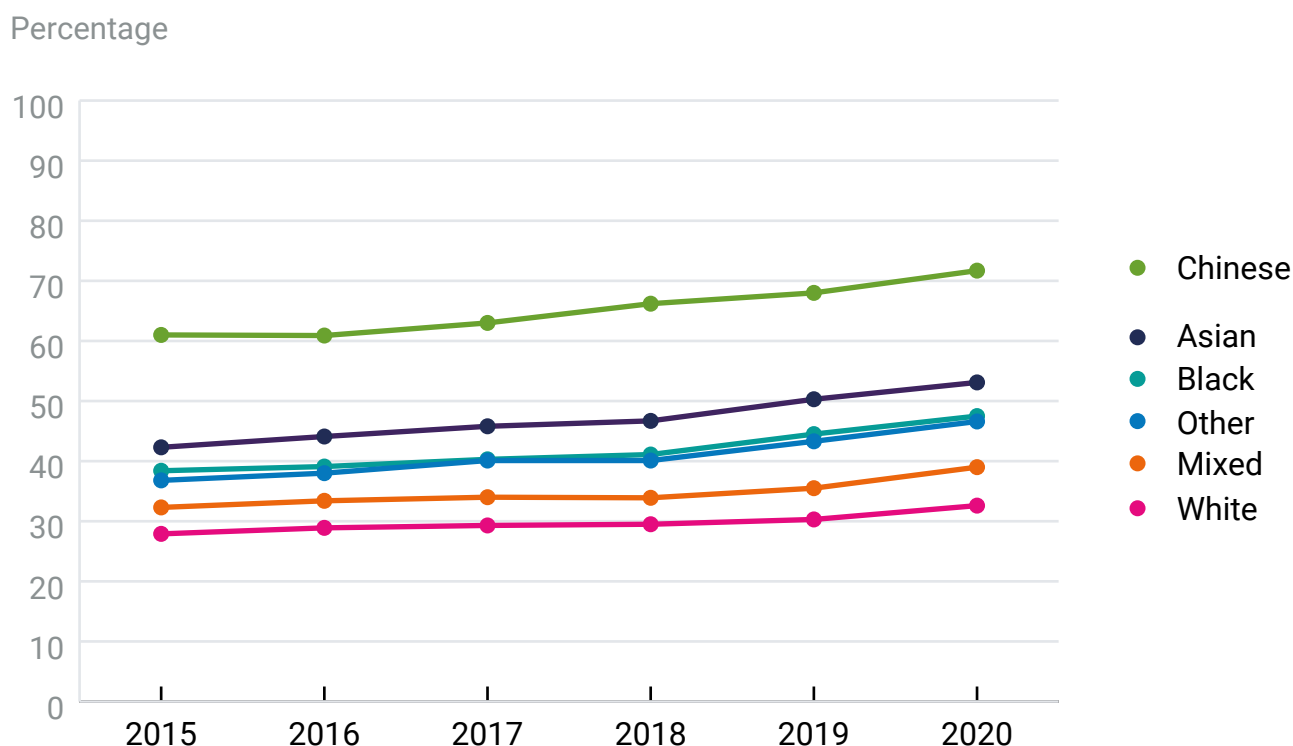
In England, research with 14-year-olds found higher aspirations among ethnic minority children, but Black Caribbean boys and White boys gave themselves lower average probabilities of going to university than other ethnic groups (Platt, 2018).

In Britain, children from Chinese (71.7%) and Asian (53.1%) ethnic groups were most likely to enter higher education in 2020, compared with 32.6% of White children and 47.5% of Black children (UCAS, 2022, Figure 54). Of those on FSM, Chinese students were most likely to attend university by age 19 (CRED, 2021). Black African and Black Caribbean students were more likely to progress to university than White British students in 2018/19, but mostly attended 'low tariff'⁷⁰ universities (HESA, 2022). These groups were also least likely to achieve a first-class degree and most likely to drop out (Central Analysis Division, DfE, 2022).

In England, just 6.9% of Gypsy / Roma and 10.7% of Irish Traveller students accessed higher education by the age of 19 in 2019/20 (Brassington, 2022).

⁷⁰ 'High', 'medium' and 'low' tariff providers are categorised according to the average number of Universities and Colleges Admissions Service (UCAS) points achieved by students.

Figure 54: Percentage of state school pupils aged 18 and from England getting a higher education place



(Source: Ethnicity Facts and Figures)

In Scotland, the proportion of school leavers⁷¹ in a positive initial destination (education, training or employment) increased for most ethnic groups between 2019/20 and 2021/22. Among groups for which data can be reported, the highest proportion of school leavers in a positive initial destination were from the African / Black / Caribbean ethnic group (98.8%) (Scottish Government, 2023a). In 2022, the participation rate for 16–19-year-olds in education, training or employment was 3.3 percentage points higher among minority ethnic groups (95.5%) than among those identified as White (92.2%) (Skills Development Scotland, 2022).

⁷¹ A school leaver is defined as a young person of school leaving age who left during or at the end of the school year. For most young people, S4 (15–16-year-olds) is the last compulsory year of school, but the majority stay on and complete S5 (16–17-year-olds) and S6 (17–18-year-olds).

Work

Employment, unemployment and economic inactivity

While ethnic minorities maintained their engagement with the labour market during the COVID-19 pandemic, ethnic minorities were generally more likely to be placed on furlough when the pandemic started.

However, this effect was not uniform across all ethnic minority groups. For example, Black workers were most likely to be in key worker roles and therefore least likely to be furloughed (Mirza and Warwick, 2022).⁷²

Analysis of ONS data shows employment and economic activity have declined since the COVID-19 pandemic.⁷³ This is predominantly driven by workers over 50 retiring, though some exit the labour market for other reasons (ONS, 2022b; Boileau and Cribb, 2022).

However, this pattern has not been consistent across ethnicities. No non-White ethnic minority group has shown a decline in economic activity rates, with older ethnic minority workers remaining in the labour market during COVID-19. Economic activity has declined for all White ethnic groups, predominantly among older people.

72 If a worker is placed on furlough they are still classed as 'employed'.

73 Policy changes driven by the COVID-19 pandemic have led to significant disruption and behavioural change in the British labour market in the past three years. It is too soon to determine whether this will have a lasting impact, or whether it simply created short-term deviations from longer-term trends.

Figure 55: Employment rate, ethnicity, Britain, 2011/12, 2019/20 and 2021/22



(Source: EHRC analysis of Annual Population Survey)

Before the COVID-19 pandemic

Analysis of the ONS Annual Population Survey (APS) indicates labour market trends in Britain were generally positive before the COVID-19 pandemic. Most ethnic minorities' labour market performance was improving and employment gaps with White British workers were narrowing, despite many gaps continuing to exist. Particularly strong performances were shown by workers from Chinese and Indian ethnic groups, whose employment rates increased significantly between 2011/12 and 2019/20.

In 2019/20, adults from Pakistani and Bangladeshi ethnic groups were less likely to be employed than any other ethnic group. Employment rates and economic activity for women from Pakistani / Bangladeshi ethnic groups are much lower than White British women, though Pakistani / Bangladeshi men's employment rates are higher than those of White British men.

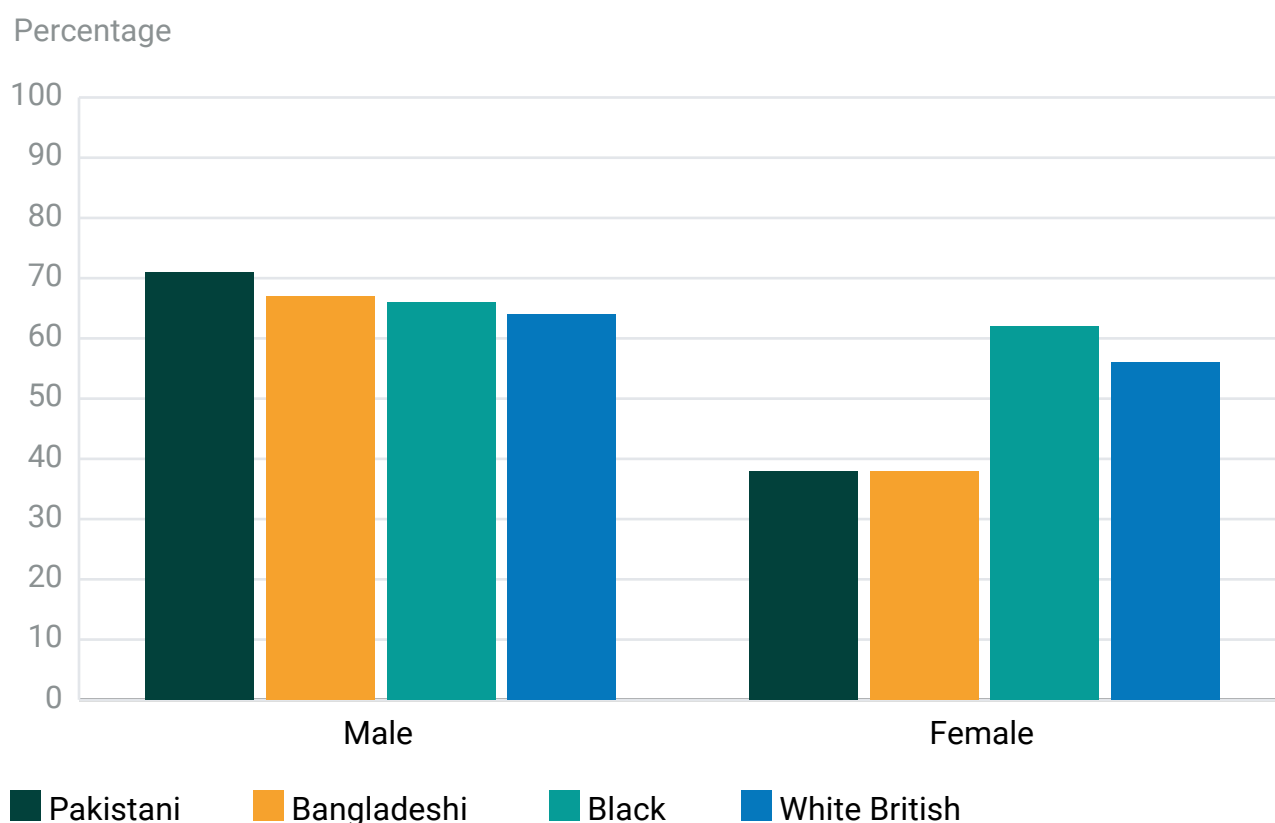
Analysis in the Deaton Review suggests that, in England and Wales, the employment gap for adults from Pakistani and Bangladeshi ethnic groups cannot be fully explained by controlling for other differences between ethnic groups, such as educational levels or geographical location. This is particularly the case for women and specifically those women not born in the UK (Mirza and Warwick, 2022). The employment gap remained even after controlling for age, health conditions, region, highest qualification achieved, marital status, number of children and household size.

However, our analysis of the APS shows that between 2011/12 and 2019/20, the employment gap in Britain between Pakistani / Bangladeshi ethnic groups and the White British ethnic group narrowed significantly.

Pakistani and Bangladeshi women have shown particularly large decreases in rates of economic inactivity and unemployment.

In 2019/20, Black people were more likely to be employed than White British people following particularly strong growth in employment and economic activity rates since 2011/12. When this is broken down by age and sex, analysis of the APS shows higher employment rates for Black women and Black people aged over 55, compared to their White British counterparts.⁷⁴ Although a greater proportion of Black people are in work (a higher employment rate), there is also a bigger proportion of Black people seeking work (a higher unemployment rate). Our APS analysis shows this unemployment rate is high for most Black age groups, as Black people have one of the highest unemployment rates of all ethnic groups, despite the rate having decreased between 2011/12 and 2019/20.

Figure 56: Employment rate, sex and ethnicity, Britain, 2019/20



(Source: EHRC analysis of Annual Population Survey)

⁷⁴ When excluding workers aged 65 and over, employment rates are higher for White British people than Black people, as shown in ONS publications.

Differences in earnings and occupations

In 2019/20, the majority of ethnic minority groups are, on average, paid less than White British workers.

However, White Irish, Chinese and Indian ethnic groups are the exception to this rule, as they are paid more on average. Workers from Chinese and Indian ethnic groups have shown particularly strong growth in median hourly earnings between 2011/12 and 2019/20, as their positive wage gap has widened significantly. However, analysis in the Deaton Review suggests that while wages for Indian workers are higher, their wages are lower than we would expect to see for workers with similar personal / professional characteristics, such as a similar level of education or geographical location (Mirza and Warwick, 2022).⁷⁵

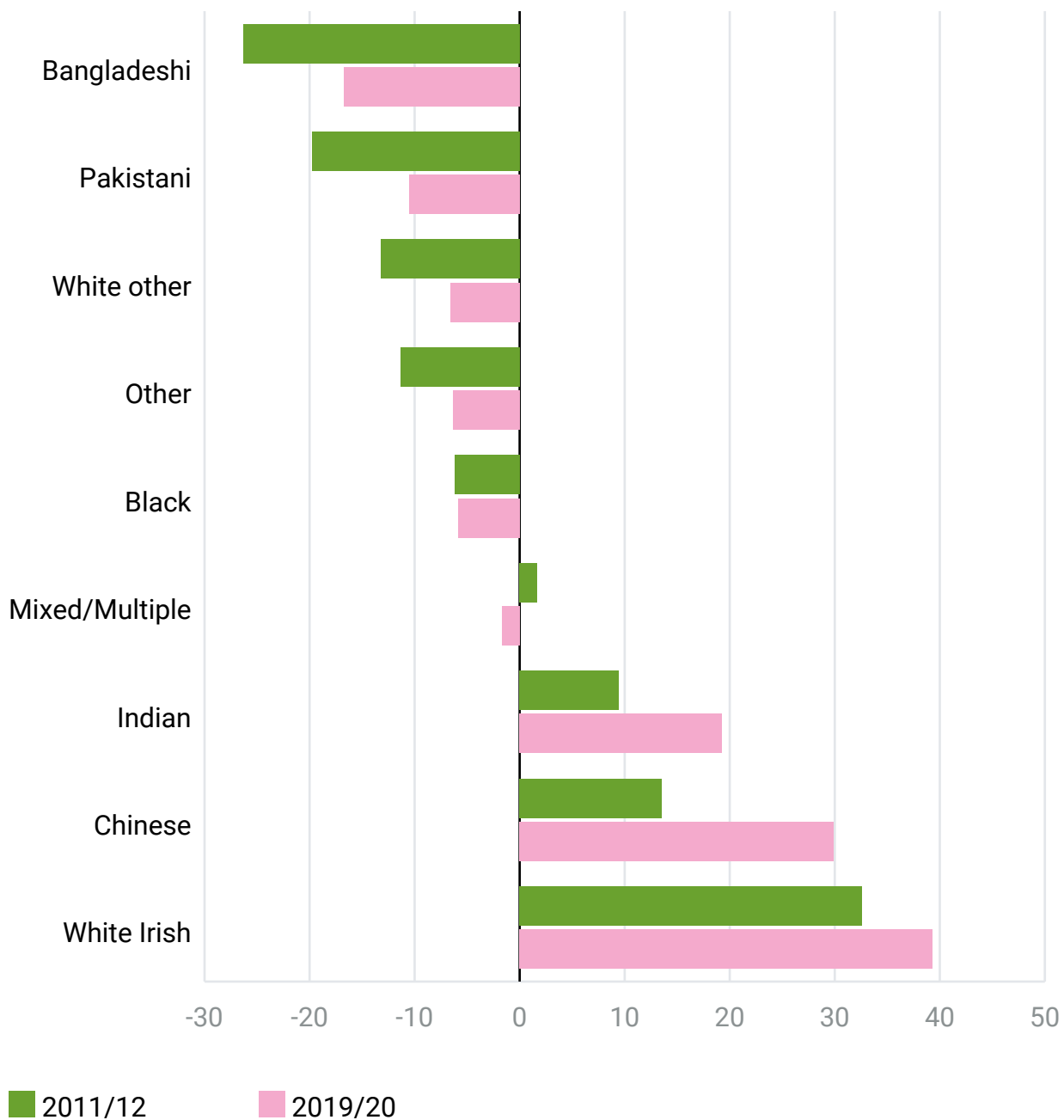
In Britain, workers in the Bangladeshi and Pakistani ethnic groups are more likely to receive low pay as they have the two lowest median hourly earning rates of all ethnic groups, according to our APS analysis.⁷⁶ There appears to be a large residual 'unexplained' earnings gap, particularly for Pakistani / Bangladeshi men who were not born in the UK (Mirza and Warwick, 2022).⁷⁷ However, as shown in Figure 57, the Pakistani / Bangladeshi earnings gap has been narrowing between 2011/12 and 2019/20.

75 This finding comes from a regression analysis, which uses employment as the outcome variable and includes basic controls such as age, health conditions, region, highest qualification achieved, marital status, number of children and household size.

76 Analysis may be affected by the fact that a particularly large proportion of Bangladeshi and Pakistani workers are self-employed or small employers (Mirza and Warwick, 2022).

77 Read footnote 75 for details of this analysis.

Figure 57: Percentage gap in median hourly earnings compared with White British, 2011/12 and 2019/20 (Britain)⁷⁸



(Source: EHRC analysis of Annual Population Survey)

⁷⁸ A negative gap infers that the ethnic minority group is paid less than the White British group.

Black people who are in work are more likely than any other ethnic group to be in a low-paid occupation, with nearly 4 in 10 Black workers (38.4%) working in a low-paid occupation in 2019/20.

The percentage of White British workers in low-paid occupations fell between 2011/12 and 2019/20 but the proportion of Black workers did not. This issue is specific to Black Caribbean and African men and Black African Women. Black Caribbean women are no more likely than White British women to be in low-paid occupations.

Black Caribbean and African men and Black African women's occupational segregation in low-paid work is reflected in wage gaps, as median hourly earnings are lower for these ethnic groups than White British men or women. Pay gaps are also particularly high for people of mixed White / Black Caribbean and White / Black African descent (ONS, 2020b). For Black African men and women and Black Caribbean men, gaps in wages cannot be fully explained by other factors, such as education or geographical location, meaning there is a residual 'unexplained' wage gap.⁷⁹ Further analysis suggests that the unexplained wage gap for Black Caribbean men grew between 2012 and 2019 (Mirza and Warwick, 2022).

⁷⁹ Read footnote 75 for details of this analysis.

Gypsy, Roma and Travellers

The APS, which we normally use to gather indicators of labour market performance, cannot provide a robust sample of Gypsy / Traveller or Roma people. However, new data from the 2021 census for England and Wales provides robust data on people who identify as Gypsy or Irish Traveller and Roma.⁸⁰



In England and Wales in March 2021, 37.0% of Gypsy / Irish Travellers were employed. This rate of employment is lower than all other ethnic groups. By comparison, the White British ethnic group's employment rate was 56.0%.

Low rates of employment for Gypsy / Irish Travellers are driven by particularly high rates of economic inactivity, as 57.0% of this group were economically inactive in March 2021. This is the highest rate of economic inactivity seen by any ethnic group in the 2021 census. By comparison, the White British economic inactivity rate was 41.0%. A quarter (25.6%) of all economically inactive Gypsy / Irish Travellers noted that they were inactive due to long-term sickness or disability, and over a quarter (28.4%) said they were inactive due to home/family commitments. Less than one in ten (8.9%) economically inactive Gypsy / Irish Travellers were inactive because they were students (ONS, 2023a).

People who identified as Roma were significantly more economically active than Gypsy / Travellers. The Roma group had particularly high levels of employment (70.0%) and particularly low levels of economic inactivity (24.0%). This group did have an unemployment rate of 4.0%, which was two percentage points higher than White British. However, this was not unlike most ethnic minority groups, who tended to have higher unemployment than the White British ethnic group (ONS, 2023a).

⁸⁰ Data from the Census 2021 should not be directly compared to APS data. While both data sources use some of the same measures, such as employment rate, differences in time periods and samples mean that there will be some small differences between the results from the Census and those from the APS.

Those who are in work and identify as Gypsy / Irish Traveller or Roma are more likely than any other ethnic group to work in an Elementary Occupation or a Skilled Trade occupation. Conversely, they are less likely than all other ethnic groups to work in professional occupations or associate professional and technical occupations (see Figure 58) (ONS, 2023b).

Figure 58: Occupation by ethnicity, England and Wales, 2021



- Elementary occupations
- Process, plant and machine operatives
- Sales and customer service occupations
- Caring, leisure and other service occupations
- Skilled trades occupations
- Administrative and secretarial occupations
- Associate professional and technical occupations
- Professional occupations
- Managers, directors and senior officials

(Source: Office for National Statistics)

Racial discrimination in the workplace

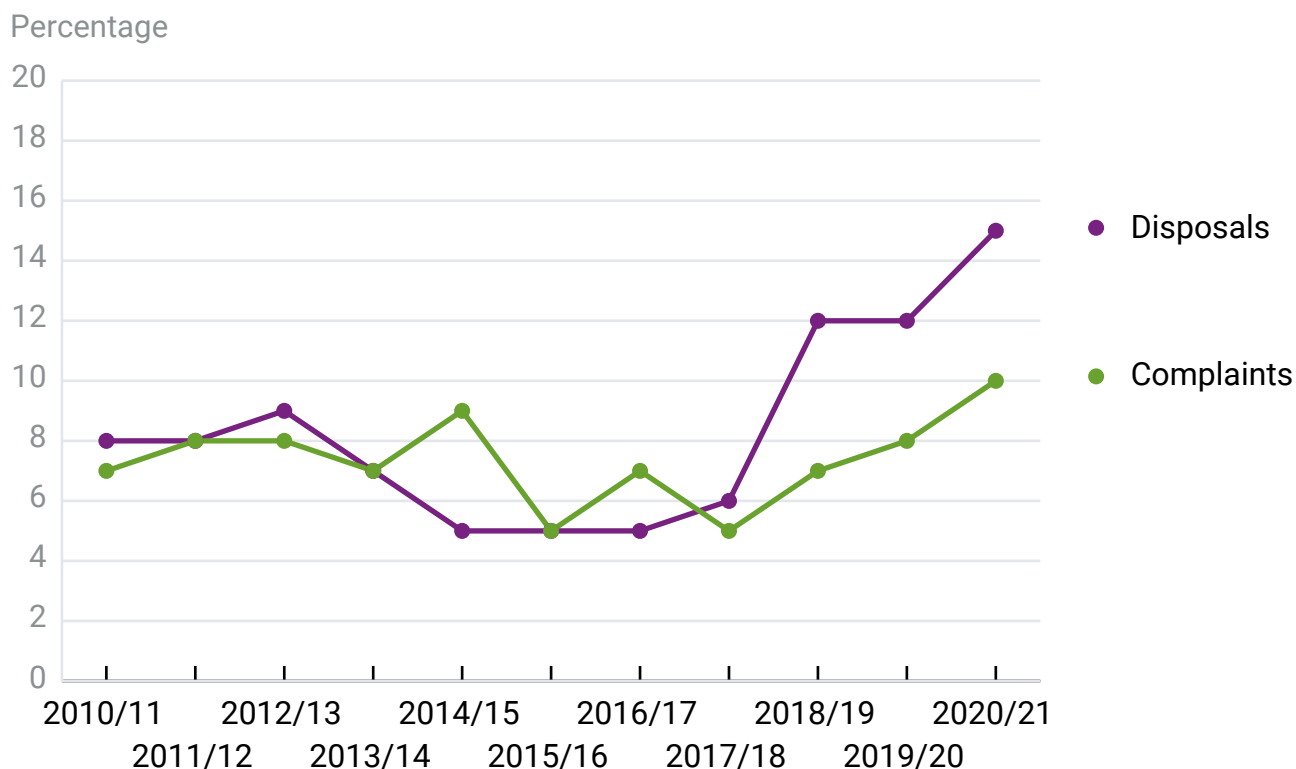
Evidence from the recent EVENS survey shows that, in Britain, 29.4% of ethnic minority respondents reported being 'treated unfairly' because of their 'ethnicity, race, colour, or religion' before the COVID-19 pandemic. Reported experiences of unfair treatment in work were particularly high for Black Caribbean (55.1%), Bangladeshi (41.9%) and Gypsy / Traveller (40.7%) ethnic groups (Ochmann et al., 2023).

Further survey evidence that tracks the proportion of individuals who experience or witness racial discrimination at work shows that there has been no change in the proportion of ethnically diverse workers who report having 'experienced or witnessed racist harassment' from managers or colleagues between 2018 to 2021 (BITC, 2021).

Employment tribunals

In Britain in 2019/20, 3,967 employment tribunal complaints related to race. Between 2010/11 and 2019/20, the proportion of race-related complaints made as part of a claim remained fairly stable, with some deviation. However, analysis of MoJ data found the proportion of race-related complaints made as part of a disposal between 2010/11 and 2019/20 had shown some decline, followed by an uplift (MoJ, 2022a).

Figure 59: Percentage of jurisdiction complaints related to race as a proportion of total discrimination complaints, for employment tribunal claims and disposals, Britain, 2010/11 to 2020/21



(Source: Ministry of Justice)

Only 2.0% of disposals that included a race-related complaint went to hearing and were successful. Only 62 disposals with a race-related complaint were successful at hearing in 2019/20, compared with 148 successful cases in 2010/11. Our MoJ data analysis found a growing proportion of disposals with a race-related complaint were either struck out before a hearing or withdrawn (MoJ, 2022a).

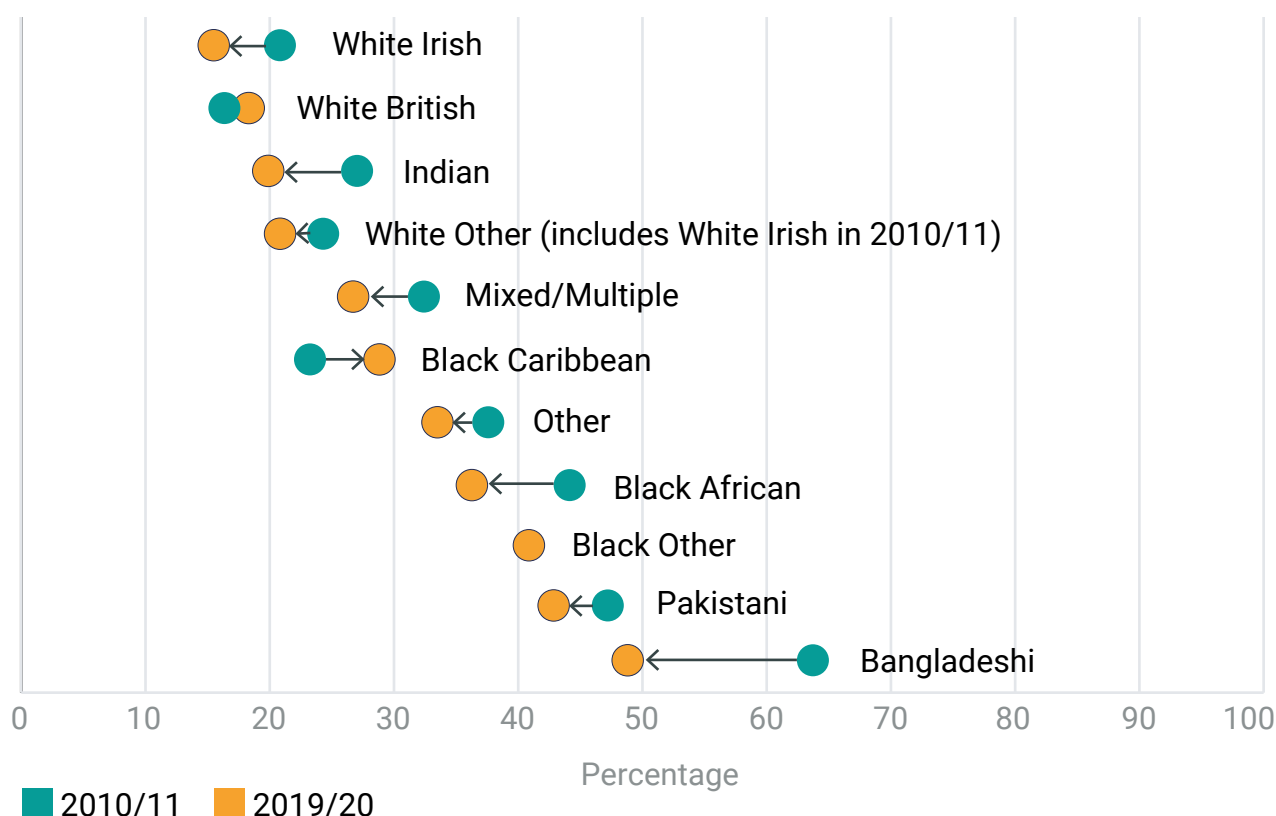
Living standards

Adult Poverty

Our analysis of the Family Resources Survey (FRS) shows that between 2010/11 and 2019/20,⁸¹ poverty fell among White minority and ethnic minority adults in Britain and increased among White British adults.⁸² However, this masks what has occurred at a more detailed level (Figure 60). For example, poverty among adults from the Bangladeshi ethnic group fell significantly (from 63.7% to 48.8%) but remained more than twice as high as for Indian adults (falling from 27.0% to 19.9%). Some other ethnic groups with high prevalence of poverty, such as adults from the Pakistani ethnic group, saw no statistically significant decline in poverty.

So, while some ethnic groups experienced positive progress, poverty gaps have persisted for others over a 10-year period.

Figure 60: Adult poverty in Britain, 2010/11 and 2019/20



(Source: EHRC analysis of the Family Resources Survey)

81 Analysis ends at 2019/20 as data for 2020/21 is subject to additional uncertainty at this level.

82 The White minority group includes all White ethnicities except White British.

Child Poverty

Similarly, child poverty has seen a statistically significant increase between 2010/11 and 2019/20 among White British-headed households (24.1% to 25.9%) but is not statistically different among White minority-headed (27.9% to 32.1%) and ethnic minority-headed households (43.7% to 46.2%).

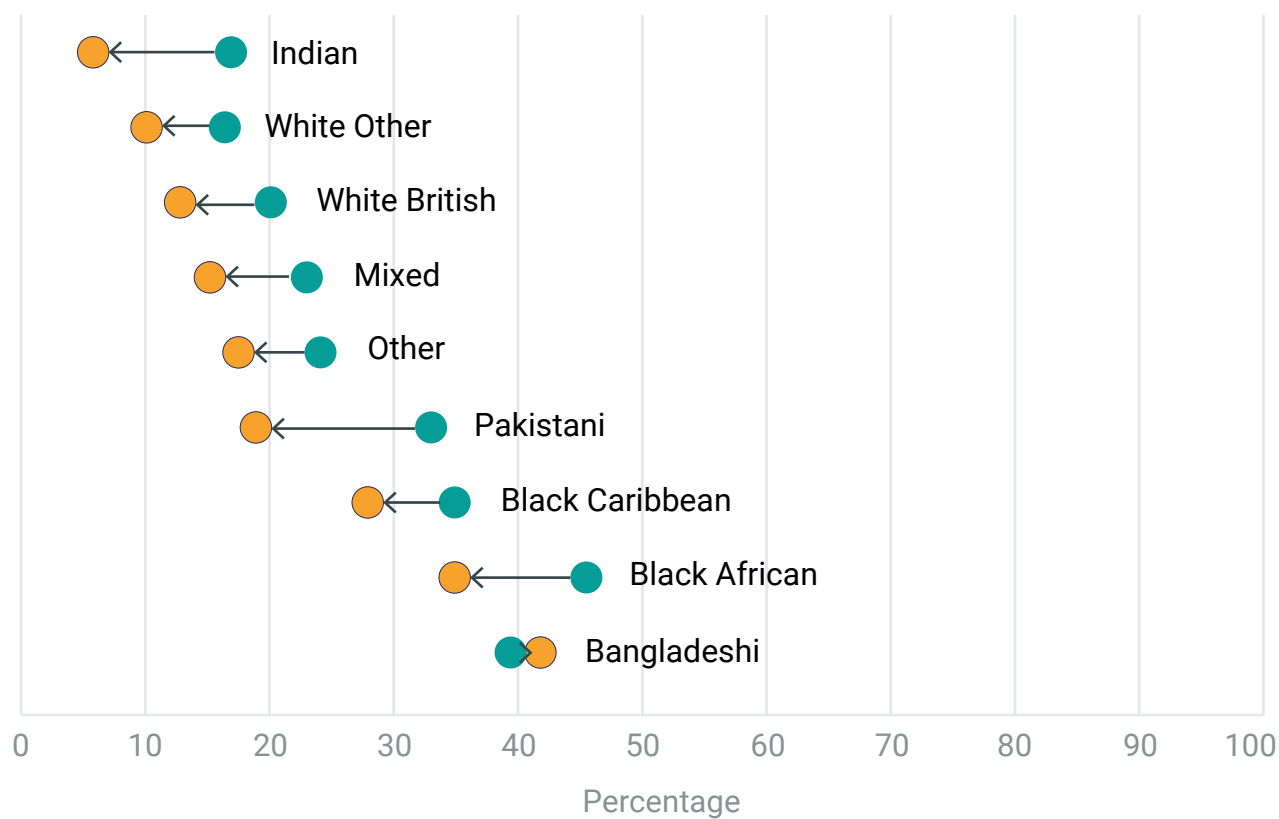
However, there were changes for certain ethnic minority groups. Households headed by a Black Caribbean adult saw a significant increase in child poverty (31.3% to 54.6%), while those headed by adults from the Indian (34.4% to 26.2%) and Mixed / Multiple ethnic groups (46.8% to 31.0%) saw a significant decline. The lack of change means child poverty is still higher among households headed by adults from Pakistani, Bangladeshi and Black African ethnic groups compared with White British ethnic group.

Severe material deprivation

Our analysis of the FRS shows there was progress in reducing severe material deprivation in Britain between 2010/11 and 2019/20, possibly due to the falling price of essential items or the ability to fall back on savings during this period (Figure 61). This is measured in adults aged 16–59, excluding dependent children aged 16–19.

Several ethnic groups saw a significant decline in severe material deprivation from 2010/11 to 2019/20,⁸³ including White British, White Other, Mixed, Indian, Pakistani, Black African and Other ethnic groups. Despite this improvement, our data indicates severe material deprivation remained higher among Pakistani, Bangladeshi, Black African, Black Caribbean, and Other ethnic groups, compared with White British adults, in 2010/11, 2015/16 and 2019/20. Ethnic minority adults have been affected by the increased cost of living that has since occurred, which may affect further progress (ONS, 2023c).

⁸³ Analysis ends at 2019/20 as data for 2020/21 is subject to additional uncertainty at this level, including the impact of legal restrictions at the time on the measure.

Figure 61: Severe material deprivation in Britain, 2010/11 and 2019/20⁸⁴

■ 2010/11 ■ 2019/20

(Source: EHRC analysis of the Family Resources Survey)

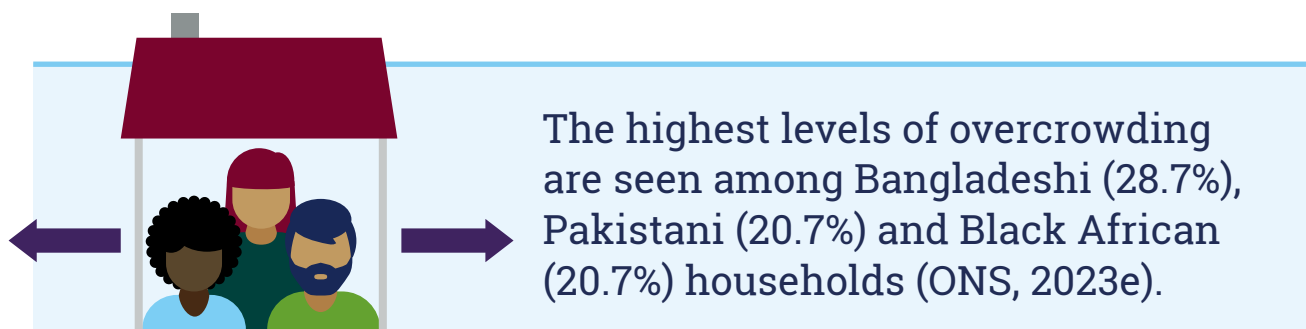
⁸⁴ Includes ethnic groups with robust data.

Housing

Adults from Black, Mixed and Other ethnic groups are over-represented in applications for help when threatened with homelessness or made homeless in England (2019/20 to 2021/22) (DLUHC, 2022a). Analysis shows that, after holding other contributory factors constant, ethnicity-related variables including race, migration background and experience of discrimination increase the chances of experiencing homelessness substantially for Black and, in most analyses, Mixed and / or Other ethnic households (Bramley et al., 2022).

Census 2021 data for England shows that home ownership is higher among households headed by White British adults⁸⁵ (67.4%) compared to ethnic minority adults (44.1%). The lowest levels of home ownership are seen among White Roma (16.5%), Black African (22.5%), Arab (25.4%) and Gypsy / Irish Traveller adults (28.0%) (ONS, 2023d).

This data shows that overcrowding in England is also higher among ethnic minority headed households (12.1%), compared to White British households (2.2%), meaning they have fewer bedrooms than required.



Qualitative research with Bangladeshi and Pakistani adults in England suggested the primary causes of overcrowding were an intersection between personal circumstances and attachment to local areas with housing affordability and availability (DLUHC, 2022b).

Information for Scotland and Wales is given in the separate reports for each nation.

⁸⁵ White: English, Welsh, Scottish, Northern Irish or British.

Health

Life expectancy

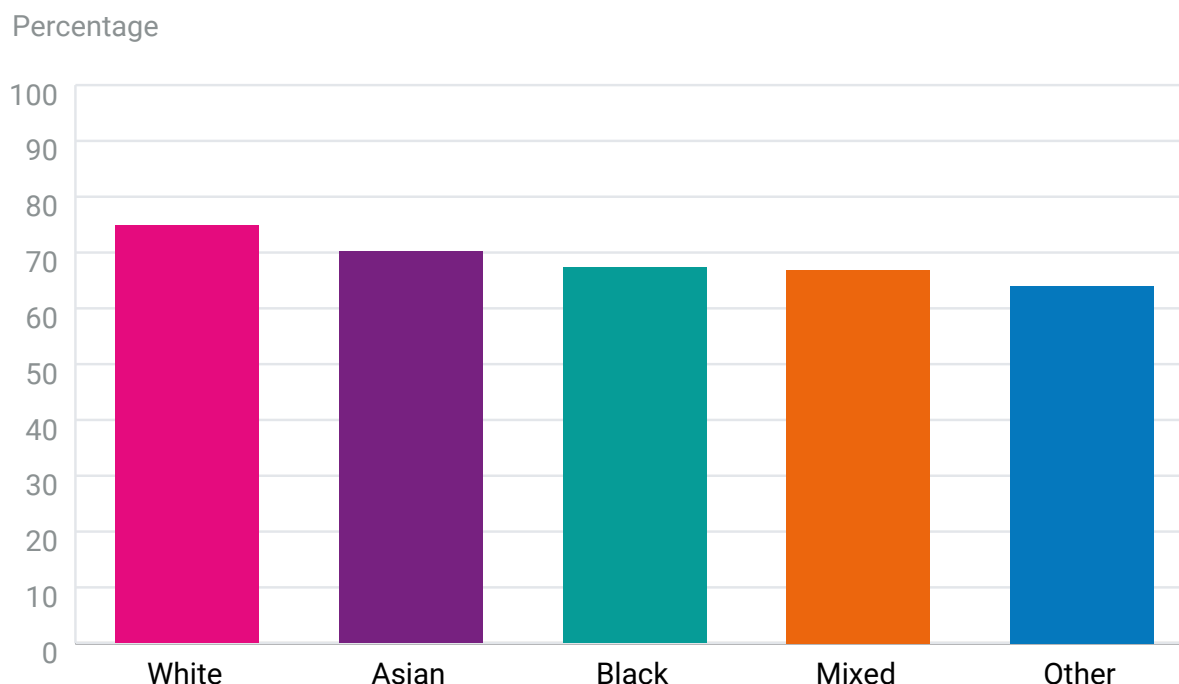
Evidence on health inequalities experienced by ethnic minorities is complex and often limited by the data available. Experimental statistics published by ONS indicate that, in England and Wales, ethnic minority groups other than Mixed had longer life expectancies than the White British ethnic group 2011–2014 and lower risk of mortality from many of the leading causes of death (ONS, 2021a). However, ethnic minorities were at disproportionately increased risk of COVID-19 infection in the first and second waves of the COVID-19 pandemic and experienced higher mortality rates during all three waves of the pandemic (GEO, 2021). When the Omicron variant of COVID-19 became dominant, from January 2022, there was no longer evidence of inequalities between ethnic groups in COVID-19 deaths, and deaths from all causes returned to pre-pandemic levels (ONS, 2023f).

Self-reported health

Recent experimental analyses by ONS show that, while most ethnic minority groups have longer life expectancy than the White British ethnic group, some experience greater levels of poor health. Our analysis of the Health Survey for England showed that the White ethnic group had the highest probability of reporting good health once age had been taken into account, with lower levels in Black, Asian and 'Other' groups.⁸⁶

⁸⁶ Differences for Mixed groups were not statistically significant.

Figure 62: Predicted probability of reporting good health by ethnicity controlling for age and sex: England pooled 2018/19 data



(Source: EHRC analysis of Health Survey for England)

Analysis of six data sets covering 1993 to 2017 in the UK found people from Black Caribbean, Indian, Pakistani and Bangladeshi ethnic groups were worst affected by ill health, with the greatest inequalities in older age (Stopforth et al., 2023). People over 60 from ethnic minorities are more likely to report poor health than those from White British ethnic group (Marmot et al., 2020) and the health of people from Bangladeshi groups in their 50s is the equivalent of White British people in their 80s (Nazroo, 2022).

Mental health

Ethnic minorities in England and Scotland are more likely to be diagnosed with serious mental illness and to access mental healthcare through more negative pathways such as detention, community treatment orders (CTOs) or be involved in the criminal justice system (CJS) before receiving treatment. Compared with White British ethnic groups, Black Africans were almost six times as likely to be diagnosed with schizophrenia, Black Caribbeans five times as likely, and South Asian, White Other and Mixed groups over twice as likely (CRED, 2021).



Known rates of detention under the Mental Health Act in England were over four times higher for the Black ethnic group compared with the White ethnic group in 2021/22 and known CTO rates were 11 times higher (NHS Digital, 2022).

Ethnic minorities experience differences in clinical care before compulsory admission and are less likely to receive psychological therapies. This explains some of the disparity in detentions under the Mental Health Act (Freitas et al., 2023).

Infant and maternal mortality

In England and Wales, ethnic minority groups have consistently higher infant mortality and maternal mortality rates than the White British ethnic group. In 2020, babies from the Black ethnic group had the highest rates of infant mortality (5.3 per 1,000 live births), followed by babies from the Asian ethnic group (4.1 per 1,000 live births), compared with 2.8 per 1,000 live births for babies from the White ethnic group (ONS, 2022c).⁸⁷ While there has been a longer-term decrease since 2010, improvements in infant mortality in all groups have slowed since 2015 (ONS, 2021b).

Maternal deaths are rare in the UK, with a total of 229 women dying during or up to six weeks after pregnancy between 2018–20 (Knight et al., 2022). Of those who died during this period, 152 were White European, 34 were Asian, 22 were Black, 15 were Mixed / Other and 6 had missing ethnicities. When comparing rates per 100,000 women giving birth, the MBRRACE-UK review of maternal deaths found Black women were 3.7 times more likely and Asian women 1.8 times more likely to die than White women in 2018–2020 (Knight et al., 2022). These rates have decreased slightly since 2017–2019, but a clear inequality persists.

⁸⁷ Infant mortality is calculated on deaths of children up to 1 year old.

Justice

Prison and detention population

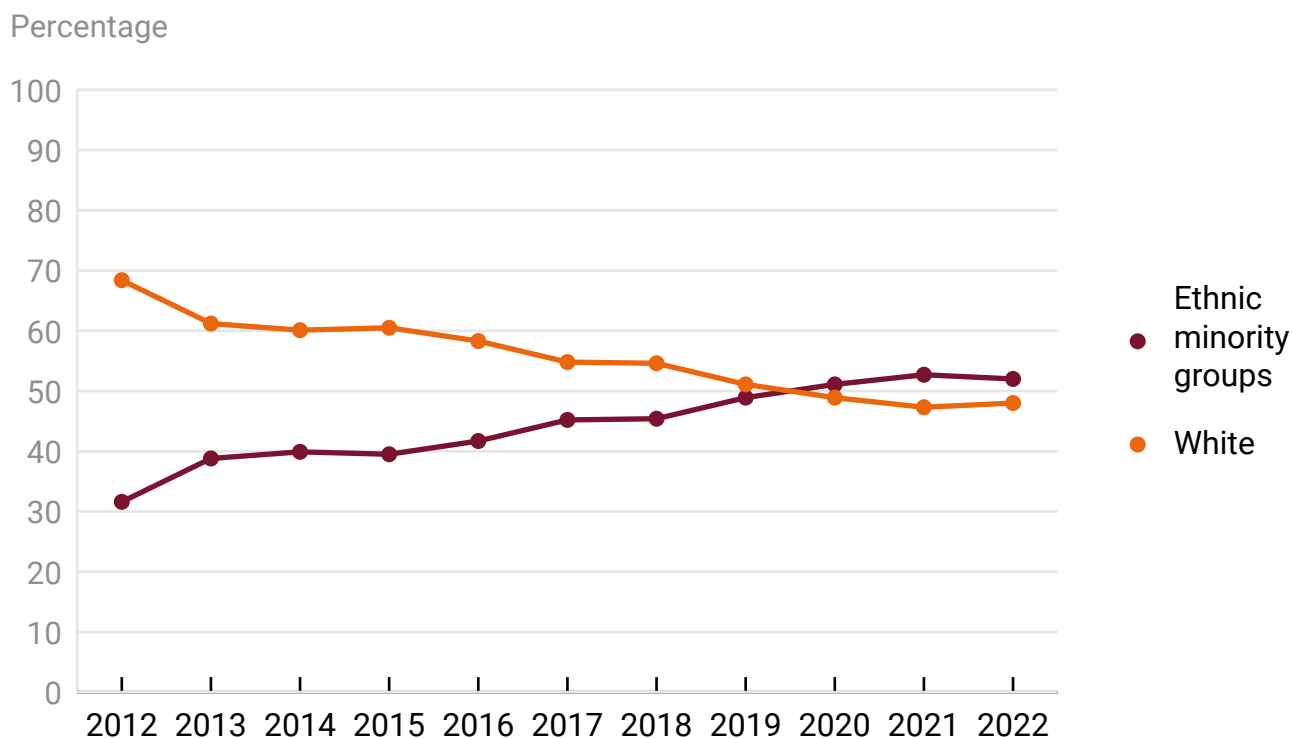
At the end of March 2022, 13.0% of prisoners in England and Wales declared themselves as being from a Black or Black British ethnic group (compared with 4.0% in the population) while 15.0% declared their ethnicity as Asian, Asian British, Mixed or other (compared with 14.3% in the population based on the 2021 census). These proportions have remained similar since 2013 (MoJ, 2022b).

Black male prisoners describe persistent racial discrimination in prison, ranging from explicit racism to more subtle forms of discrimination. They are more likely to have force used against them than other ethnic groups and racist stereotyping contributes to this (HM Chief Inspector of Prisons, 2022).

The overall number of children and young people in detention in England and Wales has fallen, but the proportion from an ethnic minority group has increased steadily (see Figure 63). In 2022, 28.0% of the youth custody population were from Black ethnic groups, compared with 17.0% in 2012, while the proportion of children from White ethnic groups fell from 68.0% to 48.0%. Assault rates (individuals involved either as an assailant or mutual fighter) were higher for children and young people from ethnic minority groups, but self-harm and restrictive practices⁸⁸ were lower (Youth Justice Board for England and Wales, 2023).

⁸⁸ The difference in restrictive practices between White and ethnic minority children and young people has decreased, and in 2022 was less than 1%.

Figure 63: Average monthly youth custody population In England and Wales by ethnicity (under-18s only)



(Source: Youth Justice Board for England and Wales)

Police incidents

Stop and search, arrest and use of force statistics since 2021 have been recalculated in line with the Census 2021 population estimates.

Police in England and Wales used force against Black people at a rate 3.5 times higher than against White people in 2021/22, and 3.0 times when excluding the Metropolitan Police (Home Office, 2022a). The arrest rate in England and Wales in 2021/22 was 2.4 times higher for Black people than White people and 1.3 times higher for people from the Mixed ethnic group. Using the new estimates, the arrest rate for Asian people (0.8) and other ethnic groups (0.9) was lower than White people for the first time (Home Office, 2023).

At the end of March 2022 in England and Wales, Black people were stopped and searched 4.9 times as often as White people, down from 5.6 in 2020/21 (recalculated based on new population estimates). It is worth noting that stop and searches and ethnic minority populations are not spread evenly across all police forces in England and Wales (Home Office, 2023). This affects national rates which are influenced by the higher number of stop searches involving ethnic groups in some police forces. For example, the Metropolitan Police made 74.0% of all searches of Black people in 2021/22 (Home Office, 2022b).

The disproportionate use of stop and search towards Black people is a controversial issue. Many claim it represents continued prejudice against Black people and an over-policing of areas where people from Black ethnic groups live. Others note Black people are four times more likely than White people to be victims of homicide (ONS, 2023g) and are significantly over-represented in convictions for robbery, drug offences and possession of weapons (CRED, 2021).

Qualitative research with Gypsy and Traveller communities in England and Wales found that participants from these communities feel they are misunderstood and treated unfairly by the police, often having had or being aware of challenging experiences with the police. A common finding was that police presume criminality from Gypsies and Travellers, and research participants perceived differential treatment related to this, including use of force, presumption of crime and arrests, denial of bail and over-representation in prison.

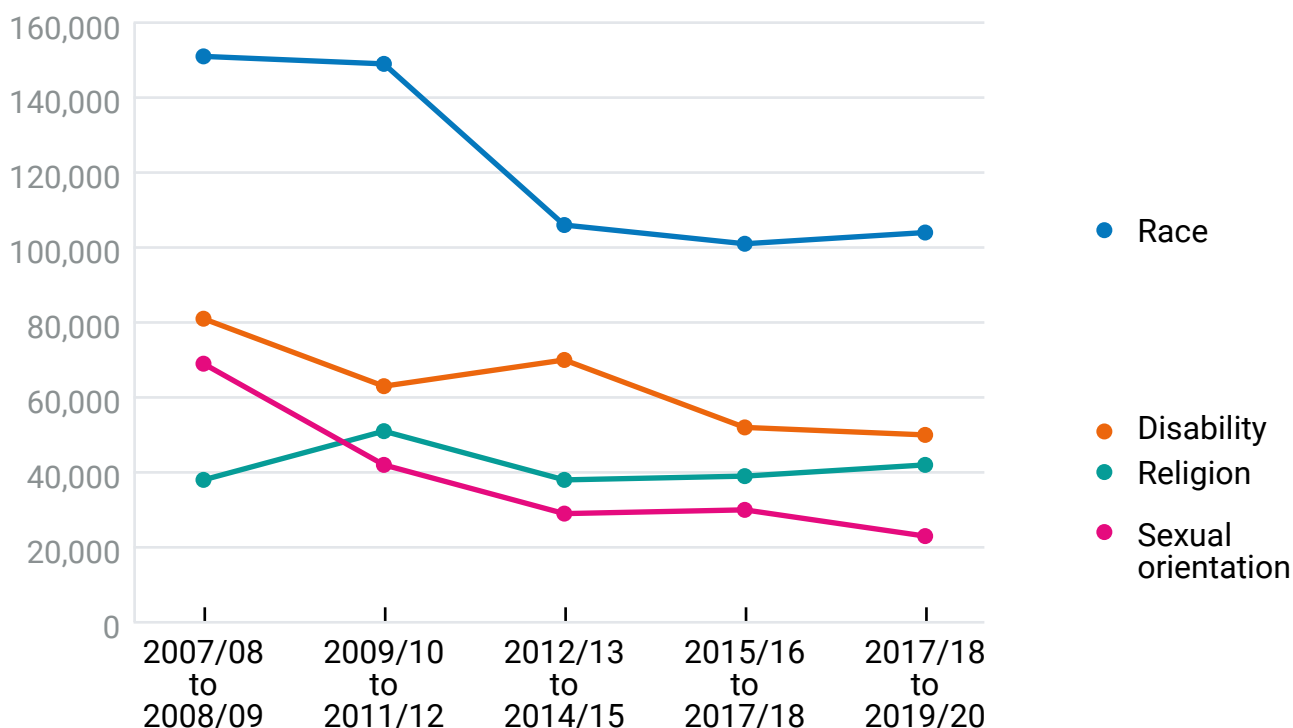
The research was a response to the UK Statistics Authority's Inclusive Data Taskforce, which recommended using a wider range of methods to explore lived experience (ONS, 2022a).

Hate crime

Between 2007–2009 and 2017–2020, race hate crime estimated by the Crime Survey for England and Wales (CSEW) fell in England and Wales, although this appears to be levelling off since around 2012/13 and 2014/15, when differences between years are no longer statistically significant (Home Office, 2020).

Figure 64: Prevalence of hate crime in England and Wales 2007/08 to 2019/20

Number of hate crime incidents



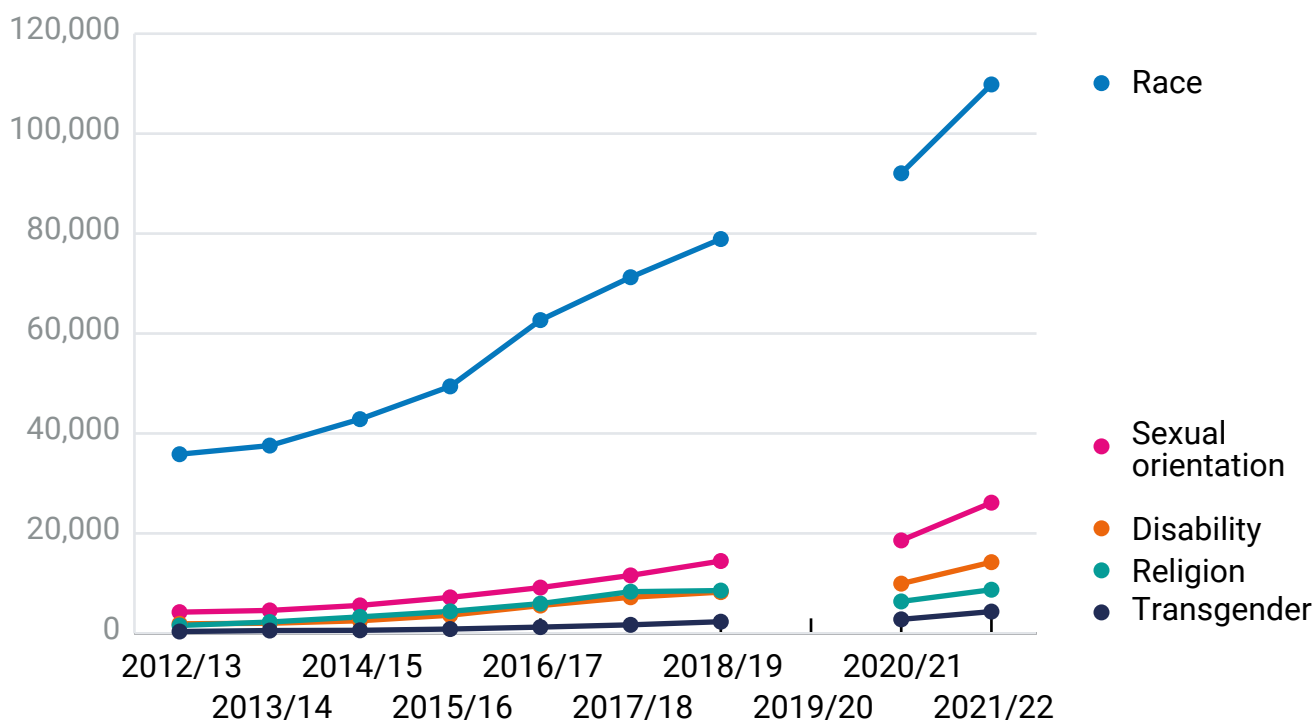
(Source: Crime Survey for England and Wales)

CSEW is a national randomised survey producing robust estimates of the actual volume of incidents experienced by the population. It is therefore the best measure of the actual prevalence of crime. Not all these incidents will be reported to the police and may not be recorded for various reasons.

Police-recorded crime data only identifies crimes recorded by the police, so this data has a far smaller number of crimes and trends in the two sources may differ. The number of race hate crimes reported to and recorded by police has been increasing due to improvements in the reporting of these crimes and recording practices among police forces. The majority of hate crimes recorded by police are racially motivated (70.0%) (Home Office, 2022c).

Figure 65: Police-recorded hate crime in England and Wales, 2012/13 to 2021/22⁸⁹

Number of hate crimes recorded



(Source: Home Office police recorded crime)

In England and Wales, police-recorded crime data shows genuine spikes in racially and religiously aggravated offences around key trigger events, including the EU Referendum, Black Lives Matter protests and far-right counterprotests (Home Office, 2022c).

In Scotland, race-aggravated hate crime is the most common type of hate crime recorded by the police, but the number of such crimes fell from 5,178 in 2014/15 to 4,263 in 2021/22 (Scottish Government, 2023b).

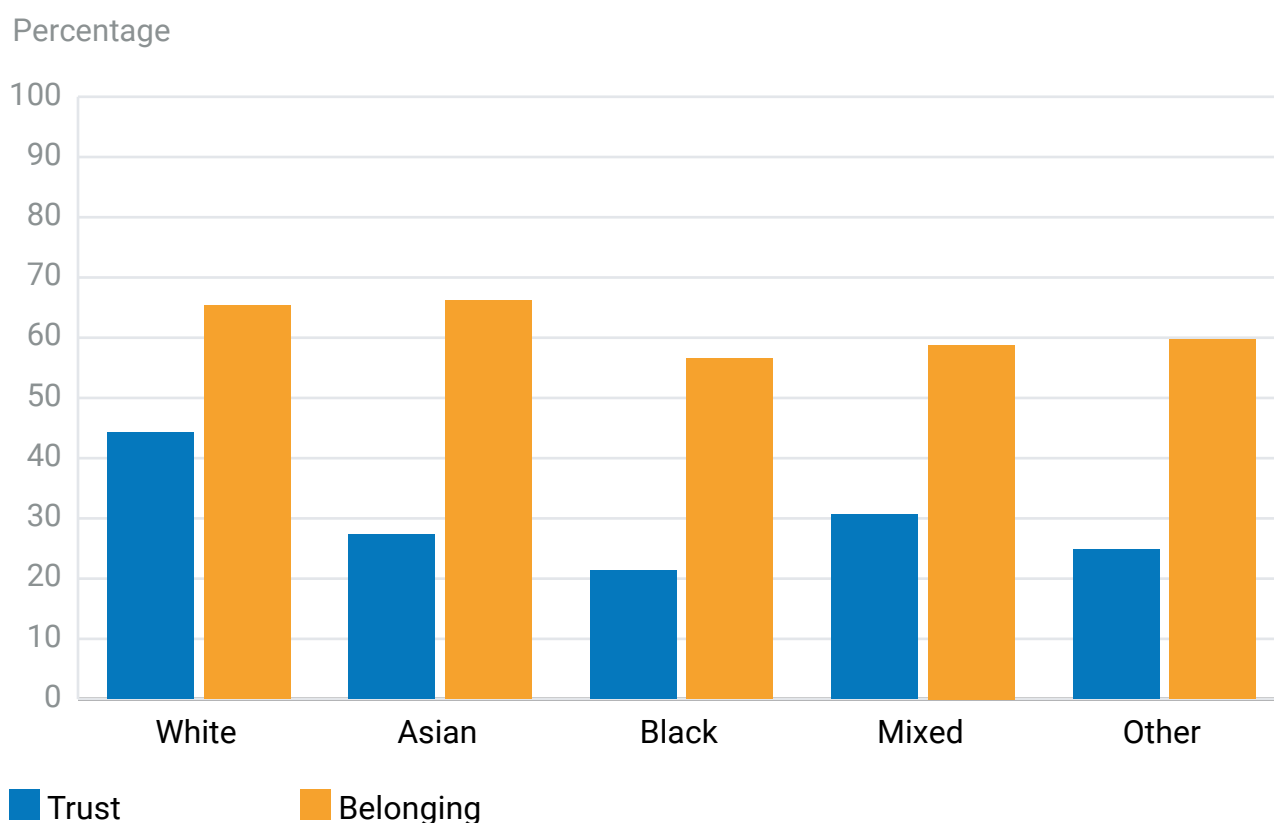
⁸⁹ Comparable data for 2019/20 is not available due to missing data for the Greater Manchester Police area.

Participation

Trust and belonging in neighbourhoods

In England, fewer ethnic minority adults than White adults feel they belong in their immediate neighbourhood, or that people in their local neighbourhood can be trusted. In 2020/21, adults from Black (56.5%) and Mixed (58.8%) ethnic groups agreed they belonged in their immediate neighbourhood compared with White adults (65.4%). Analysis of ONS data found that, while White adults saw an increase in feelings of belonging between 2019/20 and 2020/21, Black and Asian adults saw no change during this period.

Figure 66: Trust and belonging in immediate neighbourhood in 2020/21 (England)



(Source: EHRC analysis of the Community Life Survey)

In 2020/21, Black adults in England were less likely to agree (21.4%) that many people in their neighbourhood could be trusted than White adults (44.3%). Our analysis of DCMS data found all other ethnic minority groups were less likely to agree (21.4–30.4%) with this statement than the White ethnic group. Analysis of well-being during COVID-19 indicates Black or Black British people were least likely to agree with the statement, 'If I need help there are people who would be there for me' (OHID, 2021).

Representation in politics



After the 2019 general election, 65 MPs were from an ethnic minority background, up from 53 in 2017. This equates to 10.0% of MPs, compared with 18.0% of the England and Wales population. More than half of all ethnic minority MPs were female (Uberoi and Burton, 2022). In 2022, Rishi Sunak MP became the UK's second ethnic minority Prime Minister, after Benjamin Disraeli in the 19th Century, and the first in modern times. In 2023, Humza Yousaf MSP became the first ethnic minority First Minister of Scotland.

After elections to the Scottish Parliament in May 2021, six members (MSPs) were from an ethnic minority background. This is an increase from two in 2016, and equates to 4.5% of the Parliament, compared with 4.0% of the Scottish population.

Three members (5.0%) of the Senedd Cymru were from an ethnic minority background in November 2021, compared with 5.9% of the Welsh population (Uberoi and Burton, 2022).

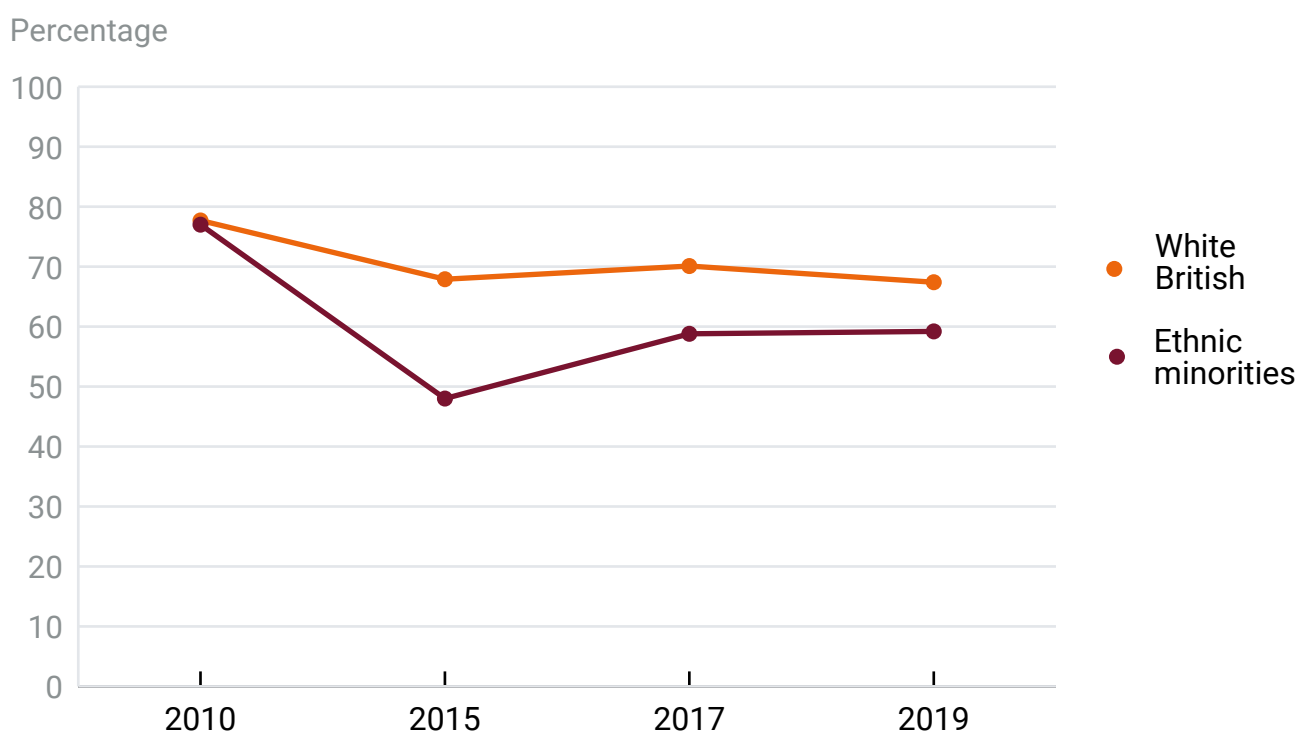
Public Appointments

12.0% of public appointees in the UK were from an ethnic minority background, compared to 9.0% in 2019. In 2022, 12.0% of board members were from an ethnic minority background, an increase from 10.0% in 2019. However, only 8.0% of Chair or Chair equivalent roles were from an ethnic minority background (Cabinet Office, 2023).

Voting

Voting rates remain lower for ethnic minority adults according to analysis of the British Election Study. In Britain, ethnic minority adults were less likely (59.2%) to have voted in the last general election (2019) compared with White British adults (67.4%). In 2010 White British and ethnic minority adults were equally likely to vote. The proportion of ethnic minority voters was lower for the elections in 2015, 2017 and 2019 than it was in 2010. Between 2010 and 2015, the proportion of ethnic minority people who voted fell from 77.0% to 48.0%. It then stayed just below 60.0% in the 2017 and 2019 elections, though this was not a statistically significant change from 2015. For White British people, there was a decrease in voting from 77.7% in 2010 to 67.4% in 2019.

Figure 67: Proportion voting at each general election (Britain)



(Source: EHRC analysis of the British Election Study)

Recommendations

17. Governments, education providers and relevant inspectorates should take, and report on, action to improve the attainment of Black Caribbean pupils and Gypsy, Roma and Traveller pupils.
18. Central and local government should take, and report on, action to:
 - a. Narrow the earnings gap for Black, Pakistani and Bangladeshi adults compared with White British adults;
 - b. Address the higher unemployment rate for Black men; and
 - c. Narrow the gap in poverty between White British adults and Pakistani and Bangladeshi adults.
19. UK and Welsh Governments and health providers should take, monitor and report on action to reduce the disproportionate rates at which ethnic minority groups are subject to the use of compulsory detention or treatment under the Mental Health Act in England and Wales. This should include:
 - a. Improving data collection and monitoring at Trust level so that Trusts are required to report on and explain trends in their use of the Mental Health Act, disaggregated by protected characteristics.
 - b. The government reporting to Parliament within five years of the passage of the Mental Health Bill and periodically thereafter on its impact on the disproportionate detention and treatment of ethnic minority groups.
20. UK and Welsh Governments, police forces and prison and probation services should take, and report on, action to address the over-representation of ethnic minorities in the youth justice estate in England and Wales.
21. UK and Welsh Governments and health providers should take, and report on, action to address the higher infant and maternal mortality rates experienced by ethnic minority groups in England and Wales.
22. Government and data producers should review their data collections and analysis to produce effective disaggregated analysis for all ethnicities and ensure improvement in data for those groups who often have samples too small for effective analysis, such as Gypsies, Roma and Travellers.

Further recommendations for the Scottish and Welsh Governments are in the separate Scotland and Wales reports.

Religion or belief

Key findings

- Outcomes for Muslims in Britain have improved in higher education attainment, employment, reduced economic inactivity and median hourly income. However, these are still poorer outcomes than for most other religious groups. Adult and child poverty and severe material deprivation remains high among Muslims.
- In Britain, educational and employment outcomes for Hindus have improved. Hindus are the most likely group to have a degree-level qualification and, along with Jewish people, to have higher hourly earnings.
- Overall prevalence of religious hate crime in England and Wales has not changed, while other types of hate crime have fallen in the long term. Sudden increases in racial or religiously motivated offences have been seen around major political or terrorist trigger events, including the EU referendum, July 2017 terrorist attacks and the Black Lives Matter protests and counter-protests in summer 2020.
- There has been significant emerging case law clarifying the scope of protections for beliefs and expression of beliefs, and the extent to which provision of services can and cannot be restricted on the basis of religion and belief.

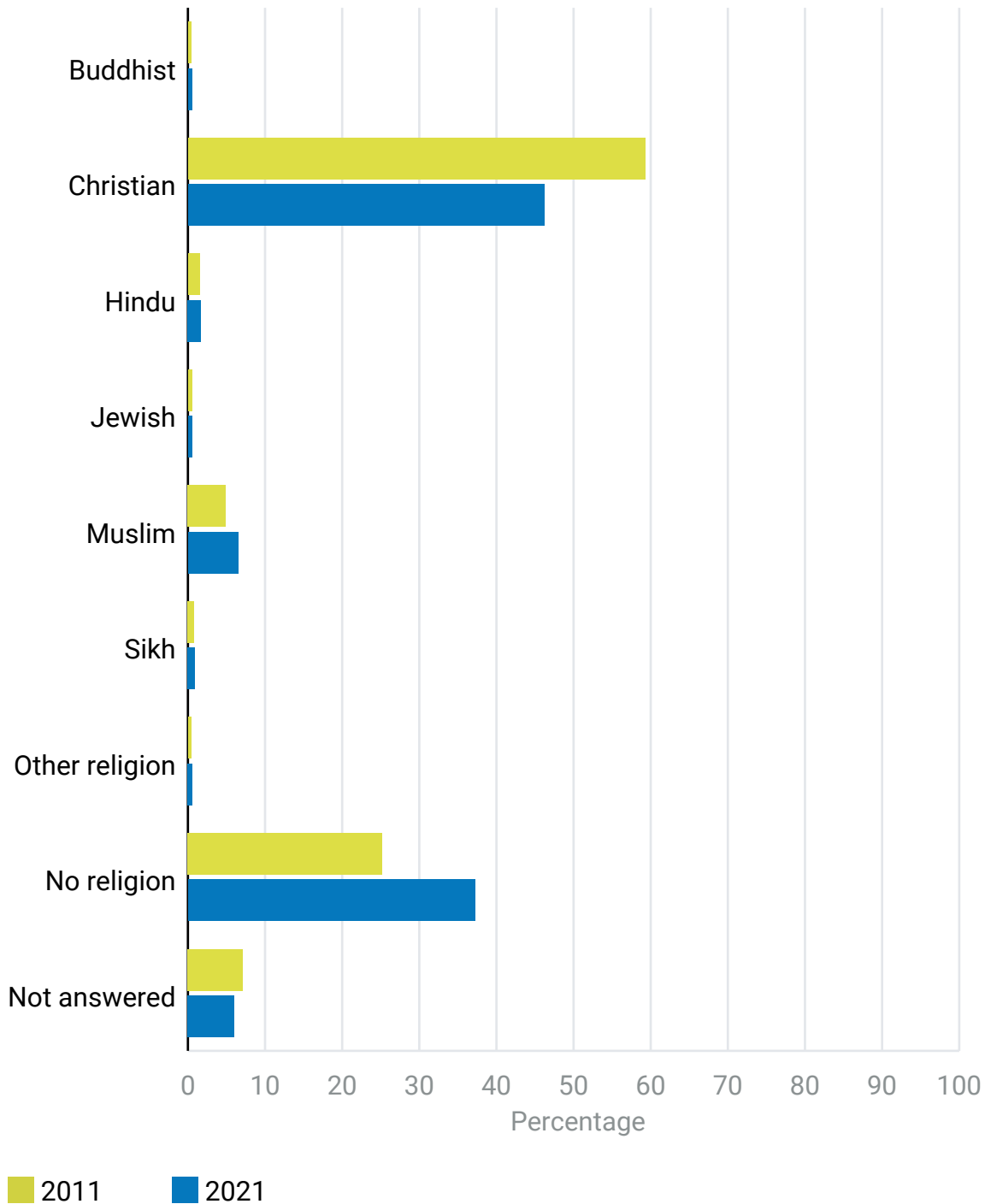
Definitions

Jewish and Sikh people constitute racial groups as well as religious groups under the Equality Act 2010 and relevant jurisprudence. We recognise that treating these groups solely as religious can pose challenges, as some people do not practice these religions, but do identify as being part of Jewish or Sikh racial groups. However, most national data includes these groups in religious categories. We have analysed the outcomes for these groups under religion to maintain consistency with national data sets and avoid misleading comparisons with other ethnic groups.

Demographics

The 2021 census showed that, for the first time in England and Wales, less than half of the population described themselves as Christian. This is a notable decrease from the 2011 census. At the same time, there has been a rise in the proportion describing themselves as of no religion, Muslim or Hindu (ONS, 2022).

Figure 68: Religious composition in England and Wales, 2011 and 2021

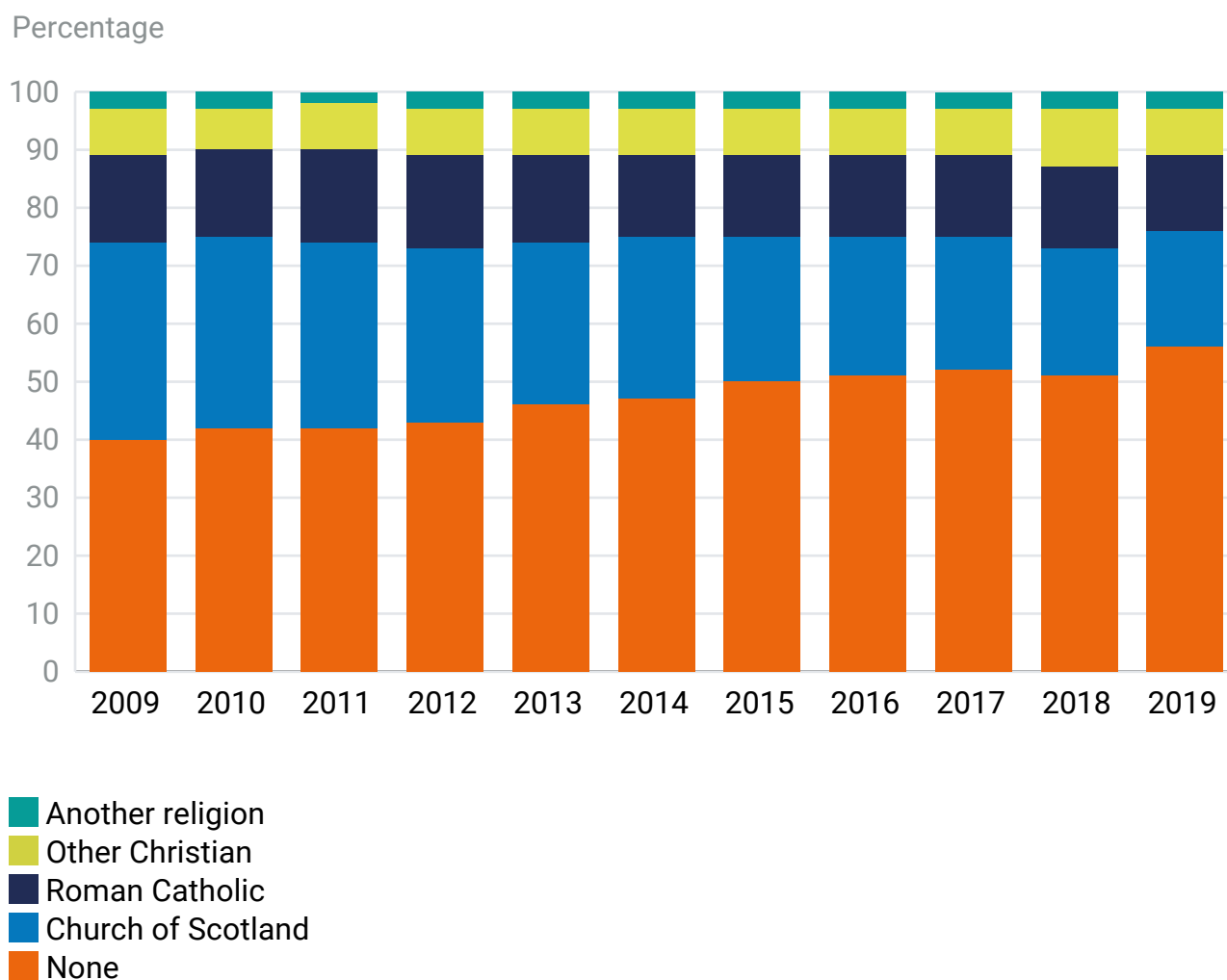


(Source: Office for National Statistics)

Religion or belief

In Scotland, an increasing proportion of the population describe themselves as non-religious (Scottish Government, 2020).⁹⁰

Figure 69: Religious belonging of adults in Scotland by year, 2009–2019⁹¹



(Source: Scottish Household Survey)

⁹⁰ Scottish data often disaggregates the 'Christian' category into Church of Scotland, Roman Catholic and Other Christian.

⁹¹ Due to rounding, columns may not add up to 100%.

Legal and policy developments

Scope of protected beliefs

There have been significant developments in relation to the scope of protected beliefs. However, many of these cases are from lower courts so are not binding on future cases.

Sex and gender identity

An employment tribunal found that a lack of belief in gender fluidity is a protected belief.⁹²

The Employment Appeal Tribunal also held that a gender-critical belief, including the belief that sex is immutable and distinct from gender identity, is a protected philosophical belief.⁹³

Ethical veganism

An employment tribunal held that ethical veganism can amount to a philosophical belief.⁹⁴ However, another case decided that ethical veganism would not be protected where that belief encompassed an obligation to break the law; in this case this was to trespass on private property to expose the suffering of animals, and to remove them.⁹⁵

Other beliefs

Other beliefs found through employment tribunal cases to be protected include:

- a belief those with relevant skills should participate in the democratic process⁹⁶
- a belief in stoicism,⁹⁷ and
- a belief that Scotland should be independent, which was found to be more than just a preference for the Scottish National Party (SNP), but a philosophical belief based on political theory.⁹⁸

92 Higgs v Farmor's School ET No.1401264/19.

93 Forstater v CGD Europe and Others 2021 IRLR 706.

94 (Casamitjana Costa v Legal Against Cruel Sports ET/3331129/18).

95 Miles v Royal Veterinary College ET/2206733/2020.

96 Scottish Federation of Housing Association v Jones EAT 114.

97 Jackson v Lidl Great Britain [2020] 9 WLUK 376.

98 McEleny v Ministry of Defence ET/4105347/17.

Non-protected beliefs

Beliefs found not to be protected beliefs include support for a professional football club.⁹⁹

Guiding principles

In another 2023 case involving the manifestation of belief on social media, the Employment Appeal Tribunal has set out some guiding principles on how to assess the proportionality of interferences with the right to freedom of religion or belief.¹⁰⁰

Restriction of services

The higher courts have made decisions on whether services can be withheld on the basis of the beliefs of the provider or service user.

In the case of *Lee v Ashers*, decided by the UK Supreme Court, and therefore persuasive in other cases,¹⁰¹ the owners of a bakery in Northern Ireland refused to provide a cake with the slogan 'support gay marriage' because of their Christian beliefs. A claim for discrimination because of sexual orientation was made. In 2018, the UK Supreme Court found the service had been refused because of the message requested, not the customers' sexual orientation. There was therefore no discrimination.

The Court of Appeal found an independent fostering agency operating according to evangelical Christian principles had directly discriminated because of sexual orientation.¹⁰² The agency would only recruit carers who abided by its statement of beliefs and code of practice, including not engaging in 'homosexual behaviour'. The fact the rule on 'homosexual behaviour' formed part of a broader belief system did not alter the fact that the policy expressly excluded people of a particular sexual orientation.

Conversely, the owner of an exhibition and conference venue was held to have discriminated because of religion or belief because it terminated an agreement to hire its venue in light of the customer's religious beliefs and those of its proposed guest speaker, in this case an evangelical Christian.¹⁰³

In another case involving evangelical Christians, the County Court at Manchester held

99 *McClung v Doosan Babcock Ltd* [2022] 8 WLUK 206.

100 *Higgs v. Farmor's School* [2023] EAT 89.

101 *Lee v Ashers* [2018] UKSC 49.

102 *Cornerstone (North East) Adoption and Fostering Services Ltd v Ofsted* [2021] EWCA Civ 1390.

103 *Billy Graham Evangelistic Association v Scottish Event Campus Ltd* [2022] SC GLW 33.

that a private limited company and registered charity had been discriminated against by a local authority on the basis of religion and had its ECHR article 10 and 14 rights breached.¹⁰⁴ The organisation had paid for adverts on buses for a festival, which did not have an overtly religious message. The adverts were later removed after objections to the religious beliefs of the individual that the organisation was affiliated with. The Court held that the organisation had been subject to direct discrimination on the grounds of religion.

Education

The new Curriculum for Wales, established by the Curriculum and Assessment (Wales) Act 2021, makes religion, values and ethics (RVE) and relationships and sexual education (RSE) a statutory requirement and mandatory for all learners in Wales from ages 3–16 (Welsh Government, n.d.) in line with the Strategic Equality Plan 2020–2024 (Welsh Government, 2020a).

There is no formal legal right for a parent to withdraw a child from either RVE or RSE in Wales. In 2022, some parents challenged the introduction of mandatory RSE in Wales.¹⁰⁵ They argued that the introduction breached requirements in the ECHR that States should respect:

- the right of parents to ensure that education and teaching conforms with their own religious and philosophical convictions (ECHR article 2 of Protocol 1), and
- the right to freedom of thought, conscience and religion (article 9).

The High Court dismissed this claim. The Judge found that documents being challenged did not advocate or promote a particular identity or lifestyle over another and care had been taken to ensure teaching would be objective and pluralistic.



The Scottish Government's new faith and belief engagement strategy aims to build understanding and working relations with faith and belief communities (Scottish Government, 2023a).

¹⁰⁴ Lancashire Festival of Hope v. Blackpool Borough Council, 1 April 2021, Case No F00MA124.

¹⁰⁵ R(Isherwood) v Welsh Ministers [2022] EWHC 3331 (Admin).

Work

There have been significant developments regarding the holding and expression of beliefs about sex and gender identity in the workplace and on social media, and when these are relevant to a person's employment.

In one case the Employment Appeal Tribunal found an employee's dismissal because they refused to follow a policy of using a person's preferred pronouns, even if based on specific faith, was lawful as the policy was a proportionate means to ensure service users were treated with respect and not discriminated against.¹⁰⁶ Significantly, the tribunal found the employee had been dismissed because of their refusal to comply with the policy on pronouns, rather than directly because of their beliefs.

In another case,¹⁰⁷ an employment tribunal found an employee with gender-critical beliefs, who had been active on social media in relation to their beliefs and discussed them at work, had not expressed those beliefs unreasonably. The threshold for when expression of beliefs was objectively unreasonable to warrant action by the employer was found to be high by the tribunal.

The key difference between these two cases is that, in the first, the individual tried to manifest their beliefs while doing their job and in a manner that contradicted key internal policies. In the second, the manifestations of the belief were largely outside the workplace and did not relate to performance of the employee's role.

Health

In a 2022 case¹⁰⁸ the Attorney General for Northern Ireland asked the Supreme Court whether a new law, which prohibited anti-abortion protests within 'safe access zones' around abortion clinics, would breach human rights. The Supreme Court decided the law would not breach the ECHR right to freedom of thought, belief and religion (article 9), or the right to freedom of expression (article 10), or association (article 11). The court concluded the law struck the right balance between these rights and the right of women to access advice and treatment in conditions that respected their privacy and dignity, as protected by ECHR article 8.

106 *Mackereth v Department for Work and Pensions and Advanced Personnel Management Group (UK)* [2022] EAT 99.

107 *Forstater v CGD Europe and Others* [2022] ET 220090/2019.

108 *Reference by the Attorney General for Northern Ireland – Abortion Services (Safe Access Zones) (Northern Ireland) Bill* [2022] UKSC 32.

In Wales, the Welsh Government established the COVID-19 Moral and Ethical Advisory Group for Wales to 'provide advice to Welsh public services on relating to moral, ethical, cultural and faith considerations' arising from the health and social care emergency response to the COVID-19 pandemic (Welsh Government, 2020b).

The Vaccination Equity Strategy for Wales includes faith leaders in its community engagement approach (Welsh Government, 2021).

Hate crime, community cohesion and the Prevent programme

Hate crime and community cohesion

In 2018, the UK government updated its hate crime action plan with new commitments including ministerial round tables on antisemitism and anti-Muslim hate, and a Law Commission review of hate crime legislation for England and Wales (Home Office, 2018). In 2021, this review recommended the definition of 'religion' remain unchanged in hate crime legislation after considering whether to broaden it to include non-religious or philosophical beliefs, such as humanism (Law Commission, 2021). The recommendation was based on an absence of data evidencing a significant problem, the potential unworkability of such a broad category and the risk to freedom of expression.

There have been initiatives to address religiously motivated hate crime, including:

- the Integrated Communities Action Plan in England, including commitments by the Ministry of Housing, Communities and Local Government (MHCLG) to tackle hate crime, particularly anti-Muslim hate crime and Islamophobia (MHCLG, 2019)
- Independent Press Standards Organisation (IPSO) guidance on avoiding unnecessary negative portrayals of Muslims in the media in the UK (IPSO, 2020)
- £1.8 million government funding in England through the Faith, Race and Hate Crime Grants scheme to help community groups and civil society organisations run projects to 'champion social cohesion' and tackle religiously and racially motivated hate crime (MHCLG, 2020), and
- the expansion in England and Wales of the Places of Worship Protective Security Funding Scheme, to provide £24.5 million security guarding costs for Muslim schools and places of worship and £3.5 million for other faiths, (reflecting that in 2020/21 45.0% of recorded religious hate crimes in England were targeted against Muslims) (Home Office, 2022a).

In Scotland, the Hate Crime and Public Order (Scotland) Act 2021 consolidates existing hate crime legislation in Scotland and updates the list of characteristics protected under the Act to now include: age, disability, race, religion, sexual orientation, transgender identity and variations in sex characteristics. The Act also abolished the common law offence of blasphemy, which had not been prosecuted in Scotland for more than 175 years.

In Wales, the Welsh Government has also specifically addressed hate crime. The Anti-racist Wales Action Plan includes goals to tackle Islamophobia and Antisemitism through Welsh Government antiracism training and the Hate Hurts Wales campaign (2022–2024) (Welsh Government, 2022). In 2018, the Welsh Government adopted the International Holocaust Remembrance Alliance’s working definition of antisemitism (Welsh Government, 2018).

The Prevent programme

In 2019, the UK government announced a review of its Prevent programme, which aims to identify and support those at risk of radicalisation as part of wider counter-terrorism efforts. In 2023, this review concluded the Prevent programme ‘is not doing enough to counter non-violent Islamist extremism’ and ‘has a double standard’ when dealing with the extreme right wing and Islamism, focusing on violent extremism in Islamism and non-violent extremism in the extreme right-wing ideologies (Shawcross, 2023).

The government accepted its 34 recommendations, including improving understanding of ‘blasphemy’ as part of the wider Islamist threat and exploring the prevalence of antisemitism in ‘Channel cases’, which are referrals taken to the next stage of intervention (Shawcross, 2023). The review was accused by human rights organisations, including Amnesty International, of showing anti-Muslim prejudice (Amnesty International UK, 2023).

Political parties

Our 2020 investigation into antisemitism in the Labour Party identified unlawful acts of discrimination and harassment (EHRC, 2020). Labour accepted these findings and drafted an action plan to resolve the issue. This ended in January 2023 as we were satisfied with the actions taken.

After discussions with us, the Conservative Party commissioned the Singh Investigation into discrimination based on protected characteristics, including religion or belief, specifically Islam. This reported in 2021 (Singh, 2021).

In 2022, we asked the Cabinet Office and Conservative Party for details after it was announced MP Nusrat Ghani's claims of Islamophobia would be investigated. The UK government's ethics adviser took on this investigation in 2023. We await the outcome.

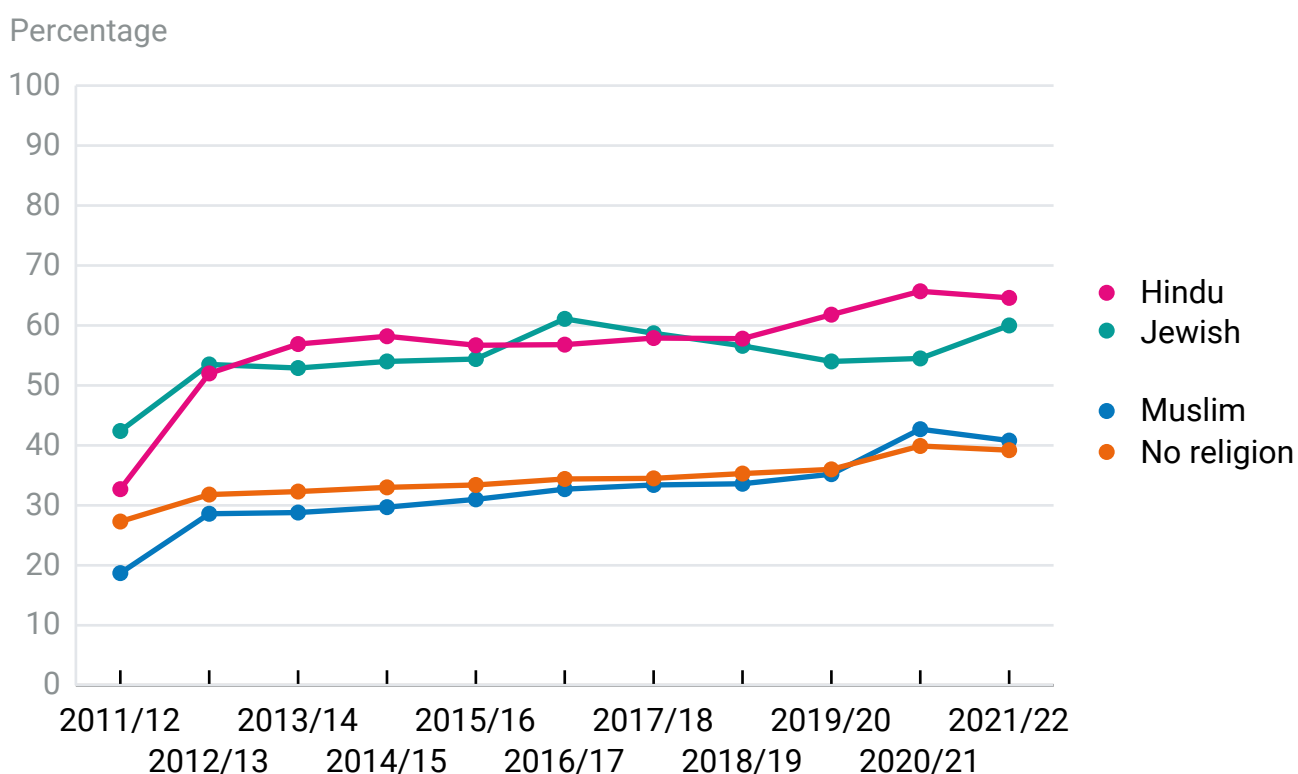
Outcomes

Education

There is limited data on religion in relation to early years or attainment at school leaving age. This section therefore focuses on higher education.

According to analysis of the Annual Population Survey (APS), the proportion of adults with a degree-level qualification increased over the past decade across most religious groups in Britain and the 'no religion' group. There was a notably large increase in the proportion of Hindus with a degree-level qualification, from 32.7% to 65.7% (Figure 70).

Figure 70: Percentage of adults aged 25–64 with a degree-level qualification in Britain by religion



(Source: EHRC analysis of Annual Population Survey)

Analysis found Jewish people performed consistently highly between 2011/12 and 2020/21. The proportion of Jewish people with degree-level qualifications rose in this period overall but dropped from 2016/17 (61.1%) to 2019/20 (54.5%). There was a notable increase in 2021/22 (60.0%).

Degree attainment among Muslims rose from 18.7% in 2011/12 to 42.7% in 2020/21, meaning for the first time a greater proportion of Muslims have a degree than those with no religion. However, there was a slight dip in 2021/22 (40.8%). Muslims are more likely to go to 'low tariff' universities, which require fewer points for admission, and less likely to graduate with a first or a 2:1 (McMaster, 2020.).

The consistently low proportion of Christian adults with degrees may reflect an older demographic.

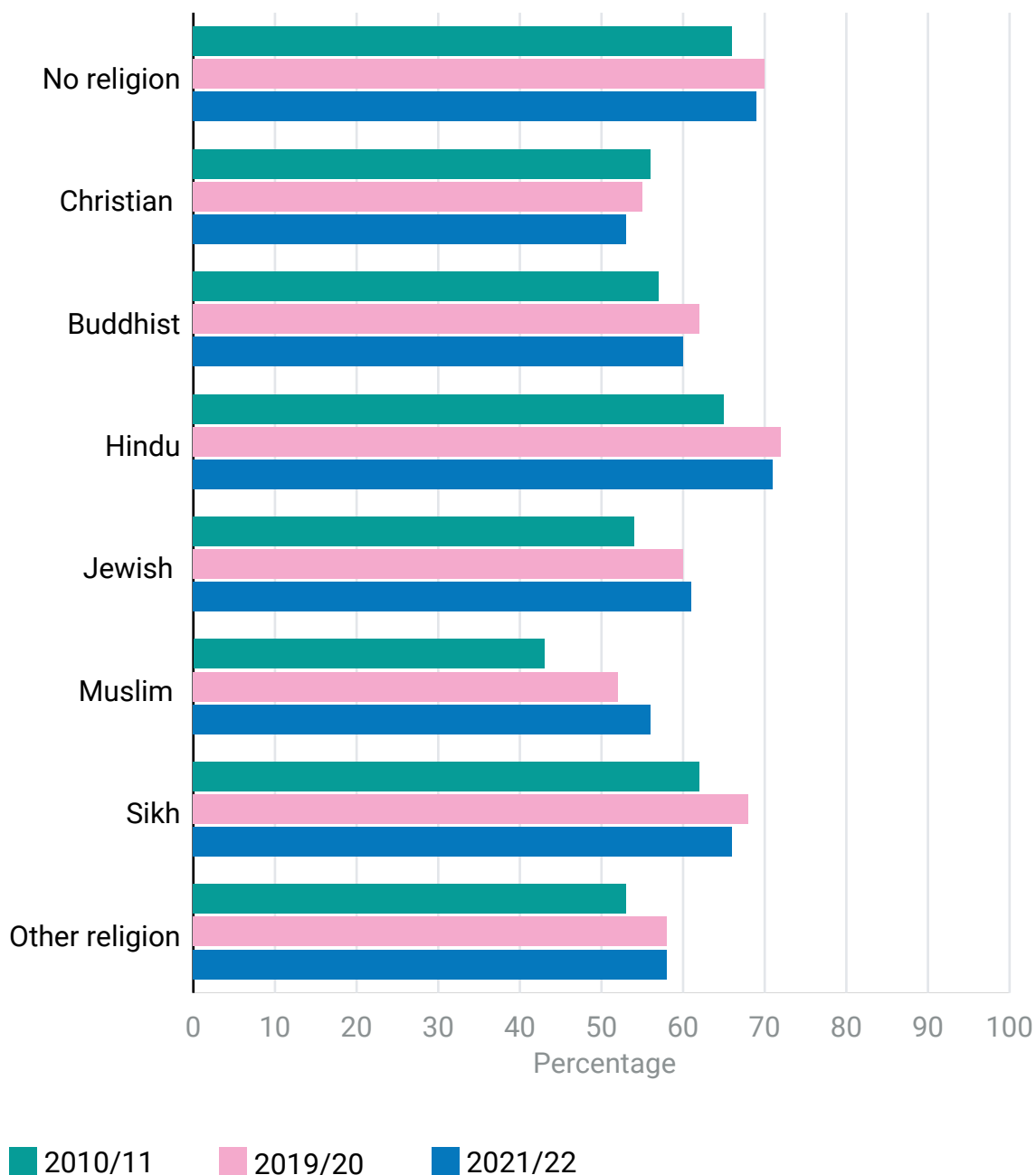
Work

Employment

In 2019/20, Hindus were the only religious group to have a higher rate of employment (71.5%) to the No Religion group (69.7%). Between 2010/11 and 2019/20, the Hindu group showed the second largest increase in employment rates, behind the Muslim group.

Before the COVID-19 pandemic, compared with other religious groups, Muslims were consistently less likely to be employed, though employment rates have been growing over time. In 2019/20, only 52.1% of the Muslim population in Britain were employed, compared with 69.7% of those with no religion, according to our APS analysis. Between 2019/20 and 2021/22, during the COVID-19 pandemic, Muslim employment grew further, while the Christian and no religion groups' employment showed significant decline and all other groups stagnated.

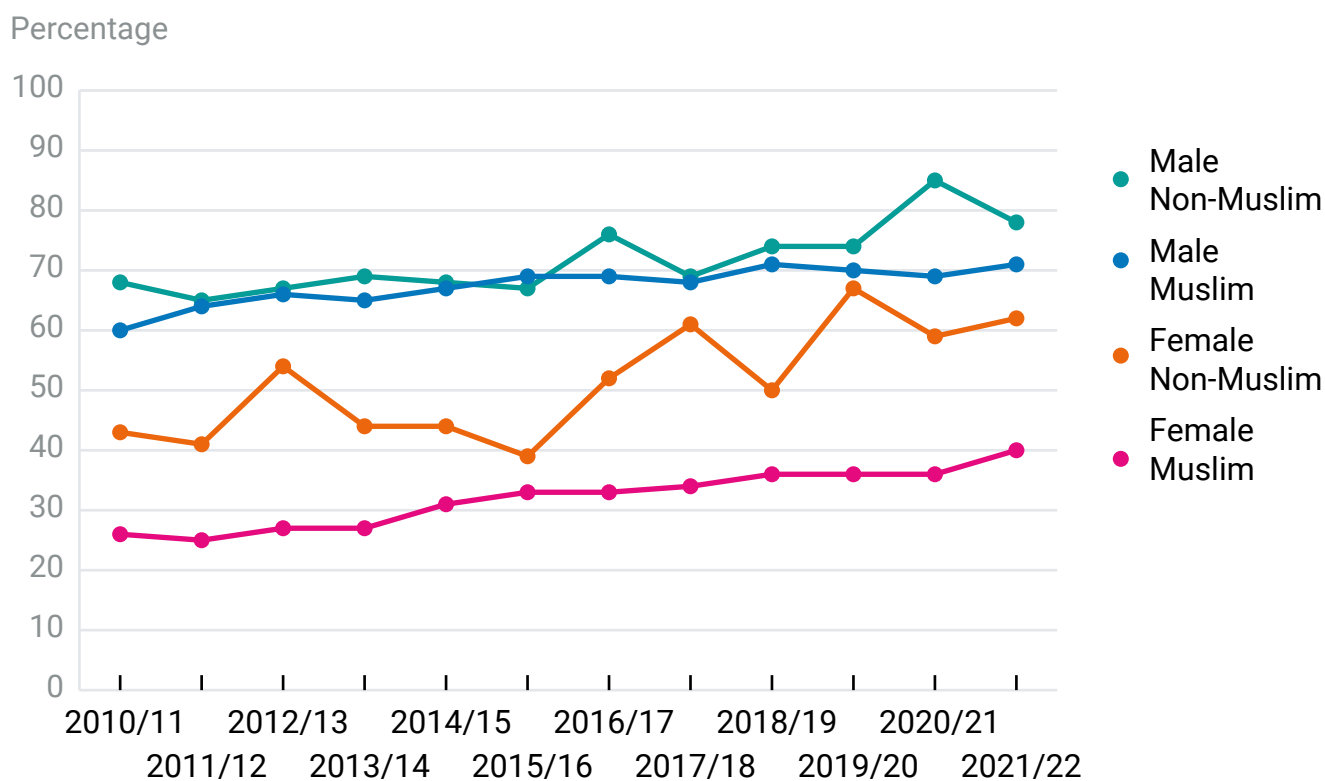
Figure 71: Employment rate, Religion, Britain, 2010/11, 2019/20 and 2021/22



(Source: EHRC analysis of Annual Population Survey)

Over half (53.0%) of the Muslim population in England and Wales are from Pakistani or Bangladeshi ethnic groups (ONS, 2023a). Analysis of APS data shows that some outcomes for Muslims in Britain overlap with Bangladeshi and Pakistani groups, who have similarly lower rates of employment. However, Pakistani and Bangladeshi people who are not Muslim are more likely to be employed than those who are Muslim. Muslim women who are Pakistani or Bangladeshi have particularly low employment rates. Between 2010/11 and 2019/20, non-Muslim Pakistani / Bangladeshi women show the largest growth in employment rates.

Figure 72: Employment rate for Muslims and non-Muslims within the Pakistani/ Bangladeshi ethnic groups Britain, 2010/11 to 2021/22



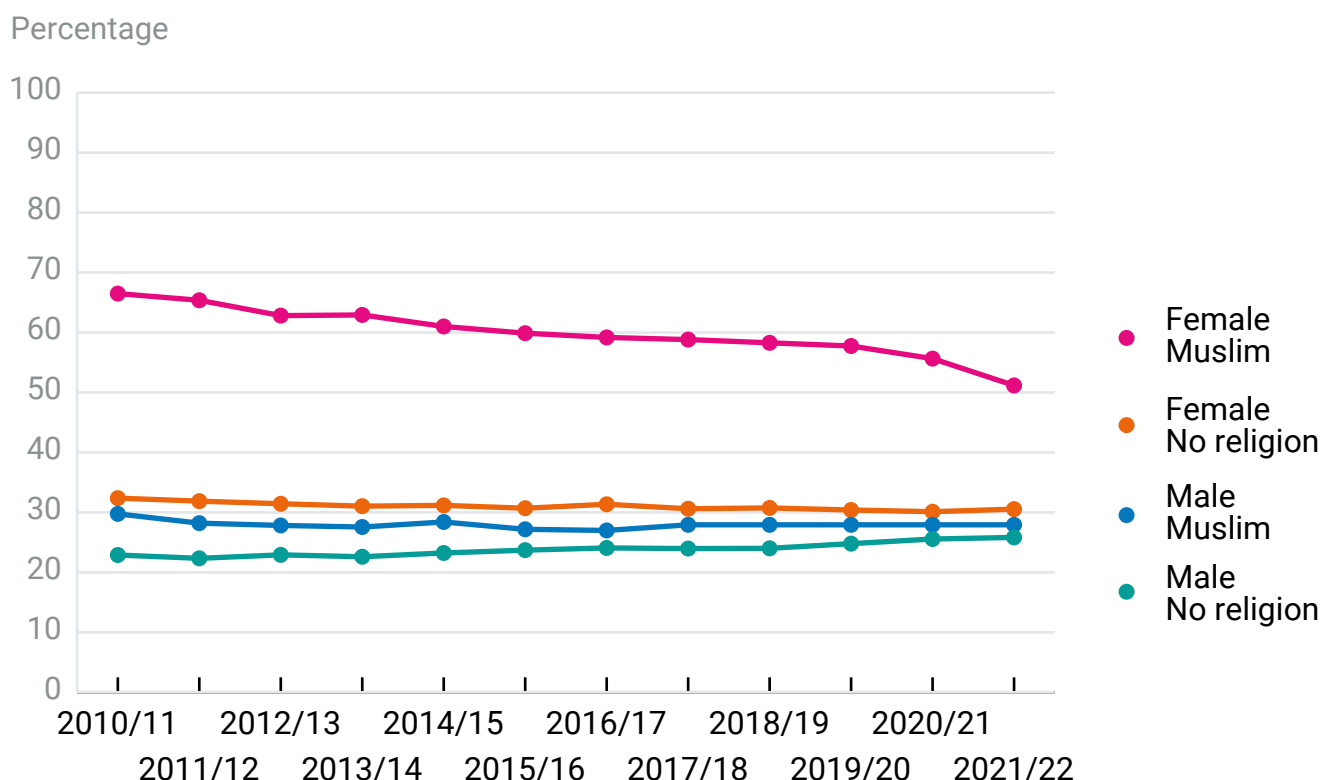
(Source: EHRC analysis of Annual Population Survey)

Economic inactivity and unemployment

In Britain, Muslims and Christians were most likely to be economically inactive in 2019/20. Christians are more likely to be aged over 65 (ONS, 2023b). This age group is more likely to be economically inactive. Christians' older age demographic may be linked to their higher rates of inactivity. When looking exclusively at the population under the age of 65, Muslims are significantly more likely to be economically inactive than Christians and other groups. These differences were sustained during the COVID-19 pandemic.

Muslim women have significantly higher rates of economic inactivity than men and women in all other religious or no religion groups. However, our APS analysis found economic inactivity rates for Muslim women are slowly declining (see Figure 73).

Figure 73: Economic inactivity rates, religion and sex, Britain, 2010/11 to 2021/22



(Source: EHRC analysis of Annual Population Survey)

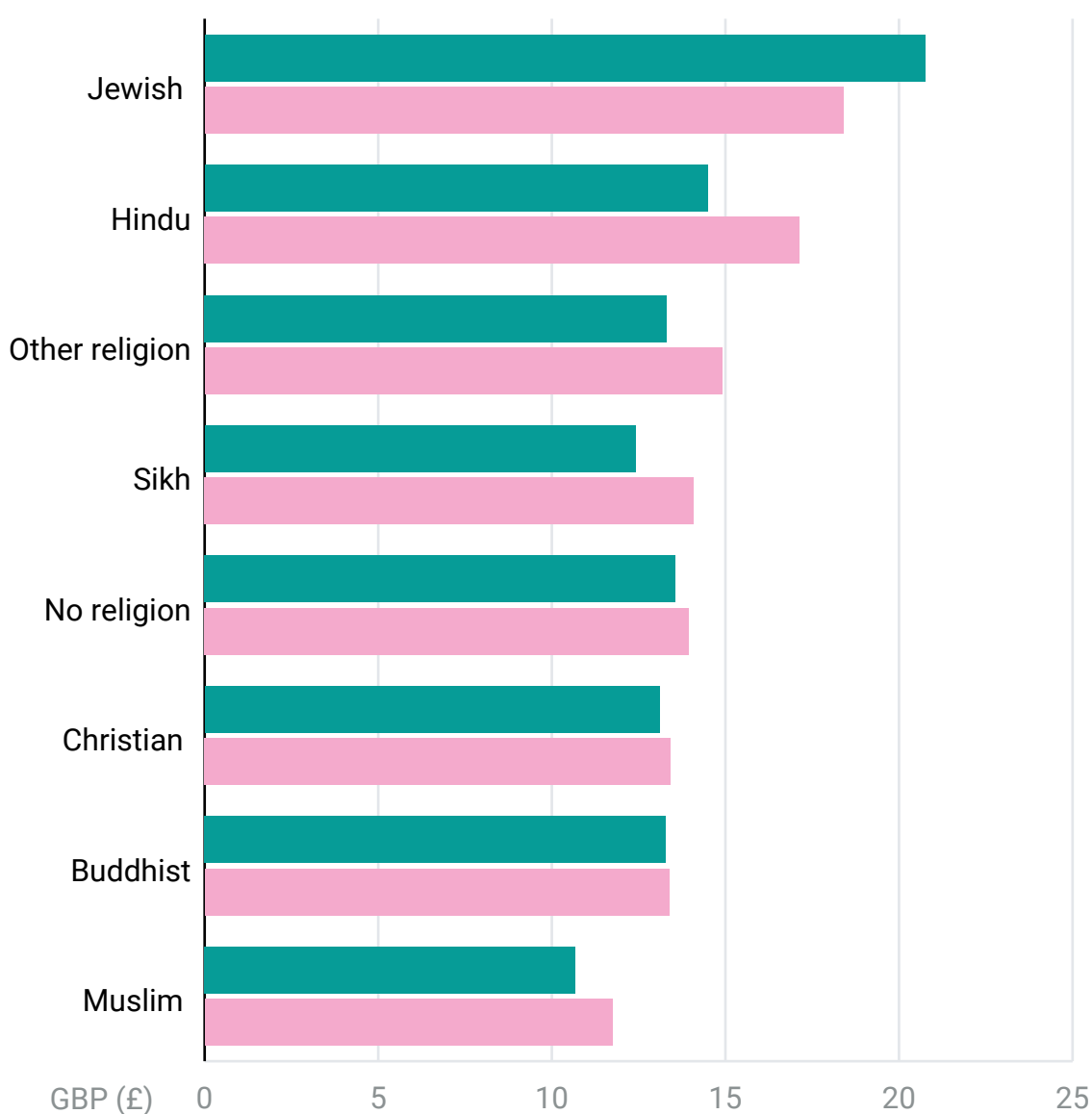
In 2019/20 Muslims were also significantly more likely to be unemployed (9.3%) than all other groups, though Muslim unemployment rates have decreased from 17.6% to 9.3% since 2010/11. Unemployment rates are significantly lower for both male and female Muslims compared to the no religion group.

Median hourly earnings

Muslim workers in Britain have lower average earnings than those of other religions or no religion, at £11.74 an hour in 2019/20. However, the wage gap between Muslim and no religion groups has narrowed.

Up until 2018/19, Jewish workers' average earnings were higher than all other groups. However, in 2018/19 and 2019/20, Hindu workers' wages have been similarly high, following strong growth between 2015/16 and 2019/20.

Figure 74: Median hourly earnings, religion, 2010/11 and 2019/20



■ 2010/11 ■ 2019/20

(Source: EHRC analysis of Annual Population Survey)

Occupational segregation

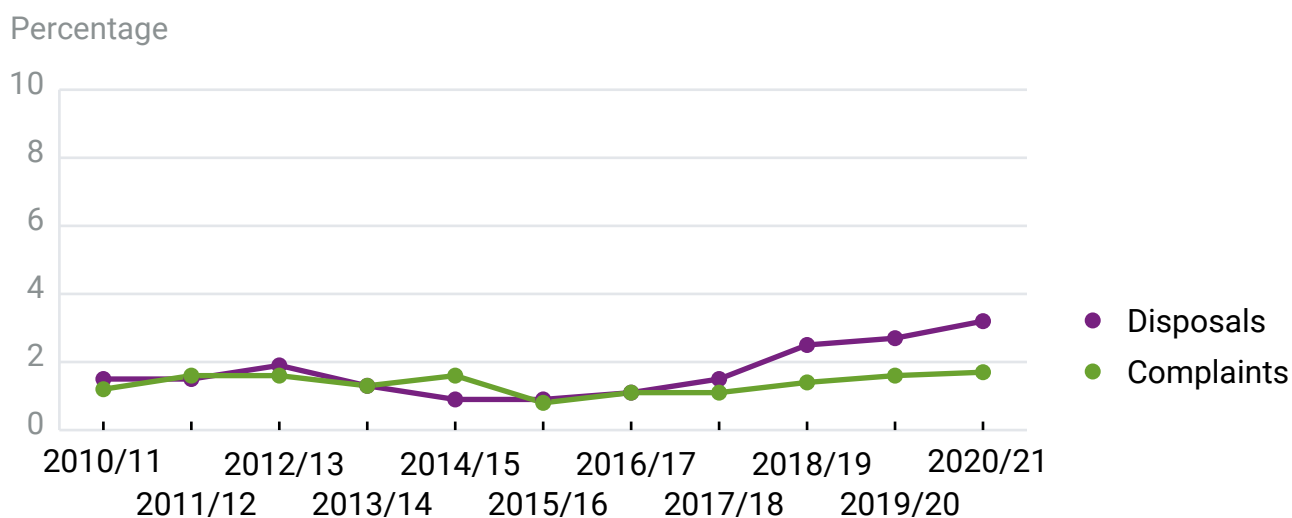
In Britain in 2019/20, Hindu and Jewish workers were the most likely to be in high-paid occupations (HPO) and least likely to be in low-paid occupations (LPO). The proportion of Hindu workers in HPO has risen since 2010/11, but the number of Jewish workers in HPO began to fall between 2016/17 and 2019/20.

In 2019/20, Muslim and Buddhist workers in Britain were most likely to be in LPO. The proportion of Muslim workers in LPO has declined significantly between 2018/19 and 2019/20. Muslim workers were also least likely to be in HPO and most likely to be in insecure employment.

Employment tribunals

A relatively small proportion of employment tribunal complaints are related to religion. In Britain in 2019/20, 797 complaints within employment tribunal claims related to religion, which was 1.6% of all discrimination jurisdiction claim complaints. In the same year, there were 601 complaints related to religion or belief within disposals, representing 2.6% of total discrimination disposal complaints. The proportion of discrimination complaints that are related to religion has grown since 2016/17 for disposals, however it has remained fairly stable for claims (MoJ, 2022).

Figure 75: Percentage of jurisdiction complaints related to religion, as a proportion of total discrimination jurisdiction complaints, for employment claims and disposals, Britain, 2010/11 to 2020/21



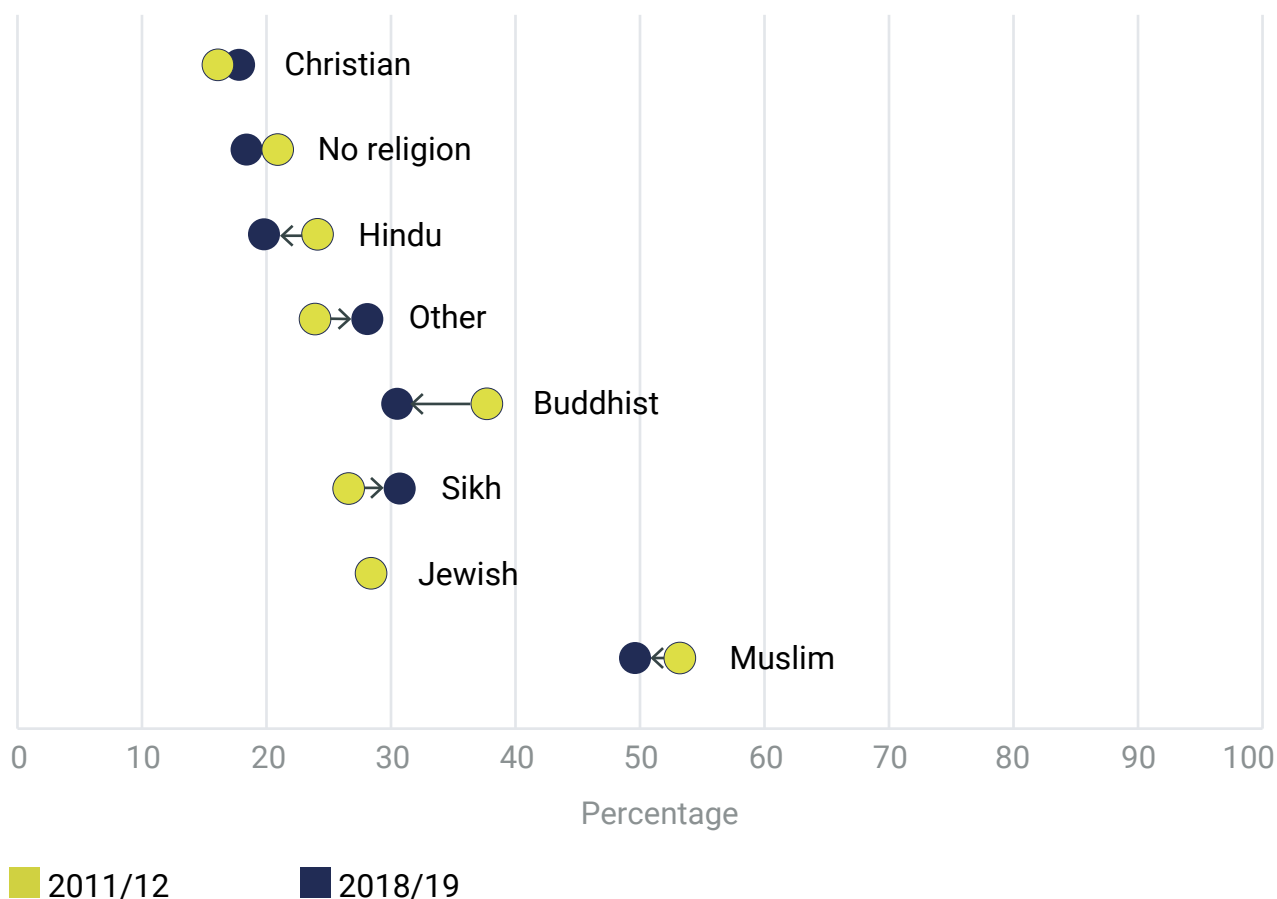
(Source: Ministry of Justice)

Living standards

Adult poverty

In 2018/19, 17.8% of Christian adults in Britain were in poverty, the lowest of any religious group, compared with Buddhist (30.5%), Sikh (30.7%) and Muslim (49.6%) adults. Buddhist, Sikh and Muslim adults saw no statistically significant change in poverty between 2011/12 and 2018/19. Based on our analysis of the Family Resources Survey (FRS), poverty rates for Christian adults increased significantly during this period.

Figure 76: Adult poverty in Britain, 2011/12 and 2018/19¹⁰⁹



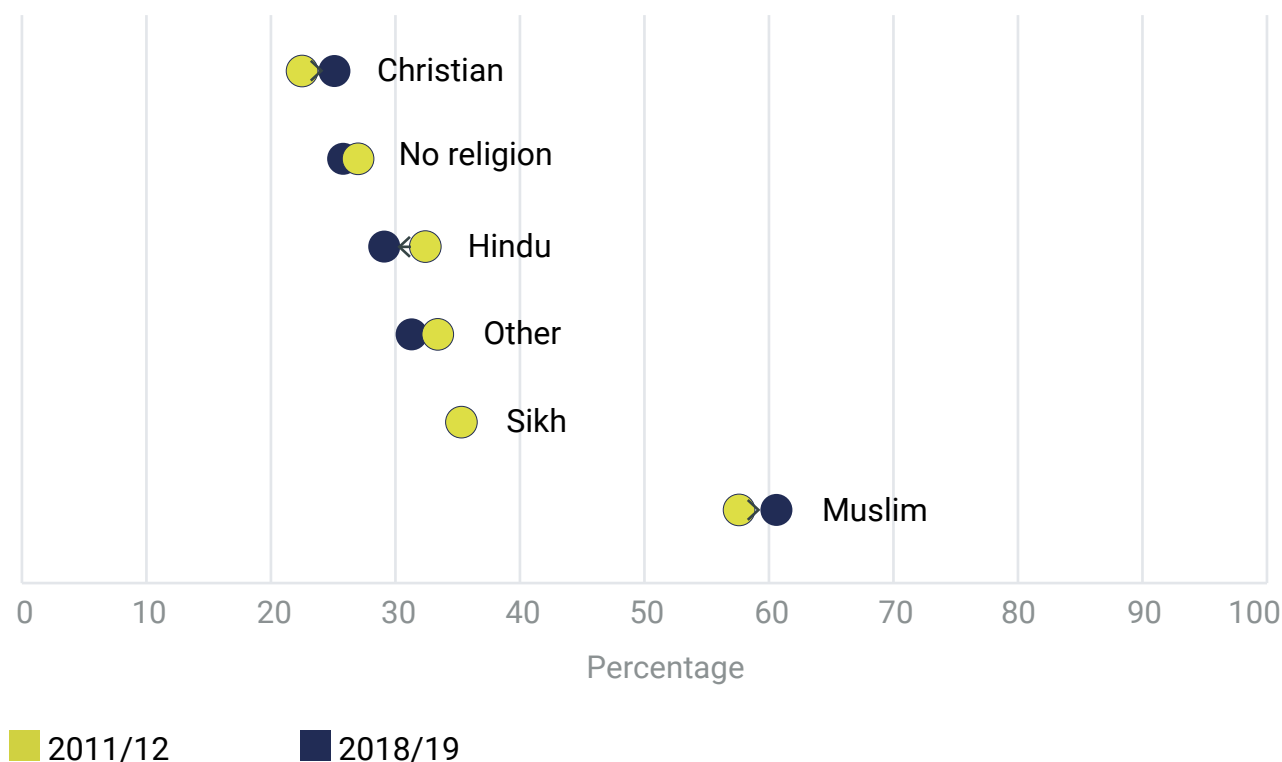
(Source: EHRC analysis of the Family Resources Survey)

¹⁰⁹ Differences are significant for Christian adults and those with no religion. Robust data for Jewish adults is not available for 2018/19.

Child poverty

Between 2011/12 and 2018/19, child poverty in Muslim-headed households in Britain remained persistently high. In 2018/19, 60.6% of Muslim-headed households were in child poverty compared with 25.1% of Christian-headed households and 26.1% of those with no religion, according to our FRS analysis.

Figure 77: Child poverty in Britain based on the household reference person, 2011/12 and 2018/19¹¹⁰



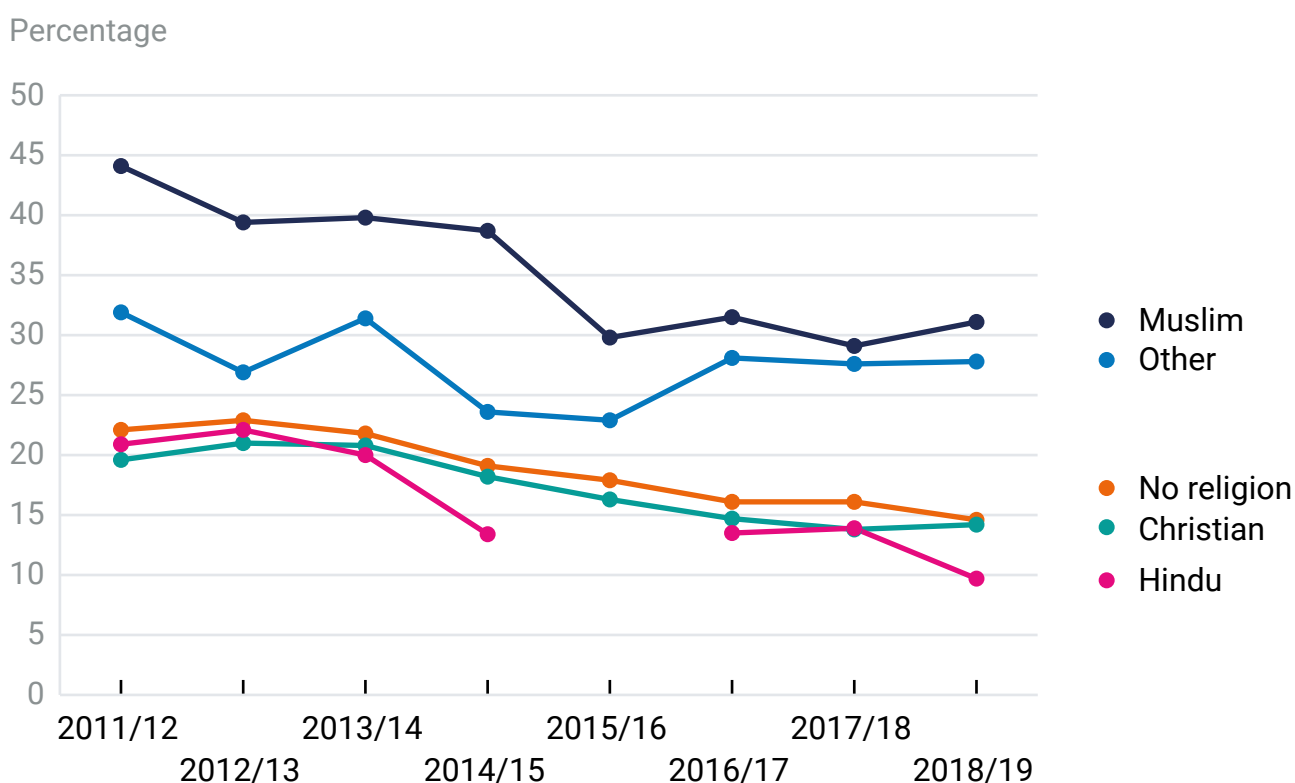
(Source: EHRC analysis of the Family Resources Survey)

¹¹⁰ Changes are significant for Christian-headed households.

Severe material deprivation

Our analysis of the FRS shows Muslim, Hindu and non-religious adults in Britain saw a decrease in severe material deprivation between 2011/12 and 2018/19. This is measured in adults aged 16–59, excluding dependent children aged 16–19.

Figure 78: Severe material deprivation in Britain, 2011/12 to 2018/19¹¹¹



(Source: EHRC analysis of the Family Resources Survey)

Social care

Our analysis of the NHS Digital Personal Social Services Adult Social Care Survey (ASCS) shows several religious groups in England have seen an improvement in their experience of social care. Between 2010/11 and 2019/20, the proportion of adults agreeing the way they are helped and treated makes them think and feel better about themselves has increased for Christian, Muslim, Sikh and non-religious groups. In both 2010/11 (61.1%) and 2019/20 (69.5%), Muslim adults in England were more likely to agree with this statement than those with no religion.

¹¹¹ Data cannot be analysed for all religious groups. There is a break in the data for Hindu adults in 2015/16.

Health

Mental health

Analysis of the NHS Digital Health Survey for England found those with no religion report poorer mental health than Christians and Hindus but better than those with an 'other religion'. Trends for other religious groups (Buddhist, Jewish, Muslim and Sikh) are not clear.¹¹² Similarly, analysis of data for 2016–18 from England and Wales found those with no religion had poorer mental health than those identifying as Christian, Hindu or Sikh, once various socio-demographic factors had been taken into account (ONS, 2020).¹¹³

An NHS Race and Health Observatory (RHO) review found healthcare services such as mental health and maternity may lack the cultural competence to appropriately deal with people holding certain beliefs. Therapists may not consider how talking therapies interact with religion or belief and some women find their religion or belief affects their maternity care, including a lack of awareness of related requirements (NHS RHO, 2022). Another study identified that staff working with patients detained under the Mental Health Act may lack confidence and knowledge in meeting religious needs, particularly where they consider the beliefs to be unusual (Kang and Moran, 2020).

Data relating to Scotland is included in the separate report for this nation.

Physical health

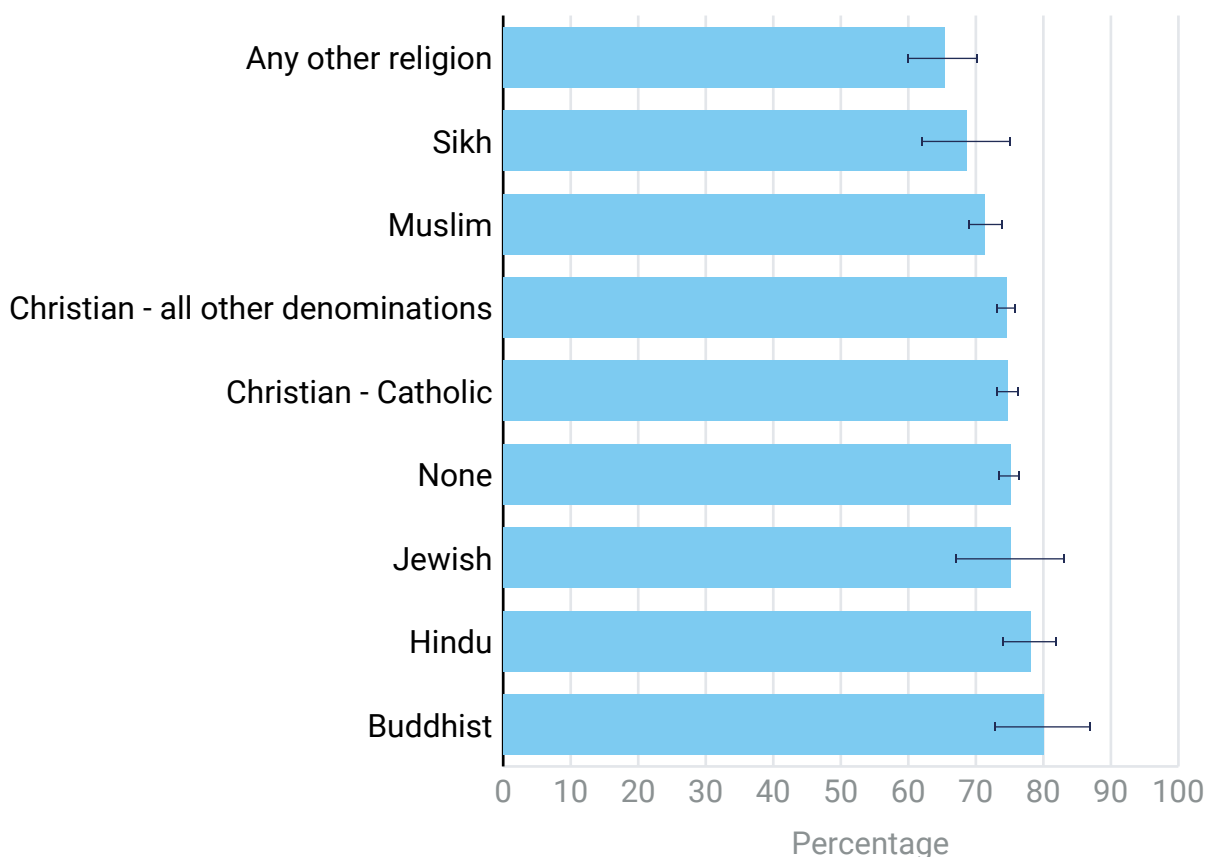
In England, Muslims, Sikhs and those with an 'other religion' self-report poorer physical health than those with no religion. Analysis of Health Survey for England data found differences for other religious groups are not statistically significant.¹¹⁴ The 2021 census identified poorer self-reported health in all religious groups compared to those with no religion other than among Hindus and Sikhs (ONS, 2023b).

¹¹² Data from 2018 and unadjusted.

¹¹³ Based on pooled data from 2016–2018.

¹¹⁴ Analysis combines survey results from 2016 to 2019 and controls for the characteristic of age. Detailed breakdowns by religious group are not possible for Wales and Scotland.

Figure 79: Predicted probability of reporting good health by religious group in England: pooled data 2016–2019 (age controlled)



(Source: EHRC analysis of Health Survey for England)

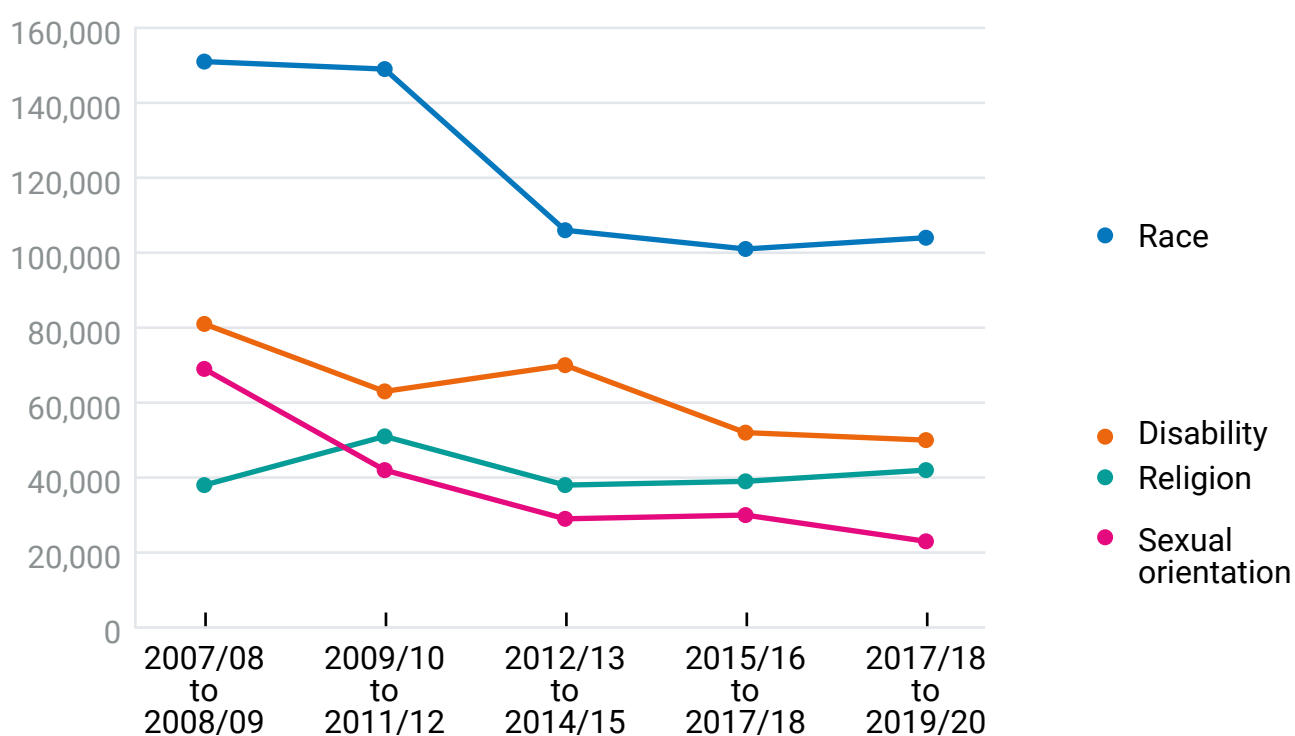
UK research into palliative care and ethnic minority groups during the COVID-19 pandemic found that, though measures were applied equally to individuals, their impact was inequitable. For example, reduced visiting made it difficult to fulfil religious obligations to prepare the body for burial, such as body washing. Several religions require bodies to be buried within 24 hours of death, and services found it difficult to meet this need (Bajwah, 2021).

Justice

The prevalence of religiously motivated hate crime in England and Wales has remained relatively steady since 2007–2009, though race, sexual orientation and disability hate crimes have all fallen (Home Office, 2020).

Figure 80: Prevalence of hate crime estimated by the Crime Survey for England and Wales (CSEW), 2007/08 to 2019/20

Number of hate crime incidents

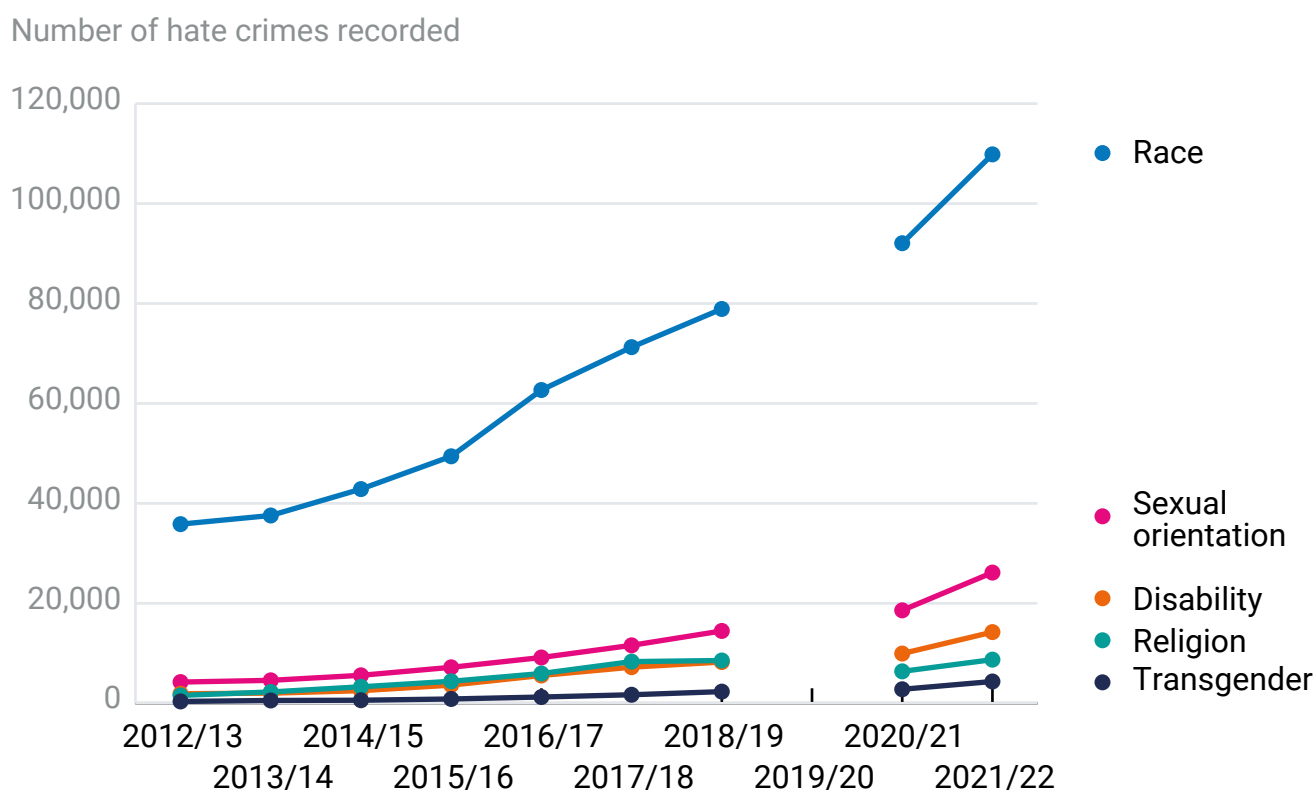


(Source: Crime Survey for England and Wales)

Religious hate crime recorded by the police in England and Wales increased from 2012/13 to 2021/22, except in 2020/21, during the COVID-19 pandemic, when it fell to 6,383 from 8,559 in 2018/19. However, the total number of hate crimes increased between 2018/19 and 2020/21. Religious hate crimes in England and Wales recorded in 2021/22 are at their highest level (Home Office, 2022b).

In contrast, in Scotland the number of hate crimes with a religious aggravation recorded by the police declined from a peak of 711 in 2017/18 to 478 in 2021/22 (Scottish Government, 2023b).

Figure 81: Police recorded hate crime in England and Wales, 2012/13 to 2021/22¹¹⁵



(Source: Home Office police recorded crime)

¹¹⁵ Comparable data for 2019/20 is not available due to missing data for the Greater Manchester Police force area.

The Office for National Statistics (ONS) notes increases in police-recorded hate crime in England and Wales may be mainly due to the police improving the way they record offences. However, there were four spikes in racially or religiously motivated offences not seen in non-aggravated offences around the time of major political or terrorist trigger events, including the EU referendum, July 2017 terrorist attacks and Black Lives Matter protests and far-right counterprotests in summer 2020 (Home Office, 2022b).

This is reflected in the data from community hate crime monitoring organisations. One such organisation, Tell MAMA, reported a spike in anti-Muslim hatred in the UK, based on incidents reported to them, following the March 2019 attacks on mosques in New Zealand (Tell MAMA, 2020). The Community Security Trust reported record levels of antisemitic incidents reported to them during the Israel–Palestine conflict of May to June 2021 (Community Security Trust, 2021).

Two in five (42.0%) cases of religious hate crime recorded by the police in England and Wales in 2021/22 were against Muslims. Around one in four was against Jewish people (23.0%) and 8.0% were against Christians (Home Office, 2022b).

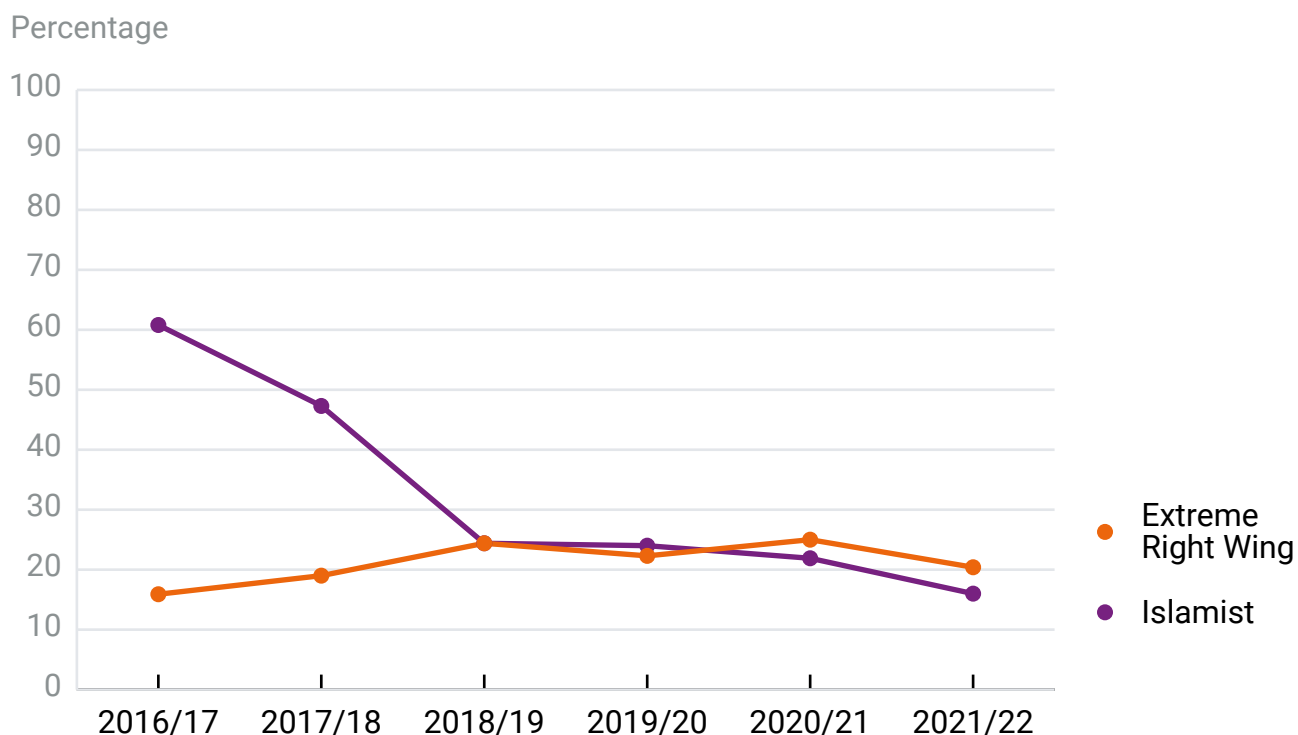
In contrast, in Scotland almost half of (47.0%) police-recorded hate crime in 2020/21 was against Catholics. Prejudice towards Muslims (16.0%) and Protestants (16.0%) accounted for a smaller proportion of religious hate crime (Scottish Government, 2023b).

Participation

Prevent referrals

The proportion of Prevent referrals in England and Wales for 'Islamist concerns' fell between 2016/17 and 2021/22 and those for 'extreme right wing' concerns slightly increased (Home Office, 2023).¹¹⁶

Figure 82: Referrals to Prevent in England and Wales for extreme right wing and Islamist concerns, 2016/17 to 2021/22



(Source: Home Office)

¹¹⁶ These are badged by the Home Office as experimental statistics.

In 2021/22, 25.9% of referrals for 'extreme right wing' concerns were classified as 'Channel cases', where further intervention is considered warranted. This was true of 15.2% of referrals for Islamist concerns (Home Office, 2023).

In Scotland, the number of referrals to Prevent is far lower than in England and Wales, even taking into account the smaller population in Scotland. In 2021/22, there were 91 Prevent referrals in Scotland, compared with 6,406 in England and Wales. 28 (31.0%) of these related to right-wing extremism and 10 (11.0%) to Islamist extremism. Referrals in Scotland relating to Islamist extremism fell from 37.0% in 2017/18 to 11.0% in 2021/22 and those categorised as right-wing extremism or mixed, unstable or unclear ideology increased (Police Scotland, 2023).

MPs

A record 18 Muslim MPs were elected to the UK Parliament in 2019, and 10 of these were women (Muslim News, 2019). Rishi Sunak became Britain's first Hindu Prime Minister when appointed in October 2022 (Business Standard, 2022). In 2023 Humza Yousaf won the Scottish National Party leadership election to become the first Muslim First Minister of Scotland (BBC News, 2023).

Public Appointments

Three-quarters (75.0%) of serving public appointees in the UK provided information on their religion in 2022, compared to 64.0% in 2021 and 42.0% in 2020. Of those who provided information in 2022, 55% were Christian, 2.0% were Hindu, 3.0% were Jewish, 2.0% were Muslim, 1.0% were Sikh, 1.0% were another religion. 36.0% had no religion (Cabinet Office, 2023).

Recommendations

23. Central and local government should take, and report on, action to address higher rates of unemployment and higher rates of poverty experienced by Muslims in England.
24. Government and health providers should take, and report on, action to ensure staff have the appropriate training to deal with people holding certain religious beliefs in all parts of the health care system, including particularly mental health and maternity services in England and Wales.
25. Central and local government and police forces should take, and report on, action to address why religious hate crime has not reduced to a similar degree as other hate crime in England and Wales.
26. Central and local government and police forces should take, and report on, action to tackle antisemitism and Islamophobia as major drivers of levels of hate crime.

Further recommendations for the Scottish and Welsh Governments are in the separate Scotland and Wales reports.

Sex, including pregnancy and maternity, and marriage and civil partnership

Key findings

- Girls continue to outperform boys in early years, primary and secondary education across Britain.
- The employment gap between men and women has narrowed due to improvements in educational attainment.
- The pay gap between men and women, known as the gender pay gap, has narrowed slightly, but with little change for more educated women. Child rearing is a key cause of the gender pay gap.
- Women in Britain now have higher rates of poverty than men and the proportion of households headed by women that are overcrowded has grown.
- Socio-economic inequalities in life expectancy in the UK continue to be wider for men than women. However, such inequalities are widening faster for women.
- Men are far more likely than women to be in prison or to die by suicide. The male suicide rate has increased in England and Scotland.
- There has been a sharp drop in charges for rape offences in England and Wales, with more women withdrawing their case.
- More men than women voted in the 2019 general election, a trend not seen in the previous three elections. At the same time, women in England have become more engaged in political activities than men.

Pregnancy and maternity and marriage and civil partnership

We have considered the protected characteristics of pregnancy and maternity and marriage and civil partnership within the same chapter as the protected characteristic of sex. This is because of the limited evidence and very specific legal definitions of these protected characteristics.

The protected characteristic of pregnancy and maternity is defined as the condition of being pregnant and the period of 26 weeks following birth. Evidence of outcomes for individuals under this definition is limited. Most evidence of the impact of pregnancy and maternity refers to the wider impact of being a mother, such as the inequality in earnings or employment related to child rearing responsibilities. This is evidence of sex discrimination or inequality rather than pregnancy and maternity discrimination, so we have outlined it in this chapter. We have also included policy changes affecting pregnancy and maternity in the policy section of this chapter.

The protected characteristic of marriage and civil partnership only applies in the workplace, and was historically a specific form of sex discrimination where women's right to work was limited if they were married. Employment tribunal data aggregates marriage and civil partnership cases under sex discrimination, and labour market data outcomes are hard to distinguish from trends in age and sex more generally. We have therefore included any relevant findings on this protected characteristic, such as census data, in this chapter.

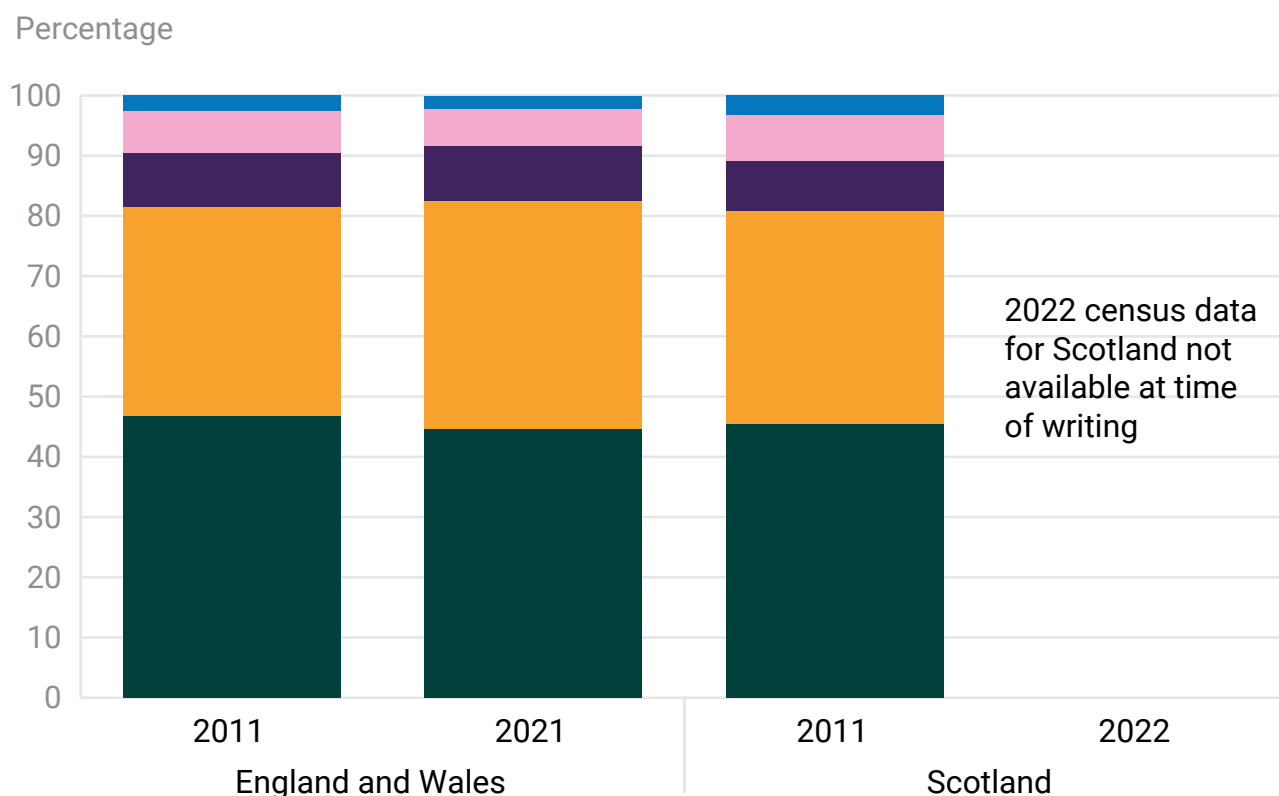
Demographics

In the 2021 census there were 30.4 million women (51.0% of the population) and 29.2 million men (49.0%) in England and Wales (ONS, 2022a).

The population of Scotland in 2021 was estimated as 2.8 million women (51.2% of the population) and 2.7 million men (48.8%) (National Records of Scotland, 2022).

Marriage and civil partnership

Figure 83: Marital status of usual residents aged 16 years and over in 2011 and 2021, England & Wales and Scotland¹¹⁷



- Separated, but still legally married or still legally in a civil partnership
- Widowed or surviving civil partnership partner
- Divorced or civil partnership dissolved
- Never married and never registered a civil partnership
- Married or in a registered civil partnership

(Source: Office for National Statistics, National Records Scotland)

¹¹⁷ Scotland Census 2022 results are not currently available.

Legal and policy developments

Education

In 2020, the Scottish Government established the Gender Equality Taskforce in Education and Learning to develop recommendations on embedding gender equality in all aspects of learning.

Work

Sex equality

In 2019, the UK government published 'Gender equality at every stage: a roadmap for change'. This aimed to address the barriers facing women in entering or returning to the labour market, tackle gendered occupational segregation and close pay gaps between the sexes (known as gender pay gaps). There has been limited progress against that strategy, but it did lead to further government commitments to reform redundancy laws, so that employers cannot discriminate against mothers returning from maternity leave. There was also a commitment to legislate to strengthen protection from workplace sexual harassment.

In the absence of the government's anticipated Employment Bill in 2022, MPs introduced private members' bills that successfully introduced some government commitments. These include the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, the Carer's Leave Act 2023, the Neonatal Care (Leave and Pay) Act 2023 and the Employment Relations (Flexible Working) Act. The Worker Protection (Amendment of Equality Act 2010) Bill was progressing through Parliament at the time of writing.

In addition, the UK government is supporting the FTSE Women Leaders Review, which advises business on how to increase the representation of women at senior level.¹¹⁸ It has also implemented schemes to support women's labour market participation, such as the women-led 'high growth enterprise' taskforce,¹¹⁹ which seeks to increase the number of businesses across Britain led by women, and in early 2023 announced a pilot to support women to get into Science, Technology, Engineering and Mathematics (STEM) jobs (GEO, EH, Badenoch, 2023). However, a 2022 commitment to take forward a pay transparency pilot to address pay inequality by sex appears to be delayed.

¹¹⁸ Read <https://ftsewomenleaders.com/>

¹¹⁹ Read <https://www.gov.uk/government/groups/women-led-high-growth-enterprise-taskforce>

'A Fairer Scotland for Women: Gender Pay Gap Action Plan' (Scottish Government, 2019) aims to reduce the sex pay gap (known as the gender pay gap) and address labour market inequalities. In 2020, a Women Returners Programme was launched to help women in Scotland return to work following a career break. The Workplace Equality Fund, launched in 2018, offers Scottish employers financial support to improve equality-related outcomes for priority groups.

'Stronger, fairer, greener Wales: a plan for employability and skills' (Welsh Government, 2022a) aims to tackle economic inequality and ensure fair work for all. An updated 'Prosperity for All: economic action plan' (Welsh Government, 2019) is committed to increasing women's representation in traditionally male-dominated areas.

State pension age

In 2020, the UK government reaffirmed (UK Parliament, 2020) it would not revisit the issue of compensation for women affected by measures introduced by the Pensions Act 2011 to accelerate the equalisation of the state pension age.

Menopause

In 2022, the UK government commissioned an independent review of menopause and the workplace. A House of Commons Women and Equalities Committee (WEC) inquiry considered similar issues (WEC, 2022).

Both recommended the government commence section 14 of the Equality Act 2010 to allow discrimination claims based on a combination of two protected characteristics, including age and sex. The WEC also suggested menopause become an additional protected characteristic. The government's 2023 response was it would not progress either recommendation (WEC, 2023).

In 2021, a UK Menopause Taskforce was created to coordinate work and support for women. Its objectives include raising awareness, sharing best practice and ensuring work in this area is underpinned by clinical evidence.

In 2023, the UK government appointed a Menopause Employment Champion in England to encourage employers to support women experiencing menopause symptoms.

Living standards

Period poverty



Several schemes aim to address 'period poverty', which is poor access to sanitary products due to financial constraints.

The UK government began providing free period products in schools and further education in England and NHS England said it would do the same in hospitals. The 'tampon tax' was abolished, meaning VAT no longer applies to women's sanitary products (HM Treasury, 2021a). The government also set up a Period Poverty Taskforce to tackle period poverty and wider stigma around menstruation. This was paused during the COVID-19 pandemic and is yet to restart.

In Scotland the Scottish Government introduced the Period Products (Free Provision) (Scotland) Act 2021 which placed a duty on local authority education providers to make period products obtainable free of charge for anyone who needs them.

The Period Proud Wales Action Plan aims to eradicate period poverty and promote period dignity across Wales (Welsh Government, 2023). This builds on 2018 funding for local authorities and schools to tackle period poverty. It includes £3.1 million in 2020/21 to allow every school and college to provide free period products and £220,000 for each local authority to provide products in public buildings such as libraries.

Childcare

In England, the UK government announced additional investment for early education and childcare until 2025, allowing local authorities to increase hourly rates paid to childcare providers (HM Treasury, 2021b).

In Scotland, the Best Start Grant School Age Payment became available in 2019, with no UK equivalent. It is a payment of £252.50 to help with the costs of a child entering school, specifically those commonly incurred by women rather than men.

The Wales childcare offer was expanded in 2022 as part of the 'programme for government commitment 2021–2026' to deliver early years provision to all two-year-olds (Welsh Government, 2022b).

Health

Women's health

The UK government published the 10-year Women's Health Strategy for England in 2022 (DHSC, 2022). This acknowledges that 'historically the health and care system has been designed by men for men' and the disparity in health outcomes between men and women. It sets out actions on menstrual health, fertility, pregnancy, pregnancy loss and postnatal support, menopause, mental health and well-being, female cancers, health impacts of violence against women and girls, healthy ageing and long-term conditions. It also aims to address disparities between different groups of women, defined by age, sexuality and disability, and will underpin a delivery plan that is under development.

In Scotland, the 2021 Women's Health Plan sets out 66 actions to ensure all women enjoy the best possible healthcare throughout their lives (Scottish Government, 2021a).

In Wales, the Welsh Government published a quality statement for women and girls' health in 2022. This sets out expectations for health boards and a women's health plan is expected in 2024 (Welsh Government, n.d.).

In 2022, the Supreme Court ruled in favour of the Abortion Services (Safe Access Zones) (Northern Ireland) Bill, which restricts protests and harassment of women in the vicinity of abortion clinics in Northern Ireland, paving the way for forthcoming legislation in Scotland. The UK Parliament passed the Public Order Act to create similar zones in England and Wales (UK Parliament, 2023).

Pregnancy and maternity

In 2017, the UK government committed to halve the 2010 rates of stillbirths, neonatal and maternal deaths and brain injuries in babies occurring soon or after birth in England and Wales by 2025. It also commissioned an independent review of Shrewsbury and Telford Hospital NHS Trust maternity services following serious concerns raised by bereaved families.

The Ockenden Review considered 1,592 clinical incidents affecting 1,486 families, and its 2022 report made 66 specific recommendations for the trust and 15 for the NHS in England (Ockenden, 2022). In response, the government invested £127 million in the NHS workforce in England and introduced plans for the Health Services Safety Investigations Body under the Health and Care Act 2022 to carry out maternity investigations and facilitate learning for all maternity services.

The chapter on race covers disparities on maternal mortality.

Temporary measures for England, Wales and Scotland during the COVID-19 pandemic allowed women and girls to get pills for early medical abortion without first visiting a hospital or clinic. These measures were made permanent in 2022 for England and Wales.

Two employment law cases have challenged the rights of women on maternity leave compared with men on shared parental leave. In 2018 the Employment Appeal Tribunal found it was lawful to provide significantly better terms for women on maternity leave as the Equality Act 2010 gives special treatment to women in connection with pregnancy or childbirth.¹²⁰ In the second case it found that, as women are recovering from childbirth and may be breastfeeding, the circumstances of women on maternity leave are ‘materially different’ from men.¹²¹

There has been legal recognition that women may experience particular disadvantage compared with men as they disproportionately take on the role of primary carer. The Employment Appeal Tribunal found ‘childcare disparity’ was a matter of judicial notice and women are not generally required to prove they are more likely to be the primary carer.¹²²

120 Mr A Hextall v Chief Constable of Leicestershire Police and Working Families [2018] UKEAT/0139/17/DA.

121 Capita Customer Management Ltd v Mr M Ali and Working Families [2018] UKEAT/0161/17/BA.

122 Mrs G Dobson v North Cumbria Integrated Care NHS Foundation Trust and Working Families [2021]: UKEAT/0220/19/LA(V).

Justice

Violence against women and girls

The UK government has taken significant steps to address violence against women and girls (VAWG) in the last five years. High-profile tragedies, as well as low charging and prosecution rates, created a strong demand for action.

The UK government ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) in 2022 (Council of Europe, 2022). In doing so, it agreed to be bound under international law to meet the convention's obligations of VAWG prevention and victim protection. The UK government made two reservations to the convention so is not bound by these articles at present, including article 59, which covers requirements to grant residence to victims whose immigration status depends on an abusive partner.

The 2021 'Tackling violence against women and girls strategy' for England and Wales outlines a 'whole-system approach', including support for victims, prevention of violence through education and public awareness, and increasing the number of perpetrators brought to justice (Home Office, 2021). Equally Safe, Scotland's strategy to eradicate VAWG, has been updated (Scottish Government, 2018) and its delivery plan refreshed (Scottish Government, 2022b).

New offences against women and girls

In England and Wales, the Police, Crime, Sentencing and Courts Act 2022 expanded the definition of 'positions of trust' in the Sexual Offences Act 2003 to make it illegal for people in such positions to engage in sexual activity with a child in their care of any age under 18. The Act expanded the time limit for bringing a complaint of common assault in a domestic context before the courts. It also created a new offence of breastfeeding voyeurism.

The Domestic Abuse Act (2021) made wide ranging changes to how domestic abuse is tackled. It clarified the law around VAWG in England and Wales, created a statutory definition of domestic abuse and new police powers to tackle it and introduced the office of Domestic Abuse Commissioner into law.

The Act places a duty on local authorities in England to provide accommodation-based domestic abuse services. Victims and witnesses of domestic abuse are afforded further protection in criminal, civil and family legal proceedings. The Act clarified that consent to serious harm for sexual gratification is not a valid legal defence.

A new offence known as 'upskirting' was created in England and Wales by the Voyeurism (Offences) Act 2019.¹²³ The Health and Care Act 2022 banned 'virginity testing' and hymenoplasty¹²⁴ across Britain, making clear these forms of VAWG are unacceptable.

123 An offence where offenders take a photograph or footage under a person's clothing with the intent of photographing their genitals or buttocks without their consent.

124 Hymenoplasty is the reconstruction of the hymen (with or without consent).

The Law Commission of England and Wales has recommended misogyny should not be a hate crime, stating it would not be an effective solution to violence, abuse and harassment of women and girls, but did recommend creating a new offence of stirring up hatred on grounds of sex or gender. It also recommended the UK government should review the need for a specific offence to tackle public sexual harassment (Law Commission, 2021). The UK government has not yet formally responded to the Law Commission report, though it has backed a Private Members Bill which would create a new offence of intentional harassment, alarm or distress on account of sex.

In England, the Metropolitan Police Service (the Met) appointed Baroness Louise Casey to lead an independent review of its culture and standards of behaviour, beginning in February 2022. The review concluded in March 2023 with the publication of a report and recommendations. Baroness Casey found 'systemic and fundamental problems', including that women have been put at greater risk than necessary (Casey, 2023).

In Scotland, following the Independent Working Group on Misogyny and Criminal Justice's final report, 'Misogyny – A Human Rights Issue' (Scottish Government, 2022a), the Scottish Government consulted on changing the criminal law to create new offences of misogynist harassment, and misogynistic behaviour, threatening or abusive communications referencing rape, sexual assault or disfigurement, a statutory aggravation of misogyny for existing offences and an offence of stirring up hatred against women and girls (Scottish Government, 2023).



The Marriage and Civil Partnership (Minimum Age) Act 2022 increased the age of marriage and civil partnership to 18 in England and Wales. Previously, children aged 16 and 17 could marry with parental or judicial consent. The UK government said the change aimed to protect children from forced marriage, which disproportionately affects girls (Home Office and FCDO, 2021).

If passed, the Online Safety Bill will create new offences of sharing 'deepfakes', explicit images or videos manipulated to look like someone without their consent, and 'cyberflashing' (sending an unsolicited sexual image) in England and Wales.

Improving experiences for victims of rape and sexual assault

The UK government's 2021 review of the criminal justice response to rape and serious sexual offences, after convictions for rape fell significantly, found 'victims of rape are being failed' across England and Wales (MoJ, 2021). It identified delays, stereotypes about victim credibility, poor support and communication, and a lack of specialist resources (MoJ, 2022a).

The UK government committed to address these concerns, and by 2022 there were more police referrals for advice, early advice or charge, more Crown Prosecution Service (CPS) charges and more cases reaching Crown Court (MoJ, 2022a). But the government recognises that it is not on track to meet its target of more than doubling the number of adult rape cases reaching court by the end of this Parliament.

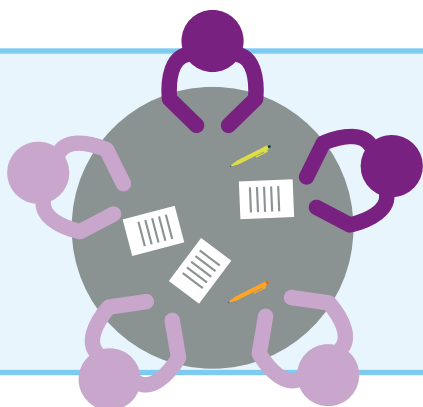
The Scottish Government has brought forward a Victims, Witnesses and Justice Reform Bill which includes proposals to improve experiences for victims of rape and sexual assault including automatic lifelong anonymity for victims, establishing a new specialist sexual offences court, and automatic right to state funded legal representation for complainers in sexual offence cases when application is made to introduce evidence about the complainer's character (Scottish Parliament, 2023).

Female offenders

The UK government has changed its management of female offenders in England and Wales through the 2018 Female Offender Strategy (MoJ, 2018). This includes commitments to reduce the number of women entering the criminal justice system, increase the use of non-custodial sentences and improve prison conditions. But a National Audit Office report found investment in the programme was not prioritised, so it had only made limited progress (NAO, 2022).

Participation

In England, the UK government supports the FTSE Women Leaders programme, a voluntary industry-led scheme which aims to increase women's representation on boards.



Analysis shows that FTSE 350 companies have met the Hampton-Alexander Review recommendation that 40.0% of board members should be women (FTSE Women Leaders, 2023).

In Scotland, the Gender Representation on Public Boards (Scotland) Act 2018 aims to increase women's representation to 50.0% of non-executive positions on public boards. The definition of sex in this Act was challenged in court (see below).

In Wales, the Reflecting Wales in Running Wales strategy (Welsh Government, 2020) aims to improve to 'diversity in decision making in public life through board-level appointments to public bodies'.

Legal meaning of sex

Court decisions – Scotland, England, Wales

There has been significant litigation about the legal definition of sex and how this applies to people who are trans, who live and present in a gender which is different from their sex registered at birth. Many of these cases have been brought in Scotland. While not binding, they are likely to influence future court decisions in England and Wales.

One case concerned how trans people should answer questions about their sex in the England and Wales census.¹²⁵ The High Court found it strongly arguable that references to sex in census law are ‘to a person’s sex as recognised by law and not the sex with which the person self-identifies’. But in a case brought to challenge the definition of sex in Scotland’s census, the Scottish Outer House found it was lawful to use a broader definition of sex to include ‘lived’ sex.¹²⁶

Proceedings challenging Scottish legislation to promote equal gender representation on public boards have also considered definitions of sex. In one, the Scottish Inner House found the matter fell within reserved (non-devolved) equality law and it was therefore beyond Scottish Government powers to define ‘woman’ to include trans women based on their ‘lived’ sex.¹²⁷ In a second case the Scottish Outer House found it was lawful for the Scottish Government to define ‘woman’ to include trans women who hold a gender recognition certificate (GRC).¹²⁸ These cases establish that the protected characteristic of sex includes trans people in their acquired gender if they obtain a full GRC.

Given the increased level of debate and litigation and in response to a UK government request for advice, we recommended in April 2023 that the UK Government consider whether a biological definition of sex in the Equality Act 2010 would improve legal clarity.

Scottish legislation

The Scottish Parliament sought to legislate to make it easier for trans people to obtain a GRC to change their legal sex through the Gender Recognition Reform (Scotland) Bill. However, the UK government prevented the legislation from proceeding to Royal Assent using section 35 of the Scotland Act 1998, on the grounds it would have an ‘adverse effect’ on the operation of equality law, which is a reserved (non-devolved) matter. The Scottish Government mounted a legal challenge to this section 35 order.

125 R (Fair Play for Women Ltd) v UK Statistics Authority, etc [2021] EWHC 940 (Admin).

126 Fair Play for Women v National Records of Scotland [2022] CSOH 20.

127 For Women Scotland v the Lord Advocate and the Scottish Ministers [2022] CSIH 4.

128 For Women Scotland vs the Lord Advocate (Government of Scotland) [2022] CSOH 90.

Outcomes

Education

Educational attainment

Girls have outperformed boys in early years, primary and secondary education for many years. This trend continues across Britain.

Analysis of Department for Education (DfE) data found that, leading up to the COVID-19 pandemic, early years attainment in England was increasing for boys but plateauing for girls. This narrowed the gap between girls and boys from 16.0% in 2012/13 to 12.9% in 2018/19.¹²⁹ In 2021/22, the gap was 13.2%, with 71.9% of girls achieving a good level of development compared with 58.7% of boys (DfE, 2022a). Though this data cannot be compared directly with previous years,¹³⁰ it demonstrates a continuation of the attainment gap that persists through primary and secondary school (Farquharson et al., 2022).

Data for Scotland and Wales is included in the separate reports on these nations.

Special educational needs and exclusions

Both special educational needs (SEN) and exclusions are more prevalent among boys than girls in England. In 2022, 15.4% of boys in England received SEN support compared with 9.2% of girls, and 5.6% of boys had an education, health and care (EHC) plan compared with 2.2% of girls (DfE, 2022b). SEN has been higher among boys over the last decade. For some SEN, such as autism, girls may be under-identified (Petrone et al., 2018), and diagnosed at a later age than boys (Gray et al., 2021; Milner et al., 2019).

Boys in England are twice as likely as girls to be temporarily or permanently excluded from secondary school. In 2019/20, the exclusion rate for boys was 264.9 per 10,000 pupils compared with 106.5 per 10,000 pupils for girls, based on our DfE data analysis. The exclusion rate increased for both groups from 2014/15 until the COVID-19 pandemic.

Data for Scotland and Wales is included in the separate reports on these nations.

129 The pandemic severely disrupted education provision and data collection and data for attainment in 2019/20 is not available.

130 In 2021, early years foundation stage (EYFS) reforms were introduced, significantly revising the EYFS profile.

Further and higher education

The gap between boys and girls continues in the progression to further and higher education.



In 2020/21, women accounted for 55.5% of further education students in the UK, but representation was higher in England (56.2%) than in Wales (52.0%) and Scotland (50.5%) (DfE, 2022c).

In higher education, women made up a greater share of students at every level in the UK in 2020/21. Between 2018/19 and 2020/21 women studying at undergraduate level rose, and women made up the greater share of PhD students in 2020/21 for the first time since this data was first collected in 2016/17. While the proportion of women studying at master's level declined, it was still over 50.0% (DfE, 2022c).

Work

Employment

In 2019/20, women (57.0%) were less likely to be employed than men (65.8%). However, according to analysis of the ONS Annual Population Survey (APS), the sex employment gap has narrowed between 2010/11 and 2019/20.

The narrowing employment gap can largely be explained by changes in educational attainment. In the UK, women with higher levels of educational attainment, such as A levels and degrees, are more likely to be engaged in the labour market, though they are still less likely to be employed than men with similar qualifications. As more women have attained these qualifications, female employment rates have increased. In contrast, women with qualifications at GCSE level and below shows a larger employment gap with their male counterparts.

Despite the educational attainment gap closing, the employment gap between men and women persists. Analysis suggests that the current sex employment gap may partially be linked to the disproportionate number of mothers who leave the labour market after childbirth, compared to fathers (Andrew et al., 2021).

Between 2019/20 and 2021/22, during the COVID-19 pandemic, employment rates dropped for both men and women. But the employment gap became narrower, as the decline in employment rates was greater for men. However, during the COVID-19 pandemic, women were one third more likely than men to work in a sector that was shut down than men (Joyce and Xu, 2020).¹³¹

The pay gap between men and women

There continues to be a pay gap between men and women, known as the gender pay gap, which disadvantages women. Our APS analysis suggests that, in 2019/20 in Britain, women's median hourly earnings were 18.1% smaller than men's, though APS data showed no significant change in the pay gap between 2010/11 and 2019/20. In contrast, the Annual Survey of Hours and Earnings (ASHE), a more accurate measure of the pay gap, shows that the pay gap between men and women has significantly narrowed between 2010 and 2019.



According to ONS analysis of ASHE data, in the UK, men's median hourly earnings were 19.8% higher than women's in 2010. This gap narrowed to 17.4% by 2019/20 (ONS, 2022b).

Further analysis suggests that the pay gap has narrowed between men and women with GCSE level qualifications and below. More highly qualified workers have shown little change to their pay gap over time (Andrew et al., 2021).

¹³¹ Working in a shutdown sector does not necessarily mean loss of employment, as a worker may be furloughed. If a worker was on furlough pay during the pandemic, they were still classed as employed in the APS.

Child-rearing wage penalties

Longitudinal analysis indicates that wage penalties associated with child rearing are a key driver of the pay gap between the sexes, in the UK.

The gap between mothers' and fathers' earnings opens up four years after having their first child and continues to do so at least until their first child is 10 (Andrew et al., 2021).¹³²

Mothers' child rearing penalty is partially caused by their higher propensity to take time off work or reduce their hours, compared to fathers. Analysis shows that reduced labour market participation can inhibit pay progression, particularly in higher paid occupations where there is more scope for promotion or higher pay (Blundell et al., 2016).¹³³ Further evidence shows that employer bias may play a role. Job applicants who have a career break on their CV are less likely to receive a call-back (Kristal et al., 2022).

Child-rearing penalties may also be partially driven by the occupational decisions that mothers' make (Andrew et al., 2021). Evidence from other countries suggests that when choosing a job, women / mothers are more likely to prefer flexibility and stability while men / fathers will prioritise wages (Wiswall and Zafar, 2017).

132 Analysis does not look at mothers or fathers whose first child is any older than 10.

133 Analysis shows that mothers are more likely than fathers to take time off after childbirth, regardless of whether they earn more or less than the father.

High and low-paid occupational segregation

In 2019/20 in Britain, women were 9.0% less likely to be in a high-paid occupation (HPO) than men and the gap between men and women has only narrowed slightly since 2010/11, according to our APS data analysis. Segregation by sex in high-paid occupations appears to happen more to older workers aged at least 35 and over. Our analysis of APS data shows that women in age groups below 35 are no more or less likely to be in a high-paid occupation than their male counterparts. However, women in all age groups over 35 are less likely to be in a high-paid occupation than male counterparts.

Differences by sex are particularly prominent when comparing the highest paid men and women. The 90th percentile of female earners have earnings roughly a quarter less than the 90th percentile of male earners. This gap has shown little change since 2010 (Andrew et al., 2021).

Occupational segregation in STEM occupations

Analysis shows that women are under-represented in occupations related to (STEM).



In 2019, women made up 52% of the UK workforce. However, they only made up 27% of the UK's STEM workforce.¹³⁴

Particularly significant under-representation for women is shown in engineering (9.0% female) and technology (21.0% female) (BSA, 2020).

¹³⁴ See License (2014) for details of how occupations were classified as STEM in this analysis.

This form of occupational segregation is also present in apprenticeships, as women are less likely to undertake STEM apprenticeships. In England in 2018/19,¹³⁵ only 5.0% of new female apprenticeships are in a STEM subject, compared with 48.0% of new male apprenticeships. The proportion of women starting STEM apprenticeships has increased since 2014/15, though the STEM gap between men and women has become wider in this time (DfE, 2023).¹³⁶

Similarly, in Scotland, men are more likely to be in engineering, information and communication technology (ICT) and construction apprenticeships while women are over-represented in social services and healthcare apprenticeships (Scottish Government, 2021b).

Analysis of Welsh Government data found that, in 2019/20, men were more likely to be on construction and engineering courses and women more likely to take healthcare and public services courses (StatsWales, 2023).

Sexual harassment

The GEO undertook a UK-wide survey on sexual harassment experiences in 2020, in response to a Women and Equalities Committee report (WEC, 2018). Survey responses suggest that men were almost as likely (27.0%) to experience sexual harassment in the workplace as women (30.0%).

However, women were significantly more likely (50.0%) to worry about sexual harassment where they worked or studied than men (39.0%), and to change their behaviour to avoid it happening (49.0% compared with 44.0% of men) (GEO, 2020).

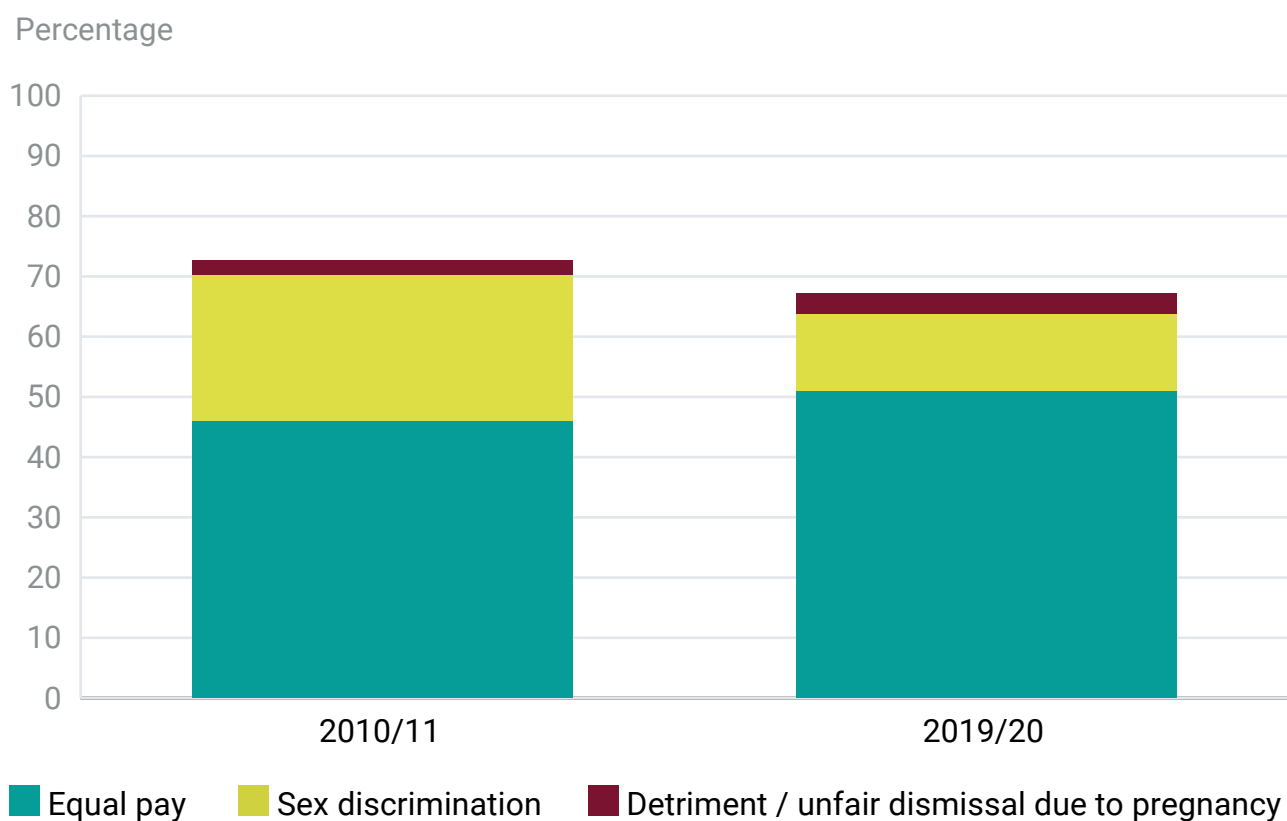
135 This data is based on academic years, which means 2018/19 is the final year that does not include any effect of the pandemic. Apprenticeships were affected by the pandemic, certain sectors more than others, so our analysis ends at 2018/19.

136 The gap between men and women is widening because growth in STEM apprenticeships has been faster for men than women.

Employment tribunals

In Britain in 2019/20, 51.0% of employment tribunal claim discrimination complaints were made in relation to equal pay (24,689 complaints),¹³⁷ 13.0% (6,260) were for sex discrimination complaints and 3.0% (1,636) were complaints related to 'detriment / unfair dismissal due to pregnancy'. The proportion of complaints related to sex discrimination has declined since 2010/11, but equal pay and pregnancy claims have increased, according to analysis of Ministry of Justice (MoJ) data (MoJ, 2022b).

Figure 84: Percentage of jurisdiction complaints related to equal pay, sex discrimination and detriment/unfair dismissal due to pregnancy, as a proportion of total discrimination complaints, for employment tribunal claims Britain, 2010/11 and 2019/20¹³⁸



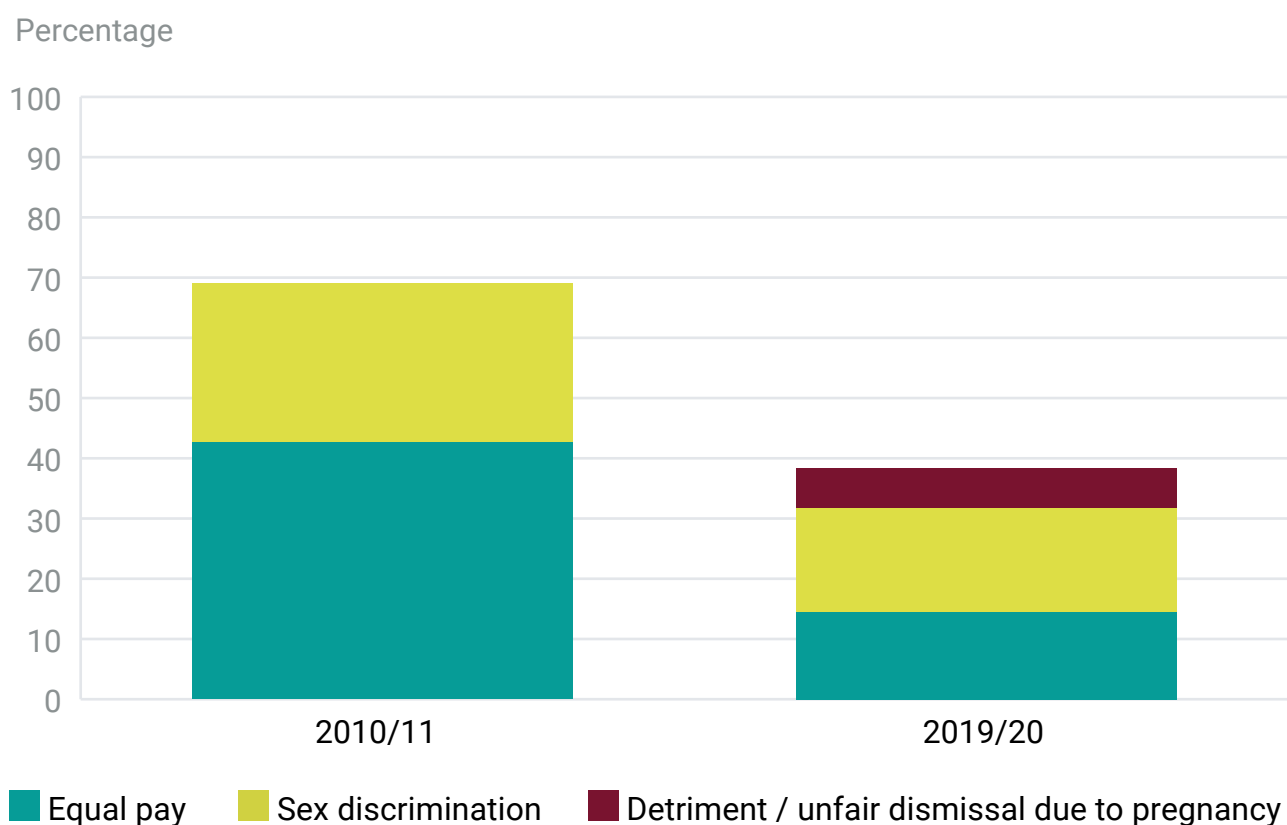
(Source: Ministry of Justice)

¹³⁷ Equal pay cases relate to claimants being paid less than someone of the opposite sex.

¹³⁸ Detriment / unfair dismissal due to pregnancy disposals only started in 2013/14 and the proportion of discrimination disposals made on these grounds has increased since.

The proportion of complaints related to equal pay increased for claims between 2010/11 and 2019/20. However, for disposals the proportion of complaints related to equal pay has more than halved (from 44.0% to 21.0%), which reflects a drop in the absolute number of equal pay complaints within disposals. The proportion of sex discrimination complaints in disposals showed a more modest decline (from 27.0% to 20.0%).

Figure 85: Percentage of jurisdiction complaints related to equal pay, sex discrimination or detriment/unfair dismissal due to pregnancy, as a proportion of total discrimination complaints, for employment tribunal disposals Britain, 2010/11 and 2019/20¹³⁹

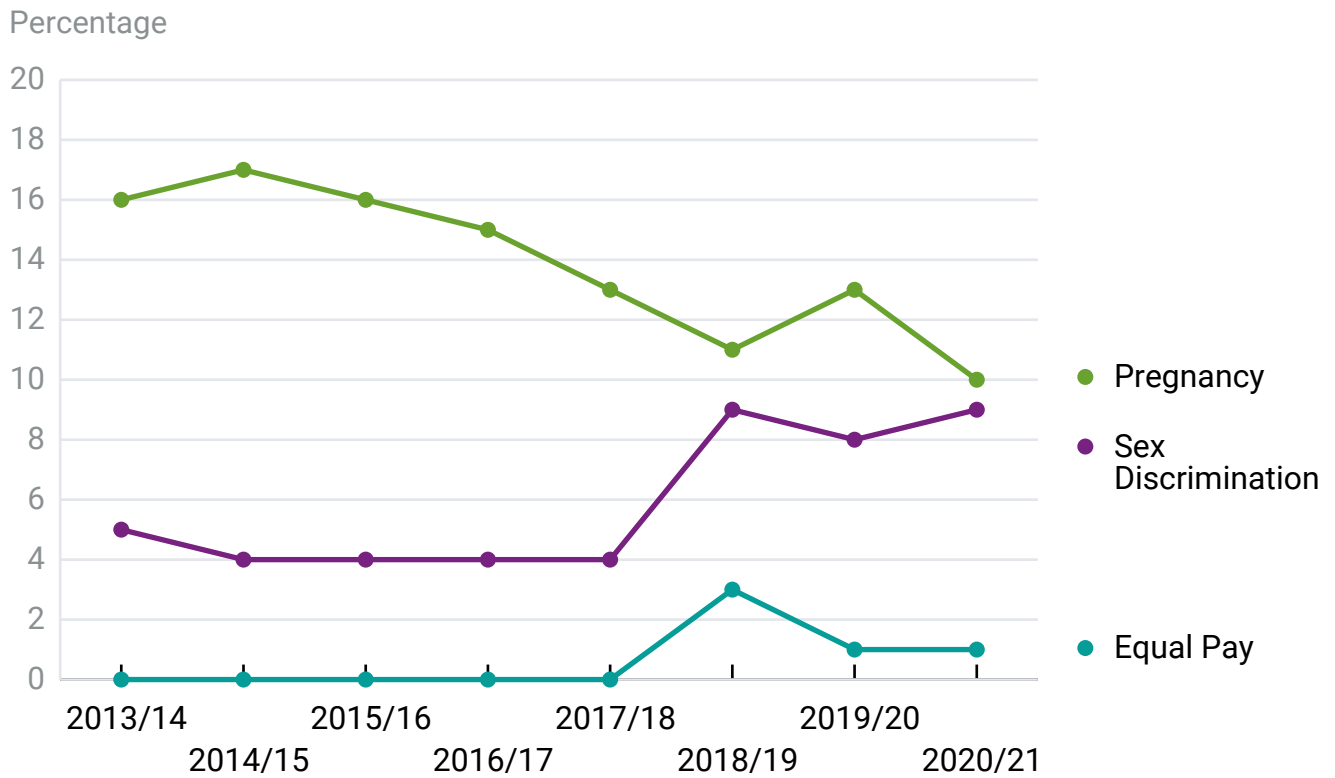


(Source: Ministry of Justice)

Analysis of tribunal data found that fewer than 1.0% of disposals that included an equal pay complaint ended in a hearing (successful or unsuccessful) in 2019/20, and that claimants were successful at only 16 hearings. Disposals involving a pregnancy discrimination complaint more frequently went to hearing than sex discrimination or equal pay claims (MoJ, 2022b).

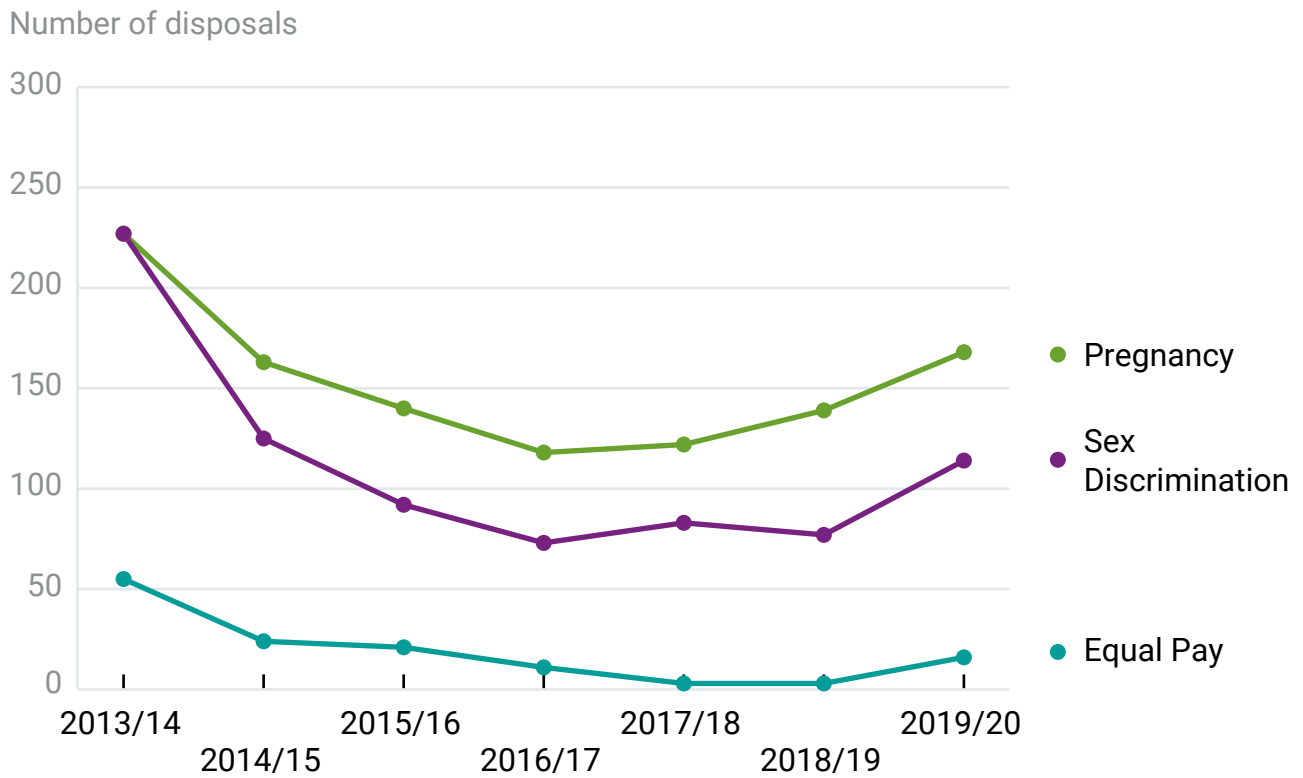
¹³⁹ Detriment / unfair dismissal due to pregnancy disposals only started in 2013/14 and the proportion of discrimination disposals made on these grounds has increased since.

Figure 86: Percentage of disposals that went to a hearing, as a percentage of total disposals for equal pay/sex discrimination/pregnancy), Britain, 2013/14 to 2020/21



(Source: Ministry of Justice)

Figure 87: Number of disposals that succeed at a hearing for disposals that included complaints related to equal pay, sex discrimination and pregnancy



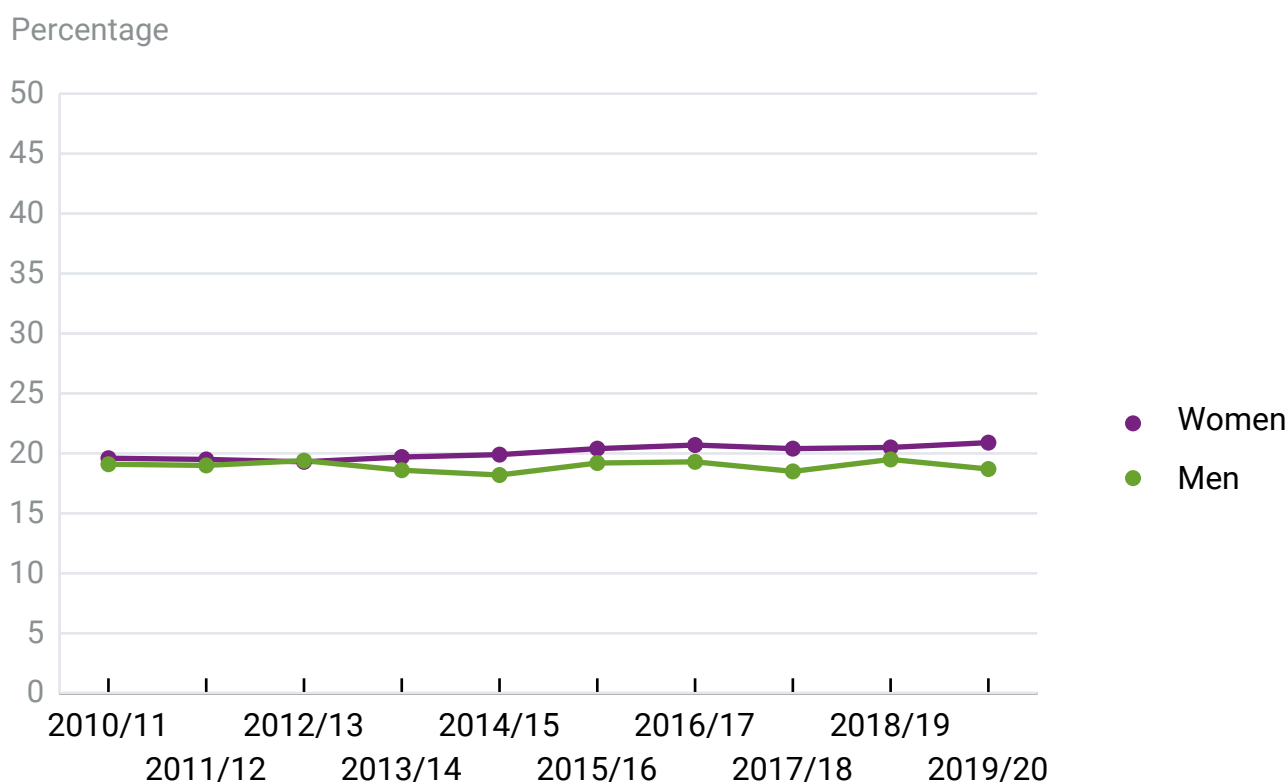
(Source: Ministry of Justice)

Living standards

Adult poverty

A slight increase in poverty for women over the last decade has opened a gap with men. In 2010/11, men and women in Britain were equally likely to experience poverty. But from 2013/14, women have been significantly more likely to experience poverty, except in 2018/19, according to analysis of the Family Resources Survey.¹⁴⁰

Figure 88: Percentage of adult men and women in poverty in Britain, 2010/11 to 2019/20



(Source: EHRC analysis of the Family Resources Survey)

¹⁴⁰ Analysis ends at 2019/20 as data for 2020/21 is subject to additional uncertainty at this level.

This poverty gap has opened up despite a narrowing pay gap for less educated women, who are typically lower paid. This may mean factors other than low earnings from employment are affecting poverty for some women, such as income from benefits, housing costs or household structure.

Housing overcrowding

In England, in housing overcrowding, the gap between households headed by men and women has widened. Households headed by women are still more likely to be overcrowded, increasing significantly between 2015/16 (3.7%) and 2019/20 (4.5%), while 2.5% (in 2015/16) and 2.9% (in 2019/20) of households headed by men were overcrowded, based on our analysis of the English Housing Survey. However, the Census 2021 data suggests that this gap was much narrower in 2021, when 4.8% of women and 4.1% of men in England headed overcrowded households, meaning they had fewer bedrooms than required (ONS, 2023a).

Households headed by women may find it harder to move into more suitable housing because, relative to their earnings, mortgages and private rent are less affordable to women. For example, in 2018 there was no region in England where a woman could privately rent at the median rate without it absorbing more than a third of median earnings, whereas a man could afford to rent in every region but London (Reis, 2019).

Data for Scotland and Wales is included in the reports on those nations.

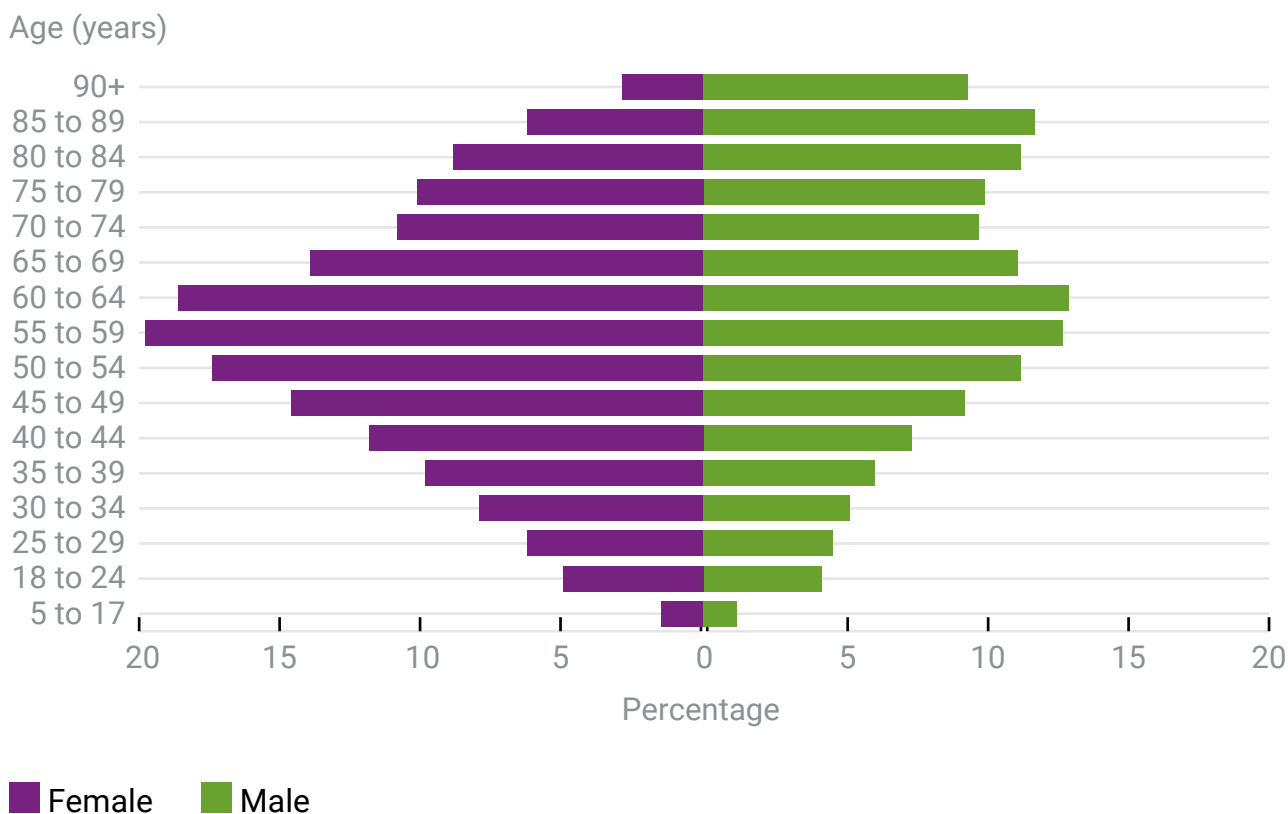
Social care

In England, fewer people are providing unpaid care (ONS, 2023b) but women are still more likely to be unpaid carers.

The Census 2021 data shows that 10.4% of women and 7.6% of men in England provided unpaid care in 2021, down from 12.9% and 10.1% respectively in 2011. The highest percentage of unpaid carers were women aged 55–59 (19.9%). From the age of 80, men were more likely to provide unpaid care (ONS, 2023c). These estimates may have been affected by the COVID-19 pandemic.

Women in the UK are more likely to be concerned about the impact of caring on their physical and mental health (Carers Week, 2022).

Figure 89: Age-specific percentages of unpaid carers by age and sex, England, 2021

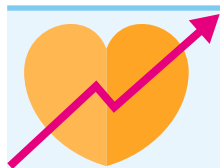


(Source: Office for National Statistics)

Health

Life expectancy

In England, improvements to life expectancy for both men and women have stalled since 2010 and inequalities have widened, driven by deprivation (ONS, 2022c; ONS 2021d).



In 2018–2020 life expectancy at birth was 79.0 years for men and 82.9 years for women (ONS, 2021d).

Inequalities in life expectancy continue to be wider in men, with life expectancy 73.5 years in the most deprived areas and 83.2 years in the least deprived areas, compared with women where life expectancy was 78.3 years in the most deprived areas and 86.3 in the least deprived areas. Men also experienced higher COVID-19 mortality rates (ONS, 2021c).

However, in the UK there is evidence that inequalities in life expectancy are widening faster for women. Whereas women in the least deprived areas of the UK have seen an increase of 0.5 years between 2010–12 and 2016–18, those in many of the most deprived areas have seen a decrease in life expectancy of 0.3 years (Marmot et al., 2020). Internationally, women's life expectancy increased more slowly in the UK than in comparable countries between 2011–19 (Marshall et al., 2019).

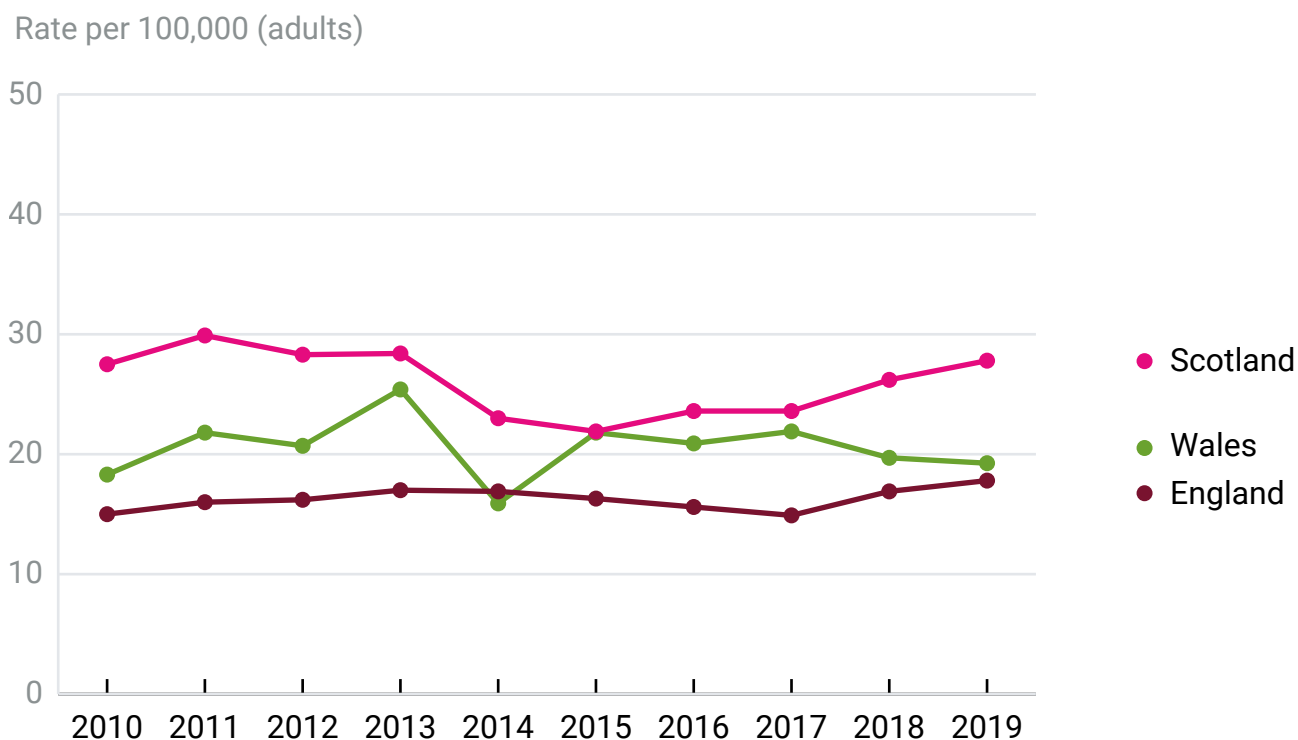
Mortality outcomes

Certain groups of men have seen worsening mortality outcomes. There has been a significant increase in suicide among men in England and Wales between 2020–2021 (ONS, 2022e). The suicide rate for 2021 was around three times higher in men than in women at 16.0 per 100,000. Between 2011 and 2021, suicide rates were highest in men aged 40–50, among men who had never worked or were long-term unemployed, were disabled and from a White or mixed ethnic background (ONS, 2023d).

There is evidence of an increase in the last decade of 'deaths of despair'. These are deaths from suicide, drug overdose and alcoholism, particularly in Scotland (Finch et al., 2023; Walsh et al., 2021). These deaths share common characteristics, such as being higher among men and in deprived communities (Finch et al., 2023). Most deaths of homeless people registered in 2021 were among men (87.3%). Estimated deaths from drugs, alcohol and suicide account for 57.9% of deaths among homeless people (ONS, 2022d).

Racial disparities in maternal and perinatal deaths are covered in our chapter on race.

Figure 90: Male suicide rates in England, Scotland and Wales



(Source: Office for National Statistics)

Mental health

In England and Wales, our analysis of the Health Survey for England and National Survey for Wales shows significantly more women than men report poor mental health, a gap that has widened in England compared with 2010. There is evidence this gap widened during the first wave of the COVID-19 pandemic, with further research needed to determine longer term trends (OHID, 2020; Proto and Quintana-Domeque, 2021). Women are more likely to access treatment for mental health conditions, with evidence suggesting that young men may face particular barriers to getting mental health support (Burke et al., 2022).

There are no significant differences in reported mental health between men and women in Scotland, based on our analysis of Public Health Scotland data.

Reconfiguration of health services

Health services across the UK faced disruption and reconfiguration during the COVID-19 pandemic that may have affected women more. During the first lockdown, women experienced significantly more healthcare cancellations (Topriceanu et al., 2021).

Gynaecological waiting lists have grown more than any other service in the UK when looking at percent increase. 60.0% more women in 2022 are waiting for a gynaecological appointment than before the pandemic (Iacobucci, 2022).

Service reconfiguration may have contributed to an increase in perinatal suicides in the UK during the COVID-19 pandemic. In 2020, women were three times more likely to die by suicide up to six weeks after the end of pregnancy than in 2017–2019 (Knight et al., 2022). A survey of midwifery units found that around a third of units were closed, with services moved to hospital care across the UK during the first wave of COVID-19. Midwives raised concerns about reduced choice (Brigante et al., 2022). Mental health professionals were also redeployed (Knight et al., 2022). These changes may have exacerbated existing barriers to raising concerns and seeking support.

Ethnic minority women, particularly asylum seekers and refugees, already face greater barriers in accessing mental health services (Giscombe et al., 2020; Kapadia et al., 2022). Some women feel they have limited information about perinatal mental health services and are fearful of asking for help (Brigante et al., 2022; Karavadra et al., 2020). A survey of women who were pregnant or had given birth during the COVID-19 pandemic found a move to virtual services made it harder for them to disclose perinatal mental health issues (Karavadra et al., 2020).

Justice

Prison population

Most prisoners in England and Wales (96.0%) and Scotland (96.0%) are men (MoJ, 2022c) (Scottish Government, 2022c).

Despite making up a small proportion of the prison population, there are increasing concerns about the welfare and safety of women and girls in detention in England and Wales.

Self-harm is far higher among women and girls in detention than men and boys. Girls are also far more likely than boys to be involved in assault incidents as assailants or fighters and be subject to restrictive physical interventions (MoJ, 2023; MoJ, HMPPS and Youth Custody Service, 2023).¹⁴¹ A review found girls in custody with the most complex needs are being cared for in places with the least resources or remanded in custody due to lack of hospital or community spaces (HMI Prisons, 2022).

There are also concerns about the general welfare of women in prison in Scotland. Quantitative modelling of the prison population revealed that the estimated prevalence of long-term mental health conditions, self-harm and anxiety are all higher for women than for men (Scottish Government, 2022d).

Domestic Abuse

In 2019/20, an estimated 1.6 million women and 757,000 men aged 16–74 in England and Wales had experienced domestic abuse in the past year. This is around seven in 100 women and four in 100 men. Women are more likely to be victims of each type of domestic abuse except sexual assault by a family member, which although still higher, was not statistically significant (ONS, 2020).

In Scotland, in 2018/20, women (21.2%) were almost twice as likely than men (11.2%) to have experienced partner abuse since the age of 16 (Scottish Government, 2021c).

¹⁴¹ A restrictive physical intervention in the youth secure estate is any occasion which force is used to overpower, or with the intention of overpowering, a child or young adult where 'overpower' means to restrict movement or mobility.

Rape and serious sexual abuse

Rape is disproportionately experienced by women and girls. An estimated 121,000 women experience rape in England and Wales a year, compared with 7,000 men, and 103,000 women are victims of assault by penetration a year, compared with 16,000 men (ONS, 2021a).¹⁴² Some women are more likely to have experienced these offences, including those who are young, disabled, lesbian, gay and bisexual, single or divorced, or who have no religion (ONS, 2021b).

In recent years, the estimated prevalence of rape offences¹⁴³ has remained the same in England and Wales but there has been a concerning drop in charges, prosecutions and convictions. This was acknowledged in the UK government's rape review (MoJ, 2021). Operation Soteria, a police and CPS programme to develop new operating models for the investigation and prosecution of rape in England and Wales, found many police force investigators lack specialist knowledge about sexual offending (Stanko, 2022).

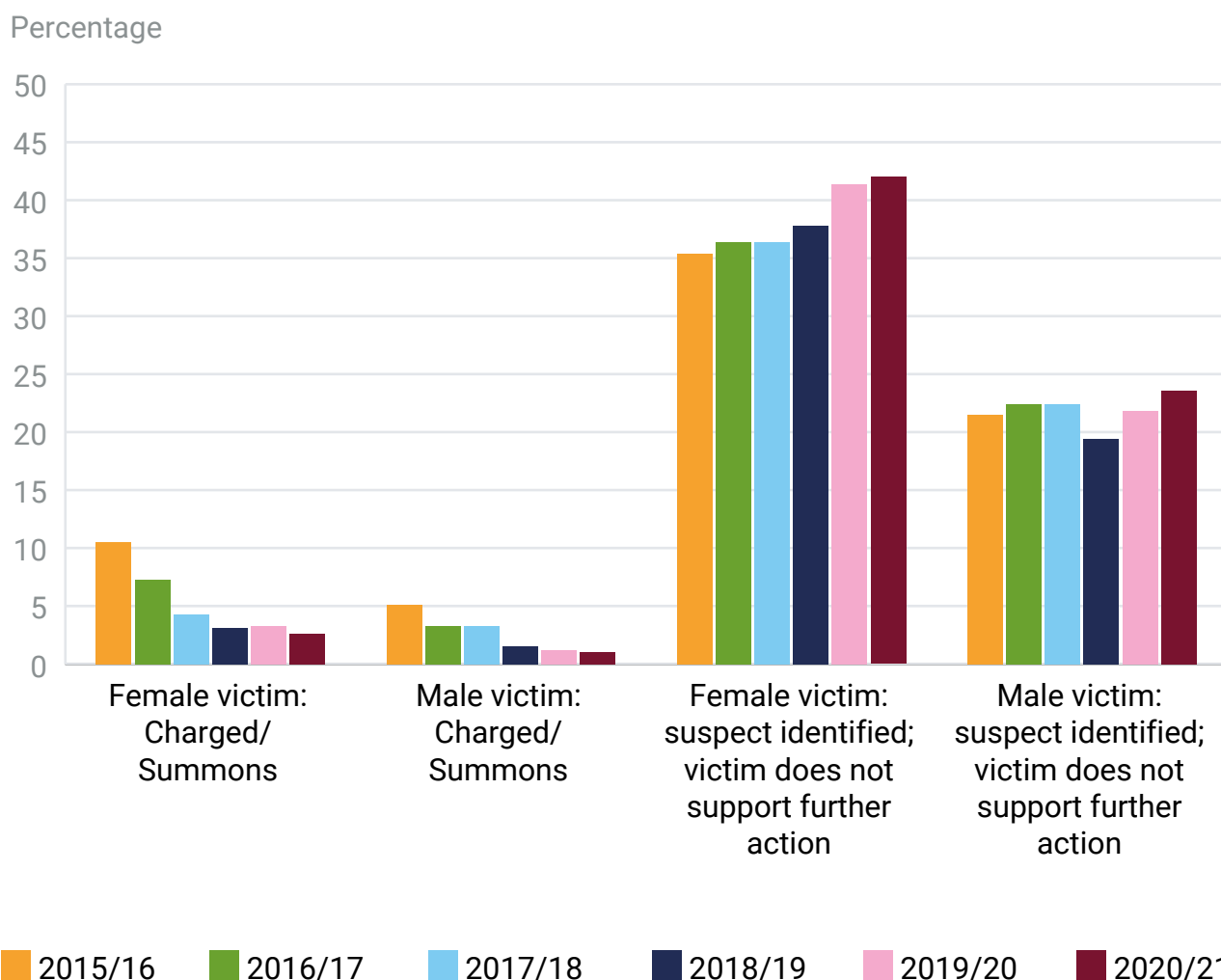
Between 2015/16 and 2020/21 there was a sharp drop in the proportion of rape offences that were charged, according to analysis of police-recorded crime outcomes data (Home Office, 2023). This was the case for both male victims aged 16 and over (from 5.1% to 1.0%) and female victims aged 16 and over (from 10.5% to 2.6%).

Some cases do not end in a police charge because victims withdraw. Female victims aged 16 and over have consistently been more likely to withdraw their case when the suspect is identified than male victims aged 16 and over, and this has increased (from 35.4% in 2015/16 to 42.0% in 2020/21), while for men the increase has been far smaller (from 21.5% to 23.6%). This may be related to the fact that a greater proportion of women victims report the perpetrator is a partner or ex-partner compared with men, which may affect their decision to pursue a case (Home Office, 2023).

142 Analysis pools data from 2017/18, 2018/19 and 2019/20 to increase statistical robustness.

143 The estimated prevalence of rape offences is calculated using the Crime Survey for England and Wales data. This is the best estimate of how many rape offences are committed per year, as distinct from the number of offences that come to the attention of the police.

Figure 91: Police recorded crime outcomes in England and Wales – rape offences against victims aged 16 and over



(Source: Home Office police recorded crime outcomes)

In Scotland, women are more likely to have experienced serious sexual abuse than men. In 2018/20, 6.1% of women had experienced a serious sexual assault since the age of 16, compared with 0.8% of men (Scottish Government, 2021c).

Participation

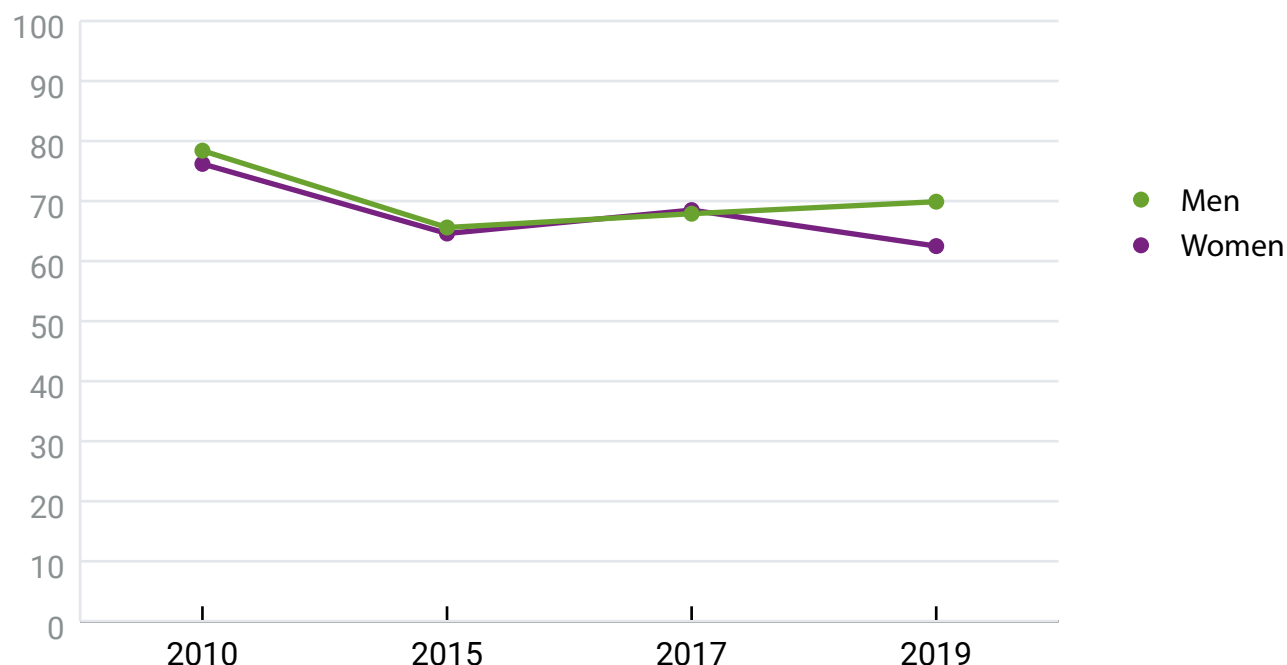
Political activities

In England in 2020/21, more women (43.9%) than men (39.6%) participated in political activities, including signing petitions and taking part in public protests, a difference not seen in any other year from 2015/16 to 2019/20.

Voting turnout in Britain has fallen for both men and women since the 2010 general election. Although turnout increased for men between the 2015 election (65.6%) and the 2019 election (69.9%), it was still lower than turnout in 2010. For women turnout fell from 68.5% in 2010 to 62.5% in 2019. Significantly more men voted in the 2019 election (69.9%) than women (62.5%). In the 2010, 2015 and 2017 elections, there was no statistically significant difference in the proportion of men and women who voted.

Figure 92: Voter turnout at general elections in Britain

Percentage



(Source: EHRC Analysis of the British Election Study)

Trade union activities

In the UK, while there was little change in rates of trade union membership for men or women between 2018 and 2021 (BEIS, 2022), women were more likely to be a member of a trade union. In 2021, 26.3% of women employees in the UK were members compared with 20.0% of men.

Sense of belonging and trust

In 2020/21 women in England (66.3%) were more likely than men (63.1%) to 'feel fairly or very strongly' that they belonged to their immediate neighbourhood.

In 2020/21, women (83.2%) and men (82.8%) in Wales were equally likely to 'feel fairly or very strongly' that they belonged in their local area. In 2021/22 the rate dropped for all adults, such that men (78.4%) are now less likely than women (80.3%) to 'feel fairly or very strongly' that they belonged in their local area.

In 2020/21 more women (43.3%) than men (39.8%) in England agreed most people in their neighbourhood could be trusted, but these levels remain low and not significantly different from 2015/16.

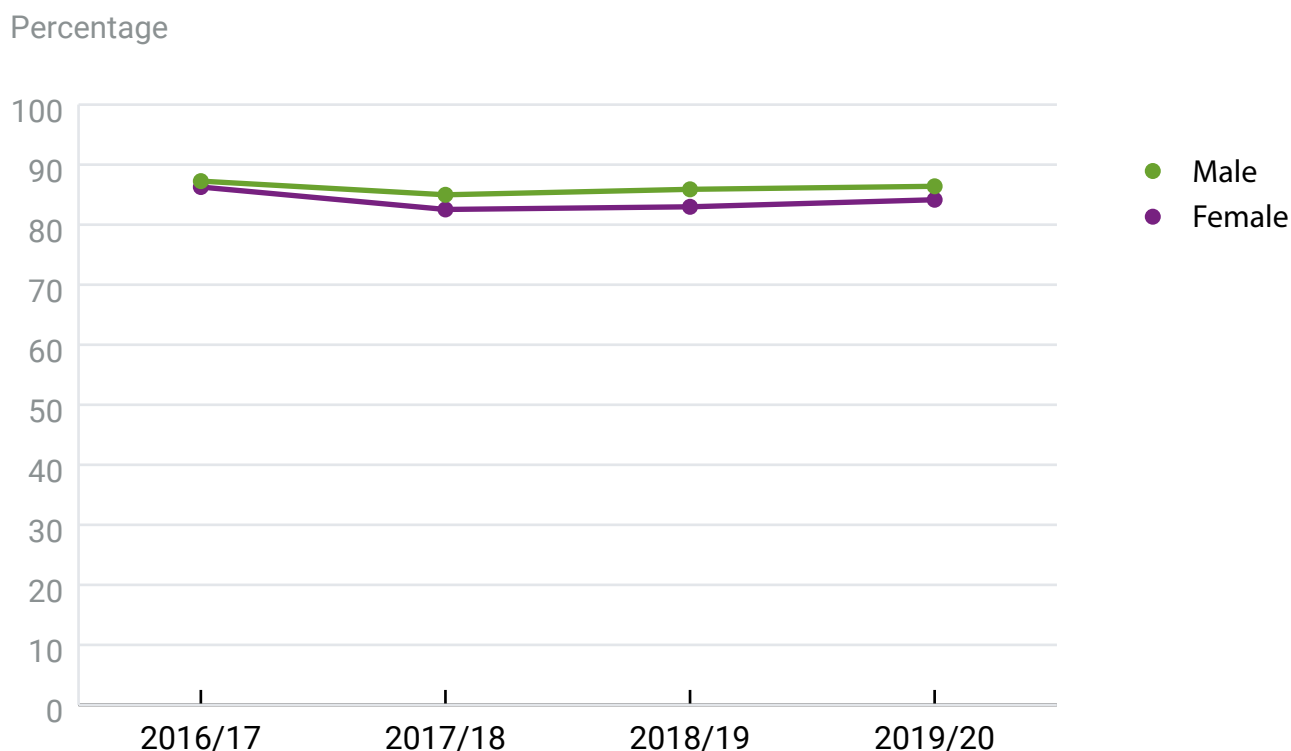
Public Appointments

The proportion of serving public appointees in the UK who are women has increased over time, from 44.0% in 2019 to 47.0% in 2022. In 2022, 48.0% of board members were women, compared with 45.0% in 2019. However, only 35.0% of Chair or Chair equivalent roles were filled by women in 2022 (Cabinet Office, 2023).

Physical exercise

In England, analysis of Department for Digital, Culture, Media and Sport (DCMS) data found in 2019/20 women were less likely to be physically active than men. The proportion of women who had taken part in sport or exercise in the previous four weeks fell from 2016/17 when they were as likely as men to be physically active.

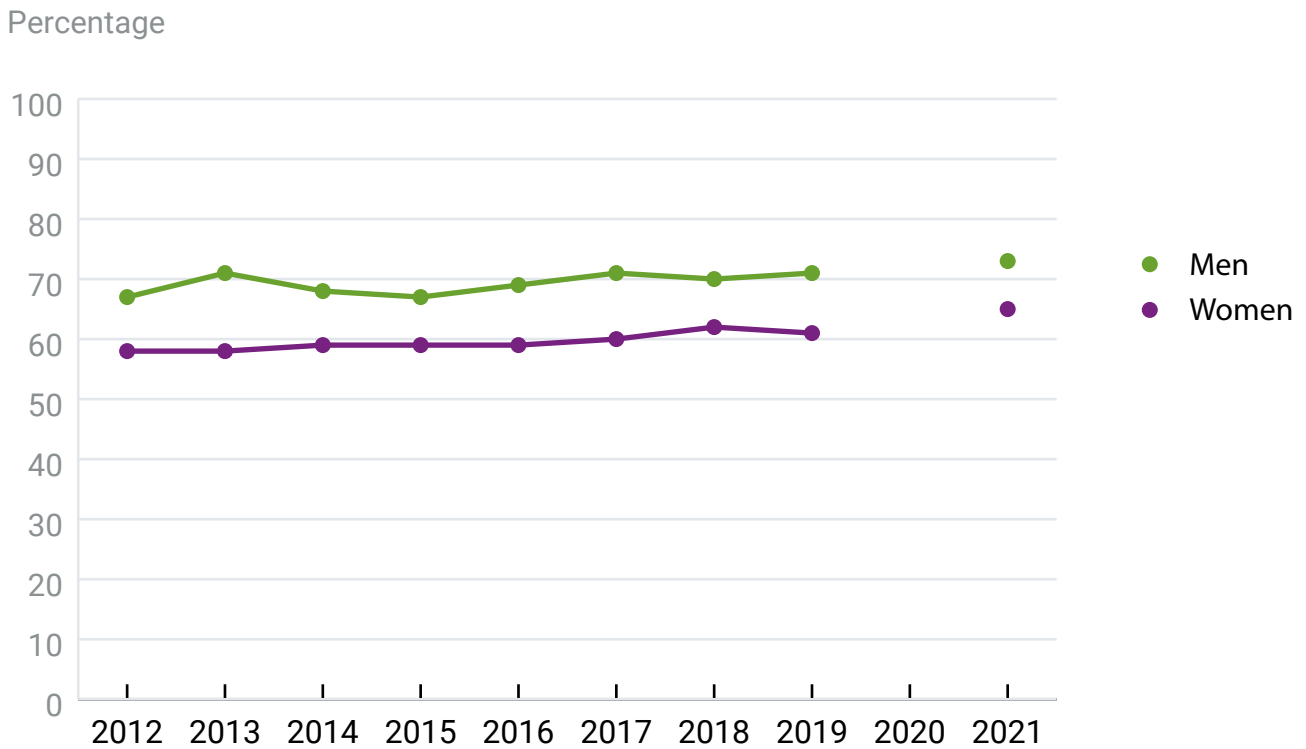
Figure 93: Proportion of men and women in England taking part in sport or exercise in the last four weeks



(Source: EHRC Analysis of 'Taking Part: the National Survey of Culture, Leisure and Sport')

In Scotland in 2021, 69.0% of adults met the guidelines for moderate or vigorous physical activity. A higher proportion of men (73.0%) reported adhering to the guidelines than women (65.0%). This mirrors a long-term trend of men being more likely to adhere to recommended levels of physical activity than women (Scottish Government, 2022d).

Figure 94: Proportion of adults who met the guidelines for moderate or vigorous physical activity (MVPA), 2012 to 2021, by sex



(Source: Scottish Government)

Recommendations

27. Governments, education providers and relevant inspectorates should take, and report on, action to address the underperformance of boys relative to girls in primary and secondary education.
28. Central and local government should take, monitor and report on, action to address occupational segregation and narrow the pay gap, for example by improving the availability of childcare, expanding the right to statutory carer's leave and promoting access to flexible working.
29. Central and local government should take, and report on, action to eliminate the gap in poverty rates between men and women in England, particularly for single parent families, in line with The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recommendations to improve women's economic equality.
30. Central and local government should take, monitor and report on, action to reduce the rates of homelessness among men.
31. Governments and health providers should take, monitor and report on, action to reduce the rates of suicide among men.
32. Government, the Crown Prosecution Service and police forces should take, and report on, action to address the unacceptable low rate of charges and prosecutions of rape and sexual assault offences.

Further recommendations for the Scottish and Welsh Governments are in the separate Scotland and Wales reports.

Sexual orientation

Key findings

- Census data on sexual orientation is available for the first time. In 2021, around 1.5 million people in England and Wales identified as gay, lesbian, bisexual or another (non-heterosexual) sexual orientation. Data from Scotland's 2022 census is forthcoming.
- Bisexual individuals tend to be younger than gay and lesbian individuals, have poorer outcomes and can face specific forms of discrimination. Bisexual people are more likely to be in low-paid employment, living in poverty and poor conditions and to have worse health.
- Gay and lesbian adults have consistently had higher employment rates and higher average wages, and are more likely to be in high-paid occupations than heterosexual adults. However, wage and occupation gaps have been narrowing over time.
- Despite strong labour market performance, lesbian, gay and bisexual people experience poorer outcomes in other areas than heterosexual people. Lesbian, gay and bisexual people, especially women and bisexual adults, experience worse physical and mental health. They are also more likely to have experienced rape or domestic abuse in the past year, to live in poor conditions or have difficulty finding safe and secure housing.

Definitions

Sexual orientation: The Equality Act 2010 defines sexual orientation as a person's sexual attraction towards their own sex, the opposite sex or to both sexes.

A range of questions are used in different surveys to collect data on a person's sexual orientation. The Government Statistical Service brought together the standards that underpin many national surveys, which ask respondents to select a term that best describes how they think of themselves from a list provided. We have included terms used in various data sources and these may differ from source to source.

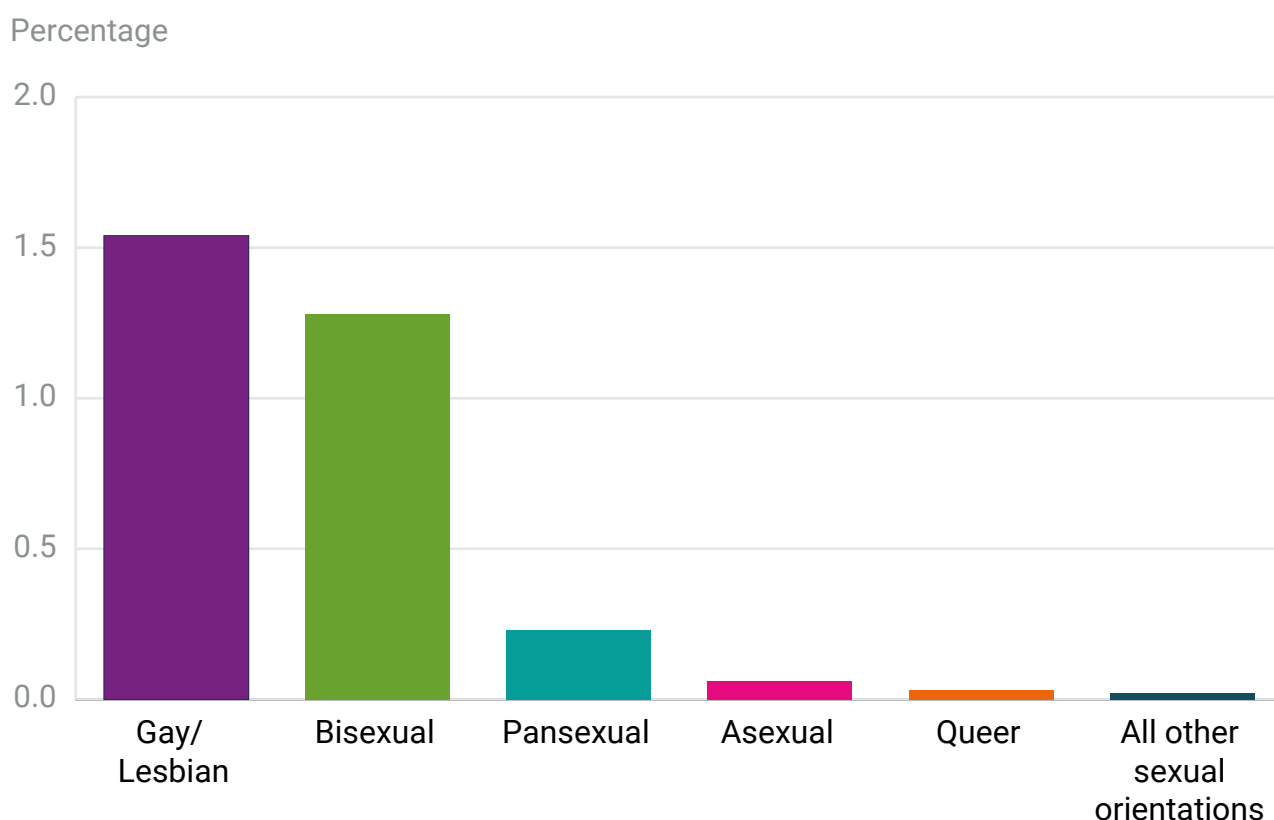
It should be noted that some policies and data refer to the wider umbrella of 'LGBT' and as such include the experiences of trans people alongside people who are lesbian, gay and bisexual. We reflect the language of that policy or evidence when reporting it within this chapter, so will on occasion report LGBT as a single group where it cannot be separated. For the purposes of this report, policy and outcomes affecting trans people are addressed separately in the 'gender reassignment' chapter.

Demographics

The 2021 census in England and Wales (ONS, 2023a) included a voluntary question on sexual orientation for the first time. Of the population aged 16 years and over, 92.5% answered the question. The remaining 3.6 million people (7.5%) did not answer the question.

43.4 million people identified as straight or heterosexual (89.4%) and 1.5 million people (3.2%) identified as lesbian, gay, bisexual or 'other sexual orientation' (LGB+).

Figure 95: LGB+ orientation, England and Wales, 2021



(Source: Office for National Statistics)

Legal and policy developments

In 2018, the UK government published the LGBT Action Plan, setting out its commitment to 'remove barriers that hold LGBT people back [...] from full participation in public life' (GEO, 2018a). The plan's aims included:

- extending a schools programme to stop homophobic, biphobic and transphobic bullying
- bringing forward proposals to end conversion practices in the UK
- taking further action on LGBT hate crime, specifically improving the police recording and reporting of, and response to, this type of offence in England and Wales, and
- appointing a national LGBT health adviser to provide leadership on reducing the health inequalities that LGBT people face.

Some of these have progressed, including the UK government's January 2023 announcement that it would publish a draft bill banning conversion practices for LGBT people for pre-legislative scrutiny in the 2022/23 parliamentary session (DCMS, 2023). But other commitments in the plan remain outstanding. This includes plans to 'tackle hate crime on the basis of disability, religion, sexual orientation or transgender identity', which was also in the 2017 Conservative Party manifesto.

There have been other policy interventions to support LGBT people. The 2022 'Ending Rough Sleeping for Good' cross-government strategy in England included tailoring interventions to meet LGBT individuals' needs (DLUHC, 2022). The UK government has also stated that it is working with stakeholders to ensure the commissioning of services for domestic abuse survivors is LGBT-inclusive, including support for 'by and for' specialist services that LGBT people are more likely to use. Overall, there has not been significant progress in implementing the LGBT Action Plan, and the last annual progress report was issued in 2019 (GEO, 2019a).

The WEC noted in 2021 that 'it is not clear [...] the extent to which the Government remains committed to longer-term policies and plans announced under the previous administration, notably the 2018 LGBT Action Plan'. In oral evidence to this Committee in May 2021, when asked whether the government remained committed to the actions in this plan, the Minister for Women and Equalities emphasised the (subsequently cancelled) international LGBT conference, and the plans to ban conversion practices (WEC, 2021).

Details on actions in Scotland and Wales are in the separate reports for each nation.

Health

The LGBT Action Plan (GEO, 2018a) made several commitments to improve mental healthcare and fertility services for LGBT people. Subsequent policy measures include:

- appointment of the first National Adviser for LGBT Health in 2019 to help improve the care health services provide to LGBT people (GEO, 2019b)
- a 2019 UK government commitment to introduce a new national sexual health strategy for England, though this has not yet been published (DHSC, 2019)
- in 2020, the full roll-out in England of a preventative drug (pre-exposure prophylaxis, or PrEP) to reduce HIV (human immunodeficiency virus) transmission (DHSC, 2020)
- in 2022, the announcement of funding for projects to reduce inequalities in sexual health, particularly for gay and bisexual men, in response to the outbreak of monkeypox (UKHSA, 2022), and
- the 2022 Women's Health Strategy for England, including a commitment to remove additional barriers to in vitro fertilisation (IVF) for female same-sex couples (DHSC, 2022).

Details on actions in Scotland and Wales are in the separate reports for each nation.

Education

The UK government ended its funding for specific anti-LGBT bullying initiatives in schools in England 2019 (BBC News, 2020). However, £2 million was provided between August 2021 and March 2023 to help schools tackle bullying more generally. This funding went to five anti-bullying organisations and supported projects targeting particular groups, including victims of hate-related and homophobic, biphobic and transphobic bullying (DfE, 2021).

In January 2020, the Crown Prosecution Service (CPS) published updated guidance for schools in England and Wales on LGBT+ bullying and hate crime (CPS, 2020). But this guidance was withdrawn in April 2020 after a legal challenge (Safe Schools Alliance UK, 2020).

Justice

The 2018 LGBT Action Plan included action to improve the reporting and recording of, and the response to, LGBT hate crime in England and Wales (GEO, 2018a). The Law Commission's 2021 'Hate crime laws: Final report' recommended 'levelling up' protection for LGBT+ victims of hate crime, specifically by extending aggravated and stirring up offences to include sexual orientation and trans identity (Law Commission, 2021), but the UK government is yet to respond to these recommendations.

We raised concerns about the Nationality and Borders Act 2022 before it became law because we believed it could disproportionately affect people with certain protected characteristics. For example, it can already be difficult for LGBT asylum seekers to share personal details so they take longer to prepare and disclose information on their sexual orientation and gender identity to officials. They might also risk persecution on the basis of their sexual orientation if sent back to their country of origin (EHRC, 2021).

The UK government's intention to ban conversion practices was announced in 2018. It was also included in the LGBT Action Plan. There was a consultation on the government's proposals in 2021 (EH and GEO, 2021). In January 2023 the Secretary of State for Digital, Culture, Media and Sport confirmed the UK government's plan to ban conversion practices targeting people's sexual orientation and being transgender, with a bill to legislate for this to be published for pre-legislative scrutiny in the 2022/23 parliamentary session (UK Parliament, 2023).

Participation



The new Civil Partnership (Opposite-sex Couples) Regulations 2019 allow mixed sex couples to register civil partnerships in England and Wales.



In Scotland, the Civil Partnerships (Scotland) Act 2020 made civil partnerships available for mixed-sex couples in Scotland, meaning mixed-sex and same-sex couples have the same choices of marriage or civil partnership.

Legal developments

The interaction between protections against discrimination on the grounds of sexual orientation and protections for the religious beliefs of providers of goods, facilities and services, was tested in a case in which bakery owners refused to supply a cake with a slogan supporting gay marriage due to their Christian beliefs.¹⁴⁴

In 2018, the UK Supreme Court decided that there had been no discrimination as the bakery refused because of the message requested, not the sexual orientation of the claimant. It found the bakery owners' ECHR rights to freedom of religion and expression meant they could not be required to supply a product expressing the claimant's political support for gay marriage. A complaint to the European Court of Human Rights about this judgment was deemed inadmissible in 2022.

Another case also tested the balance between the right to freedom of religion and equal treatment on the grounds of sexual orientation.¹⁴⁵ Cornerstone, an independent fostering agency, had a policy only to accept evangelical Christians as foster carers and adoptive parents, and required them not to engage in 'homosexual behaviour'.

The rule on 'homosexual behaviour' formed part of a broader belief system, but this did not change the fact that Cornerstone's policy specifically excluded people because of their sexual orientation. The court held that fostering agencies could not discriminate against 'homosexuals', and preventing this was a proportionate limitation to their right to manifest their religion.

144 Lee v Ashers Baking Company [2018] UKSC 49.

145 Cornerstone (North East) Fostering and Adoption Services v Ofsted [2021] EWCA Civ 1390.

Outcomes

Education

There is limited evidence on sexual orientation and educational attainment as this data is not collected for children, so this report instead focuses on homophobic and biphobic bullying and discrimination in education settings.

The 2017 National LGBT Survey found most of those who identified as LGBT in the UK, and were in education in 2016/17, had only positive experiences (GEO, 2018b).¹⁴⁶ Over two thirds (67.0%) said they received either positive or no reactions to being LGBT and 31.0% had experienced both positive and negative reactions, with just 1.0% receiving only negative reactions.

However, experience varied by sexual orientation, gender and gender identity. Among non-trans respondents (whom the survey refers to as 'cisgender'), gay and lesbian respondents were more likely to report positive reactions than asexual respondents. 47.0% of gay and lesbian respondents reported only positive reactions, compared to 30.8% of asexual respondents. Overall, male respondents reported more positive reactions than female respondents (47.0% compared to 40.9%).

Of all LGBT respondents, 21.0% had experienced someone disclosing they were LGBT without their permission and 19.0% said they had been subjected to verbal harassment, insults or hurtful comments (GEO, 2018b).

The census in England and Wales found that those who are gay and lesbian (47.0%), and those who are bisexual (40.0%) are more likely to have a level 4 qualification (BA or BSc) or above (MA, PhD or PGCE) than those who are straight / heterosexual (34.0%).

¹⁴⁶ The National LGBT Survey was a large-scale survey of people living in the UK aged 16 or above who 'self-identified as lesbian, gay, bisexual, transgender or as having another minority sexual orientation or gender identity, or as intersex'. It received 108,100 valid responses through an anonymous online questionnaire.

Work

Employment



In March 2021, in England and Wales, gay / lesbian employment rates were higher than the heterosexual group (70.3% compared to 57.8%) (ONS, 2023b). Analysis of APS data suggests that gay and lesbian employment rates have been consistently higher than those for heterosexuals since at least 2011/12.

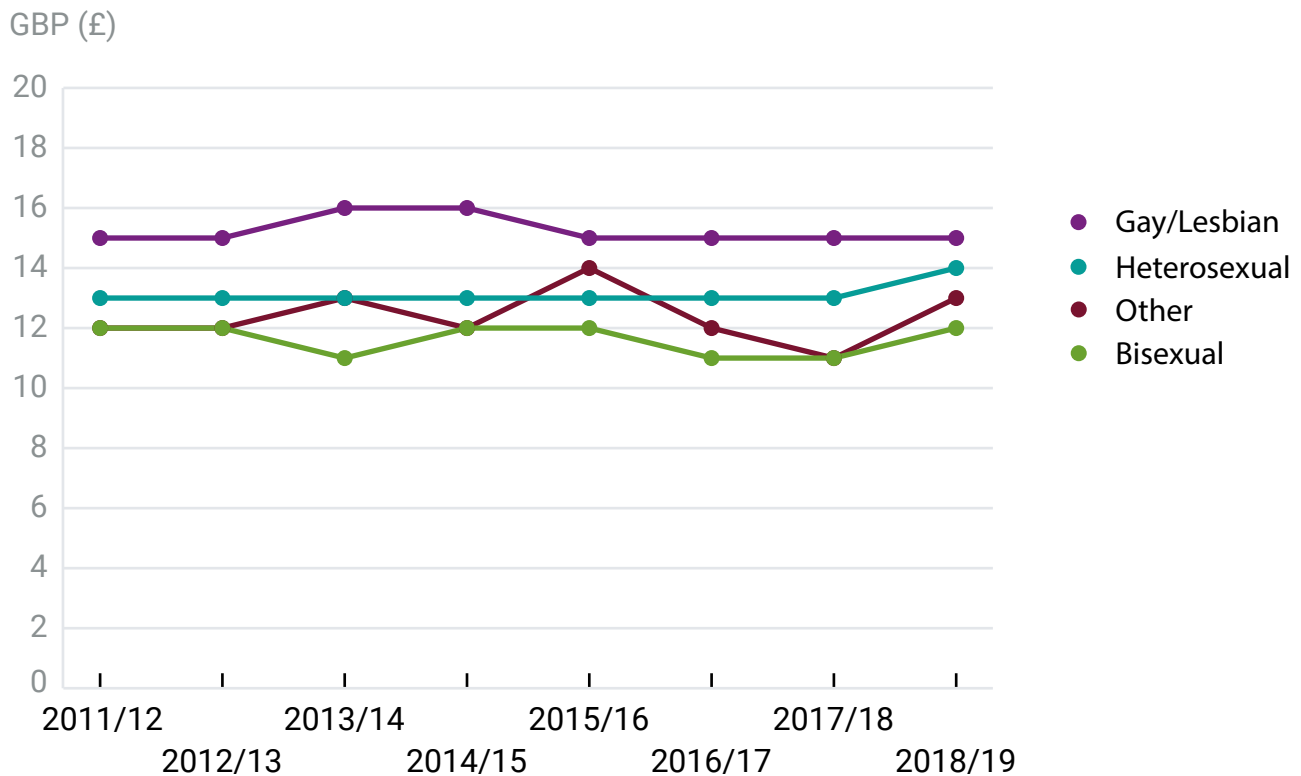
In March 2021, employment rates for bisexual people and all other sexual orientations were similar to those for heterosexual people (58.0% bisexual, 56.1% other, 57.8% heterosexual) in England and Wales. However, bisexual and all other sexual orientation groups both have higher student populations. When full-time students are removed from the analysis, employment rates for bisexual people and all other groups are higher than for the heterosexual group (ONS, 2023b).

Unemployment rates were lowest for the heterosexual group (3.3%) followed by gay / lesbian (4.9%), all other (7.1%) and bisexual groups (7.9%). However, economic inactivity rates are highest for heterosexuals. This may be linked to the older age demographic of this group (ONS, 2023b).

Median hourly earnings

In Britain, between 2011/12 and 2018/19, gay and lesbian workers had consistently higher median hourly earnings than heterosexual workers. In 2018/19, the median hourly earnings for gay and lesbian workers was £14.76 compared with £13.74 for heterosexual workers. However, APS data analysis found that the wage gap between gay and lesbian workers and heterosexual workers has been narrowing over time, from 16.6% in 2011/12 to 7.5% in 2018/19.

Figure 96: Median hourly earnings by sexual orientation, Britain 2011/12 to 2018/19



(Source: Office for National Statistics)

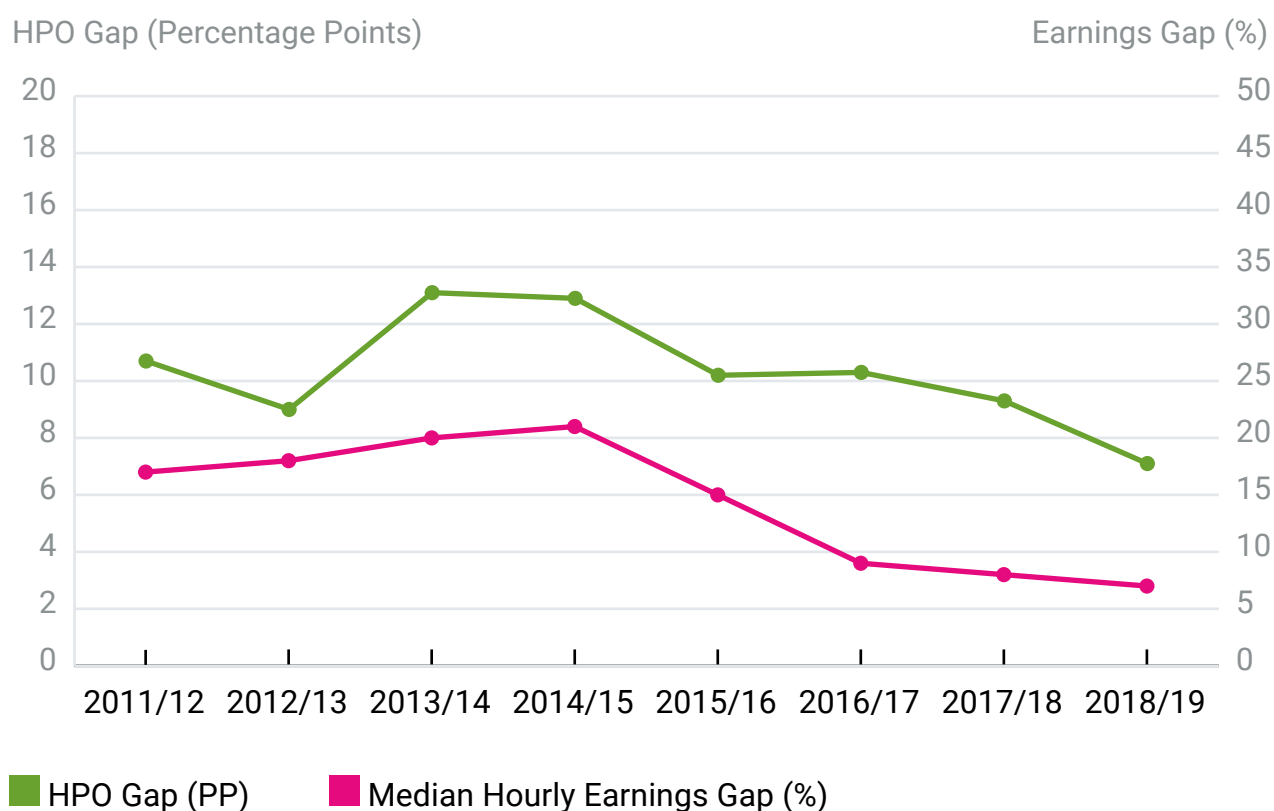
Bisexual workers have on average been paid significantly lower wages than heterosexual workers since 2016/17, but this may be related to age. Census data shows that 40.0% of bisexual individuals in England and Wales are aged 16–24, compared with 18.0% of gay and lesbian individuals and 12.0% of heterosexual people (ONS, 2023a). This is significant, as younger people are more likely to be in a low-paid occupation (LPO) and to earn less on average.

Occupational segregation

Analysis of APS data shows that, in Britain, gay and lesbian workers were more likely to be in a high-paid occupation (HPO) than heterosexual workers between 2011/12 and 2018/19. However, the HPO gap has closed over time as more heterosexual workers have moved into an HPO while the rate for gay and lesbian workers remained stable.

Our APS data analysis found that, from 2013/14 onwards, bisexual workers were more likely to be in an LPO than heterosexual workers.

Figure 97: Earnings and high-paid occupation gap¹⁴⁷ between gay/lesbian and heterosexual workers,¹⁴⁸ Britain, 2011/12–2018/19



(Source: EHRC analysis of Annual Population Survey)

147 A positive gap infers advantage for the gay / lesbian group over the heterosexual group.

148 A high-paid occupation gap shows the difference between the proportion of workers who are in a high paid occupation for two different groups.

Bullying, harassment and discrimination

A self-selecting survey of LGBT employees in Britain in 2017 found that 18.0% reported being the target of negative comments or conduct from work colleagues in the past year due to their LGBT identity (Stonewall, 2018). Further evidence from the National LGBT Survey suggests that experiences in the workplace vary for specific sexual orientation groups.

Gay and lesbian respondents were more likely to experience a positive reaction to others in the workplace knowing or thinking that they were LGBT, compared to other sexual orientation groups, such as those who were bisexual, asexual or pansexual (GEO, 2018).

Stonewall's 'LGBT in Britain: Work Report' also found LGBT people may hide or disguise their sexual orientation at work due to fear of discrimination (Stonewall, 2018).

National LGBT Survey results suggest that lesbian, gay and bisexual employees may be less open with senior staff, as well as with clients and customers (GEO, 2018b).

Living standards

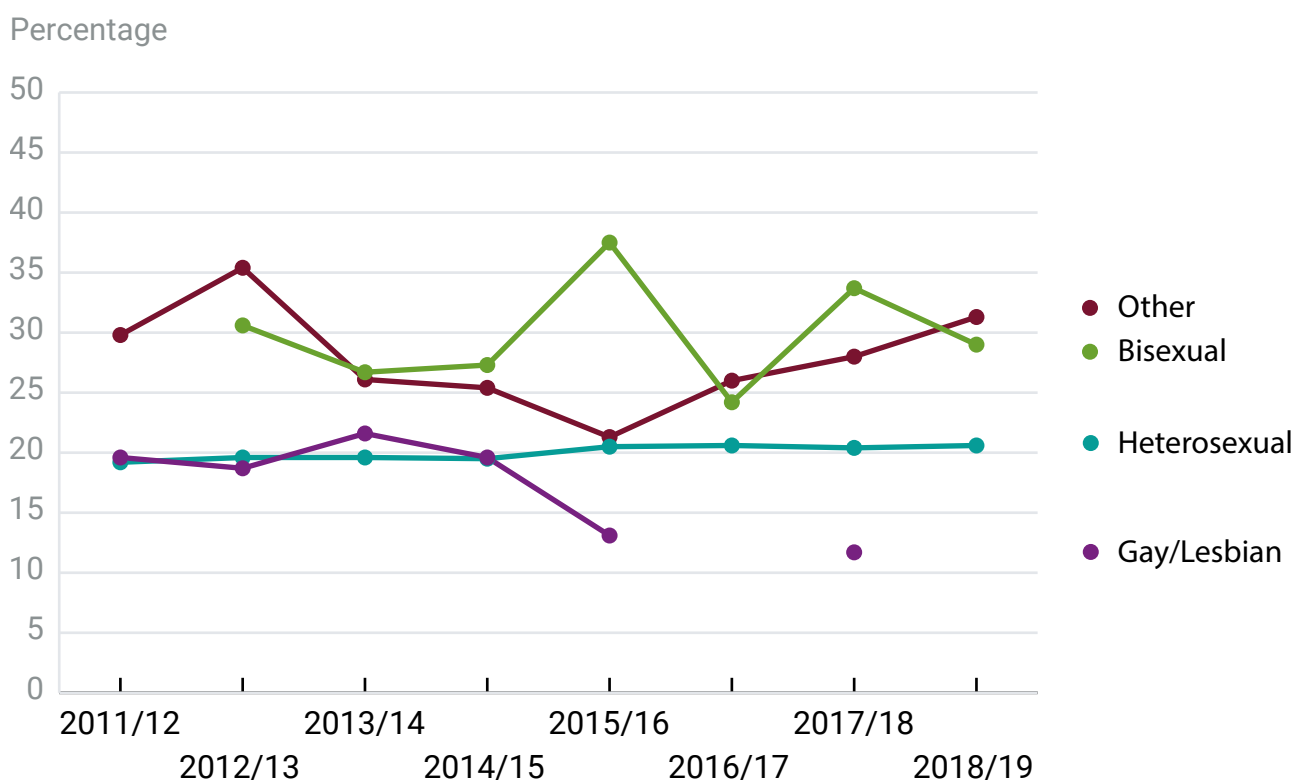
Adult poverty

Our analysis of the Family Resources Survey (FRS) found that in 2018/19, bisexual adults in Britain (29.0%) and those identifying with an 'other' sexual orientation (31.3%) were more likely than heterosexual adults (20.6%) to be in poverty (Figure 98).¹⁴⁹

Poverty increased among heterosexual adults from 19.2% in 2011/12 to 20.6% in 2018/19. Since our last period of review, poverty has increased for adults identifying with an 'other' sexual orientation from 21.3% in 2015/16 to 31.3% in 2018/19. Changes for other groups between these time periods were not statistically significant.

¹⁴⁹ Robust data is not available available in 2018/19 for individuals who are gay or lesbian.

Figure 98: Proportion of adults in poverty in Britain by sexual orientation, 2011/12–2018/19¹⁵⁰



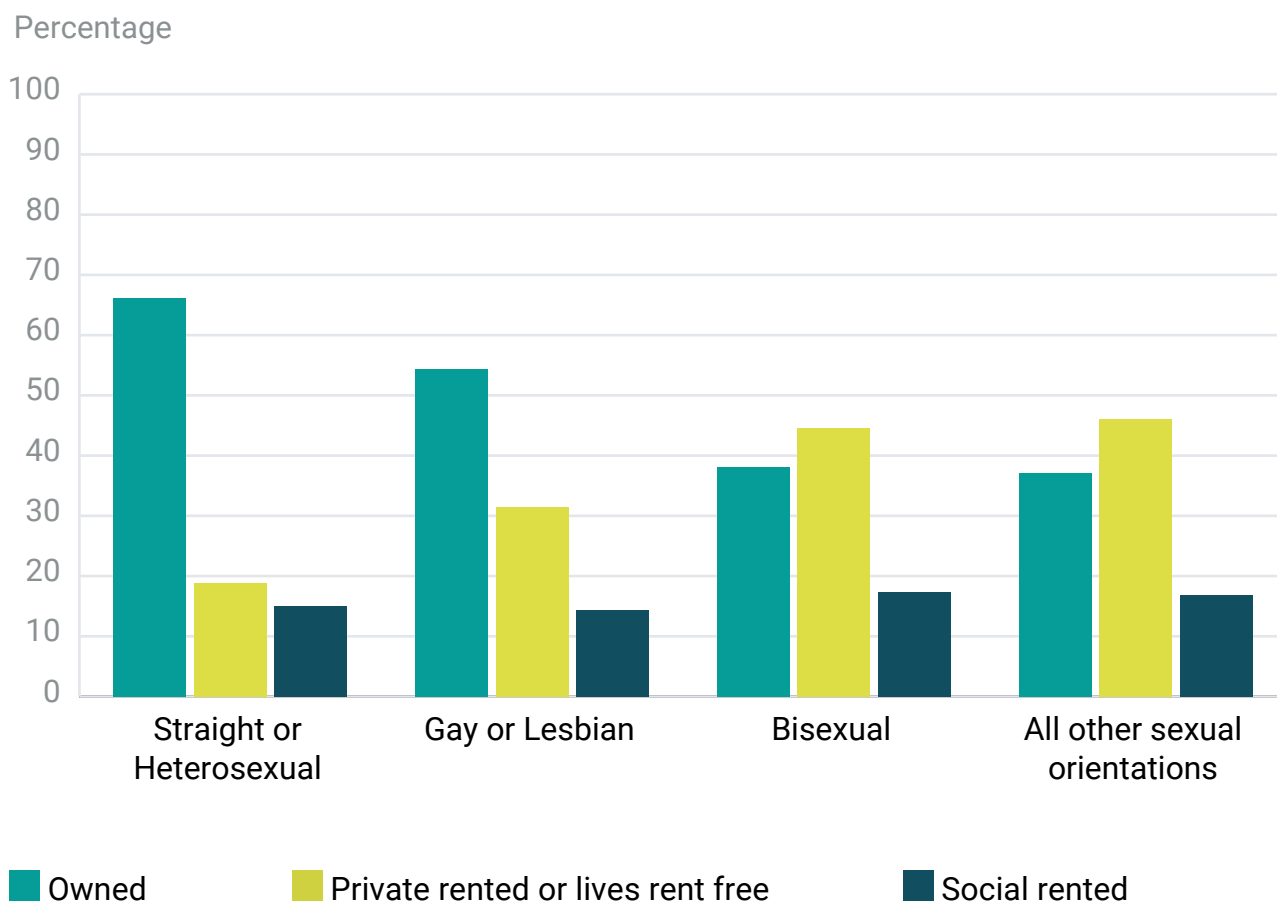
(Source: EHRC analysis of the Family Resources Survey)

Housing

In England and Wales, lesbian and gay (54.3%), bisexual (38.1%) and adults identifying with an 'other' sexual orientation (37.1%) are less likely to be living in owner-occupied housing compared with heterosexual adults (66.1%) and have higher levels of private and social renting (Figure 99, ONS, 2023c). Adults identifying with an 'other' sexual orientation (12.1%) also have higher levels of household overcrowding compared to bisexual (7.7%), gay and lesbian (4.1%) and heterosexual adults (6.7%), meaning they have fewer bedrooms than required (ONS, 2023d).

¹⁵⁰ There are data breaks as robust data is not available for bisexual and gay / lesbian adults for every year.

Figure 99: Housing tenure by sexual orientation in England and Wales, 2021



(Source: Office for National Statistics)

In Britain, lesbian, gay and bisexual adults are more likely to report difficulties in finding safe housing or to be living in poor conditions. Research by housing charity Shelter found that 39.0% of bisexual and 31.0% of gay or lesbian respondents to a representative survey were living in a home with poor conditions compared with 26.0% of heterosexual respondents (Shelter, 2021).

The same survey found that bisexual (8.0%) and gay or lesbian (6.0%) respondents were also more likely to say they found it hard to find a safe and secure home because of discrimination compared with heterosexual respondents (3.0%) (Shelter, 2021).

Social care

In 2021, 9.6% of gay and lesbian adults, 9.3% of bisexual adults, and 10.6% of adults identifying with an 'other' sexual orientation in England and Wales provided unpaid care, compared with 10.2% of heterosexual adults. These estimates may have been affected by the COVID-19 pandemic (ONS, 2023e).

There is limited data on the experiences of unpaid lesbian, gay and bisexual carers, and those identifying with an 'other' sexual orientation, across Britain. For example, the base size of lesbian, gay, bisexual and other sexual orientation respondents to the Personal Social Services Survey of Carers in England is too small to allow meaningful analysis (NHS Digital, 2022).

However, the existing evidence suggests they are more likely to be concerned about the impact of caring on their physical and mental health and finances. For example, in the 2022 State of Caring survey, 44.0% of lesbian, gay and bisexual carers reported that they were struggling to make ends meet, compared to 27.0% of heterosexual carers. They were also more likely to feel that support services didn't meet their needs (Carers UK, 2022).

Health

Physical health

Evidence suggests that sexual minorities experience poorer physical health than heterosexual people. According to analysis by NHS Digital of the Health Survey for England,¹⁵¹ people from the lesbian, gay and bisexual population were more likely to report bad or very bad health (7.0%) compared with people from the heterosexual population (6.0%). Lesbian, gay and bisexual adults were also more likely to have a limiting and longstanding illness (26.0%) compared with heterosexual adults (22.0%) (NHS Digital, 2021).

The 2021 census indicated that gay and lesbian people report higher levels of good or very good health (81.3%) than heterosexual people (79.0%), while worse health is reported among bisexual people (76.6%) and those with an 'other sexual orientation' (73.1%) (ONS, 2023f). However, this analysis does not consider factors such as age and socio-economic position.

151 This is a nationally representative survey that has collected data on sexual orientation from 2011. Analysis pooled data from 2011 to 2018 to increase sample size and controlled for age.

Analysis of the 2021 GP Patient Survey in England found further evidence of health inequalities between adults from sexual minorities compared to heterosexual adults, and differences by sex (Saunders et al., 2021).¹⁵² A study identified that 13 out of 15 long-term conditions were more prevalent among sexual minority women than heterosexual women and nine out of 15 conditions were more prevalent among sexual minority men than heterosexual men. Inequalities were greatest in bisexual adults and younger age groups.

Lesbian, gay or bisexual women aged 16–24 were found to have multiple morbidities equivalent to heterosexual women aged 45–54 (Saunders et al., 2021).

An evidence review by Public Health England similarly found that sexual minority women faced poorer health than sexual minority men (Public Health England, 2018).

Mental health

Poorer mental health among lesbian, gay and bisexual people is well documented, both in the UK and internationally. A scoping review found consistent evidence of poor mental health in sexual minorities from 2008 to 2022 (McDermott et al., 2021).

Analysis of the GP Patient Survey in England found people from sexual minorities are more likely to have chronic mental health problems than heterosexual individuals when controlling for the factors of age, ethnicity and socio-economic status (MacCarthy et al., 2022).

Academic studies looking at lesbian, gay and bisexual patients in contact with mental health services indicate sexual minority women are at a greater risk of chronic mental illness than heterosexual women; so are bisexual people and sexual minorities aged under 35 or over 55 (McDermott et al., 2021; MacCarthy et al., 2022; Rimes et al., 2019).

Disclosure and experience of care

Research shows that lesbian, gay and bisexual individuals do not always mention their sexual orientation when receiving care. The National LGBT Survey found 46.0% of respondents in the UK had not disclosed their sexual orientation when using healthcare services. This increased to 67.0% among bisexual respondents (GEO, 2018b).

¹⁵² This was an analysis of a nationally representative survey of 1,341,339 patients in England, focusing on primary care. Data was adjusted for deprivation, ethnic group, region and age.

Analysis of GP Patient Survey data suggests gay and lesbian individuals in England report poorer patient experiences than heterosexual and bisexual people; there is no evidence of this improving (Saunders, et al., 2021). Similarly, a review of cancer and palliative care found evidence of more negative experiences and outcomes among people from sexual minorities (McDermott et al., 2021).

A mental healthcare study in England found 41.9% of lesbian, gay and bisexual people were concerned about discrimination or stigma before using Improving Access to Psychological Therapy (IAPT) services and 13.2% thought their sexual orientation negatively affected their treatment.¹⁵³ A third (33.6%) did not disclose their sexual orientation (Foy et al., 2019).

Sexual and reproductive services

There is evidence that sexual minority women face greater barriers in accessing sexual and reproductive services than sexual minority men. The National LGBT Survey discovered 31.0% of lesbian respondents in the UK found access to sexual health services difficult compared with 24.0% of gay men (GEO, 2018b).

A 2022 health needs assessment found use of sexual health services in Scotland by LGBT+ people was most common among gay men and least common among gay / lesbian women. A quarter of gay men surveyed (23.0%) had used a service in the past year compared with 2.0% of gay / lesbian women.

Supplementary qualitative research found that while gay and bisexual men were often very positive about dedicated sexual health services for men who have sex with men, gay / lesbian and bisexual women noted the lack of dedicated services for women who have sex with women. Some gay / lesbian women said they were perceived as 'low risk' for sexually transmitted infections (STIs) by healthcare staff (Leven, 2022).

Sexual minority women have a low uptake of cervical screening. This has been consistently evidenced in academic studies and was synthesised in a systematic review of 27 studies (Connolly et al., 2020).

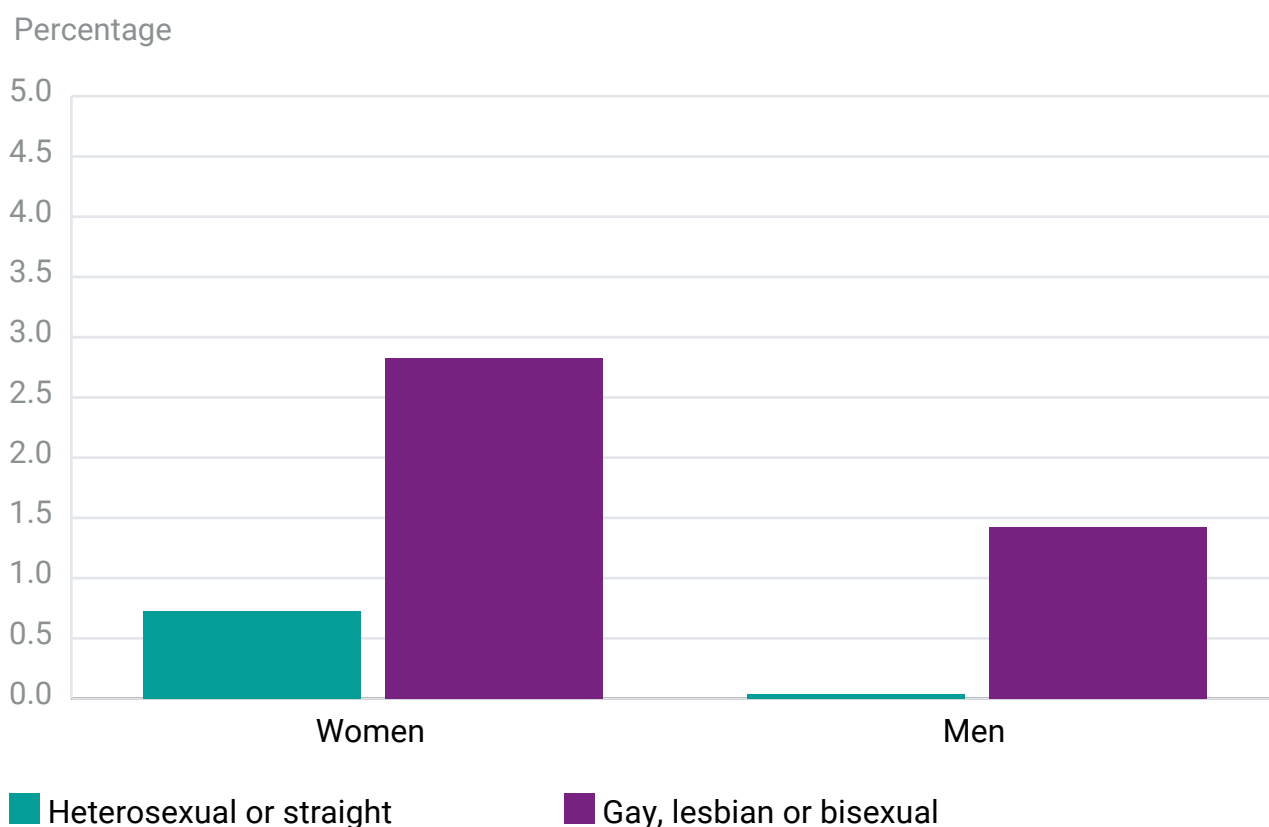
¹⁵³ IAPT was an NHS service designed to offer short-term psychological therapies to people with anxiety, depression and stress. It is now known as NHS Talking Therapies.

Justice

Sexual and domestic abuse

Both gay, lesbian and bisexual women and gay and bisexual men in England and Wales are more likely to have been victims of rape or assault by penetration in the past year than heterosexual women and heterosexual men. Analysis of the Crime Survey for England and Wales showed that 2.8% of gay, lesbian and bisexual women had experienced rape in the past year compared with 0.7% of heterosexual women. 1.4% of gay or bisexual men had experienced rape compared with 0.04% of heterosexual men (ONS, 2021).¹⁵⁴

Figure 100: Prevalence of rape or assault by penetration in England and Wales, by sexual orientation, 2017–2020¹⁵⁵



(Source: Crime Survey for England and Wales)

¹⁵⁴ Analysis commissioned from the ONS examining the proportion of men and women who had experienced rape or assault by penetration in the past twelve months. Data combines years 2017/18, 2018/19 and 2019/20.

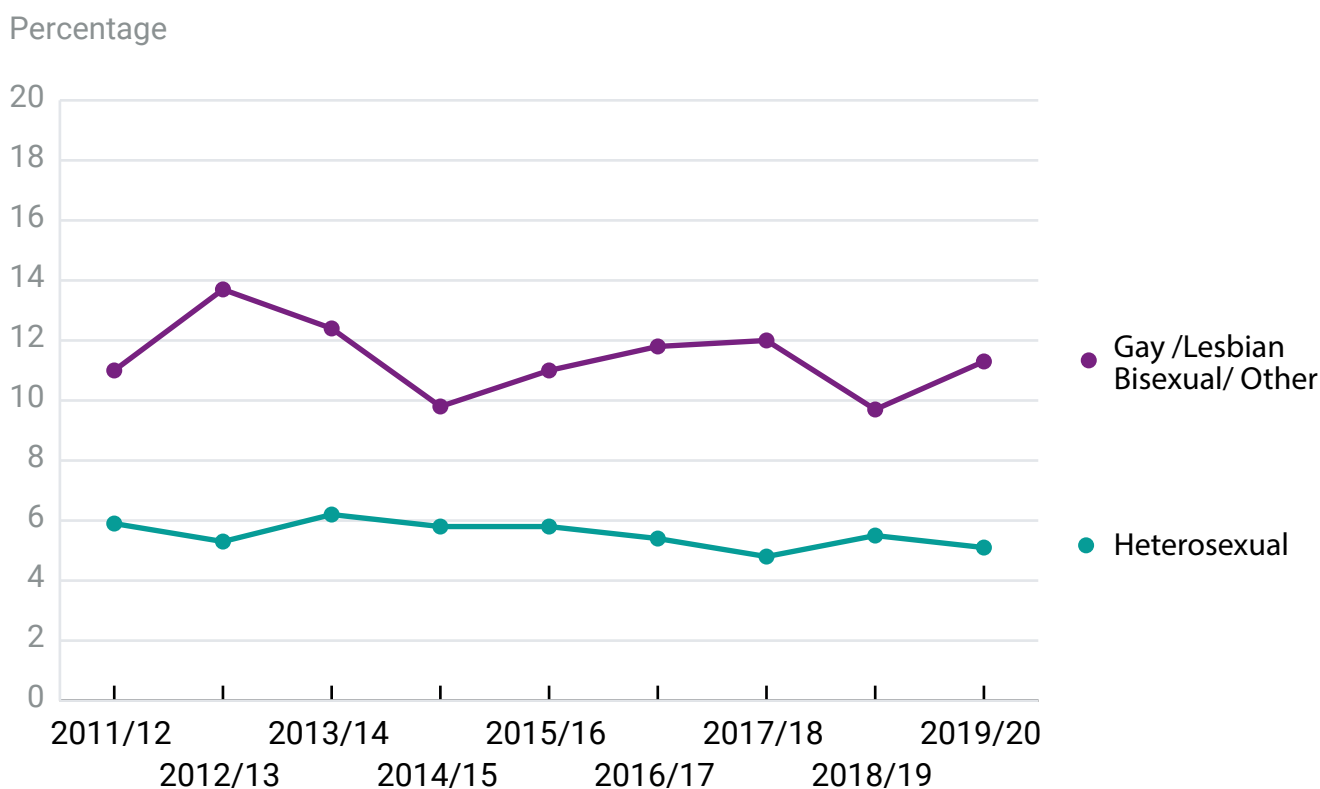
¹⁵⁵ Data combines years 2017/18, 2018/19 and 2019/20 to increase robustness.

Sexual orientation

Gay, lesbian and bisexual people in England are consistently more likely to be victims of domestic abuse than heterosexual people (see Figure 101).¹⁵⁶

Analysis of Crime Survey for England and Wales (CSEW) data found in 2019/20 11.3% of lesbian, gay, bisexual and other individuals had experienced domestic abuse in the previous year compared with 5.1% of heterosexual people.

Figure 101: Prevalence of domestic abuse in England by sexual orientation, 2011/12–2019/20



(Source: Crime Survey for England and Wales)

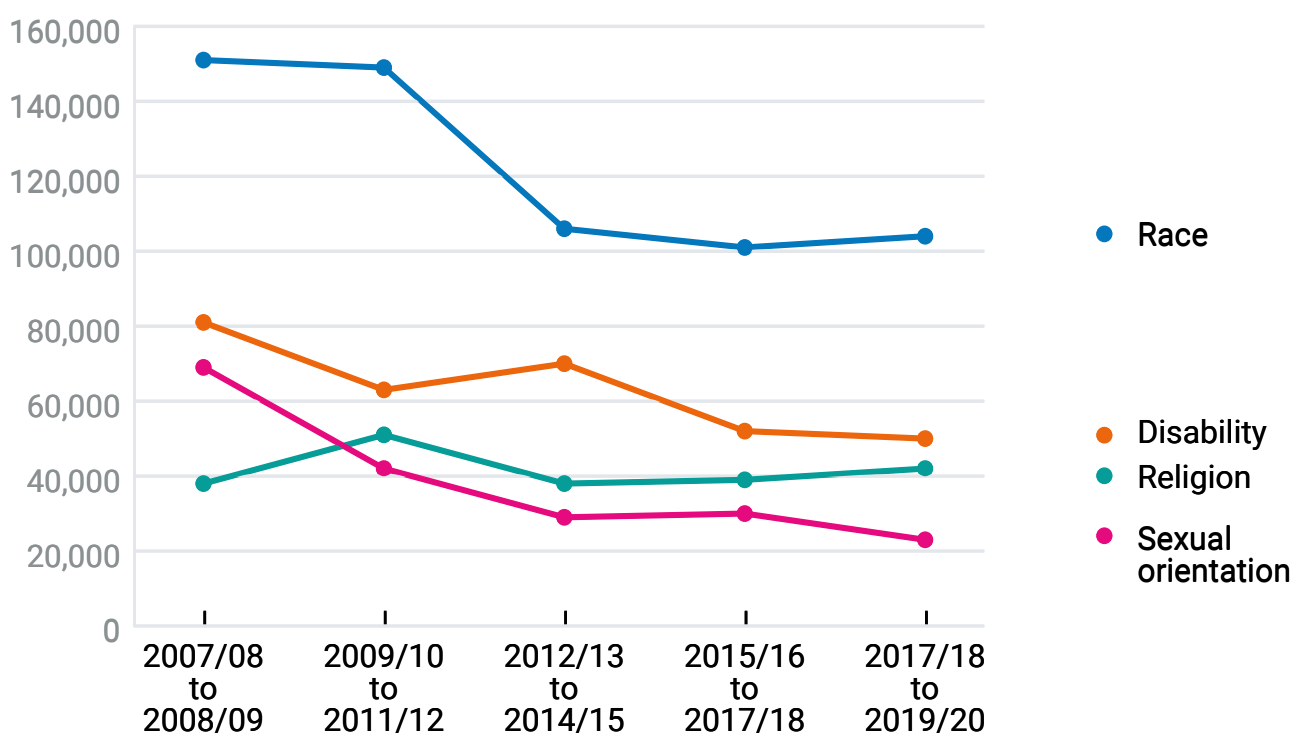
¹⁵⁶ Analysis of the data for Wales was not possible due to small base sizes. The data on sexual orientation was not available for Scotland.

Hate crime

The estimated prevalence of hate crime motivated by someone's sexual orientation in England and Wales has fallen by 67.0% between 2007–2009 and 2017–2020, though this decline has slowed since 2012–2015 (Home Office, 2020).

Figure 102: Prevalence of hate crime in England and Wales estimated by the CSEW, 2007/08 to 2019/20

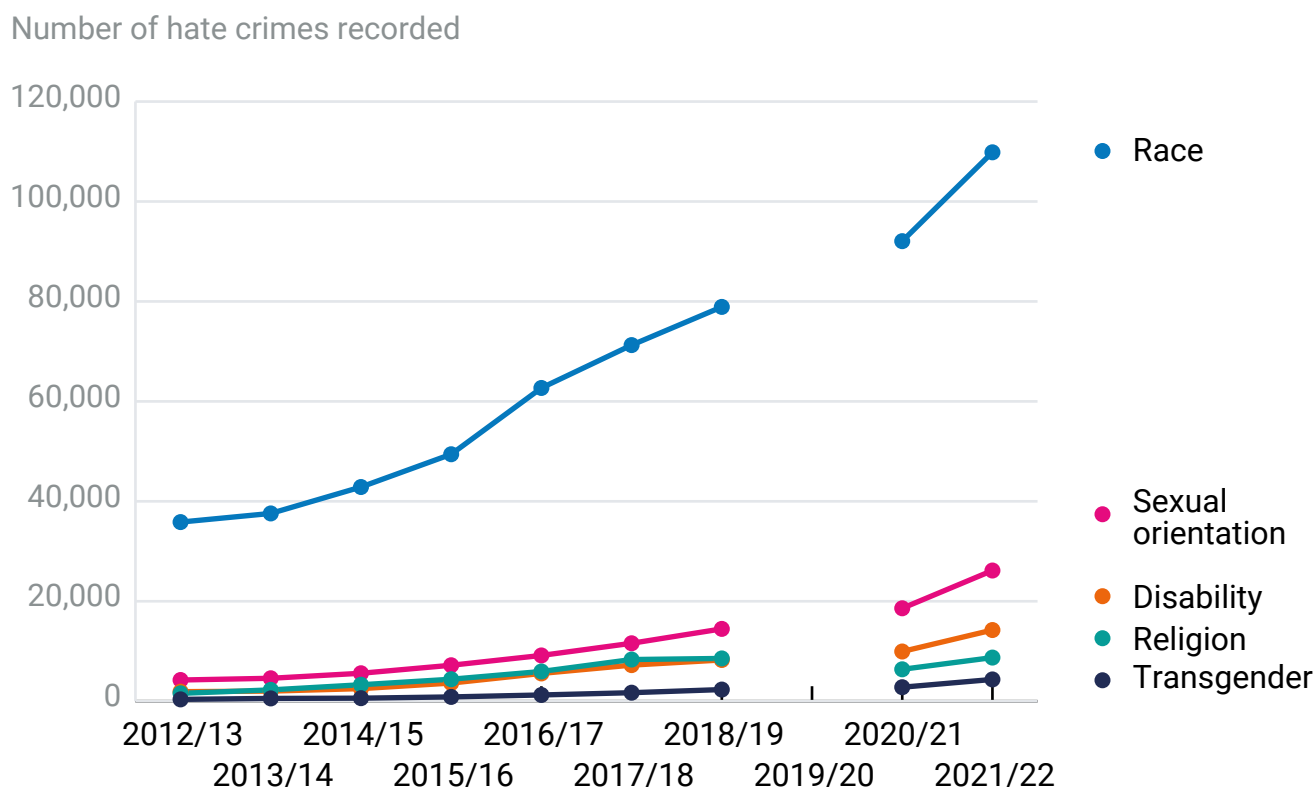
Number of hate crime incidents



(Source: Crime Survey for England and Wales)

However, sexual orientation hate crime recorded by the police in England and Wales has increased from 2012/13 to 2021/22. There was a 41.0% rise between 2020/21 and 2021/22, from 18,596 to 26,152 offences. Increases in police-recorded crime are likely to be caused mainly by improvements in the reporting of these crimes and recording practices among police forces (Home Office, 2022).

Figure 103: Police recorded hate crime in England and Wales, 2012/13 to 2021/22¹⁵⁷



(Source: Police recorded crime)

Since 2014/15, there has been a year-on-year increase in sexual orientation aggravated hate crime recorded by the police in Scotland. Between 2020/21 and 2021/22, the number of such crimes recorded went up from 1,683 to 1,855 (Scottish Government, 2023).

¹⁵⁷ Comparable data for 2019/20 is not available due to missing data for the Greater Manchester Police Force area.

Participation

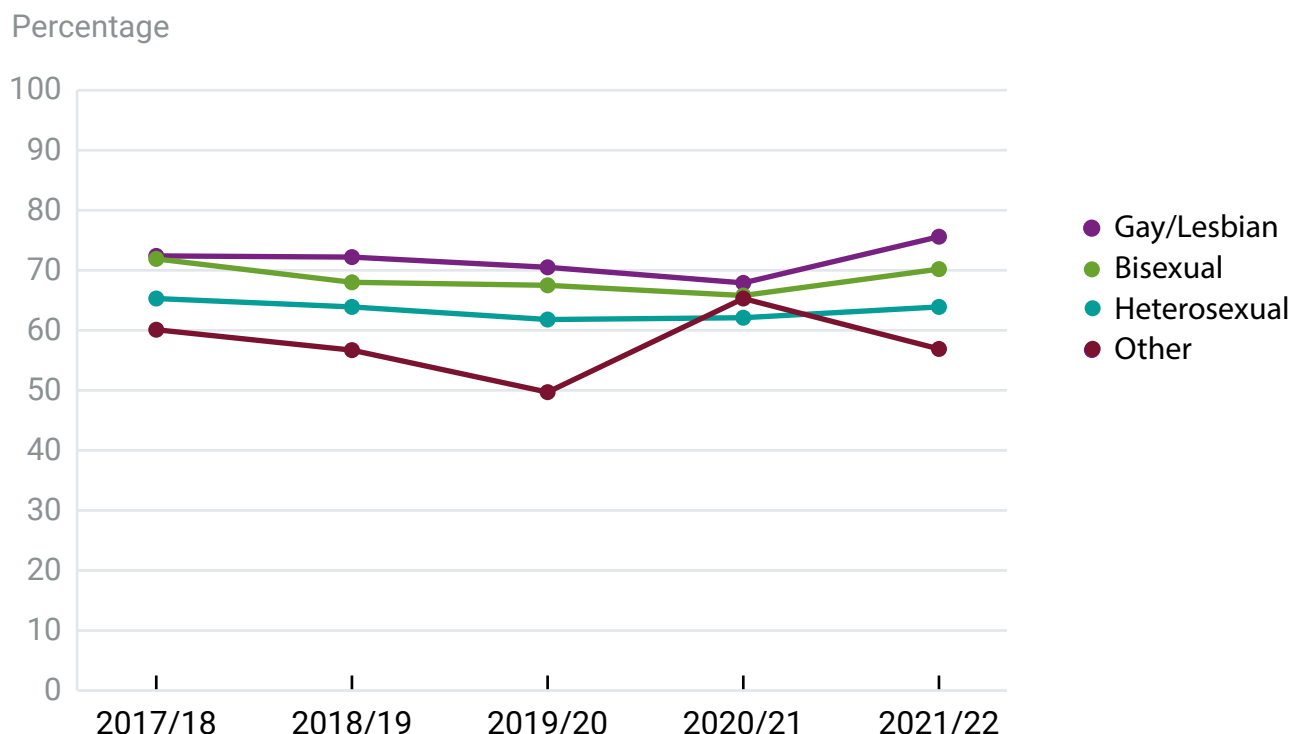
Public Appointments

Three-quarters (75.0%) of serving public appointees in the UK provided information on their sexual orientation in 2022, compared to 68.0% in 2021, and 57.0% in 2020. Of those who provided information in 2022, 95% were heterosexual and 5.0% lesbian, gay, bisexual or 'other' (Cabinet Office, 2023).

Sport and physical activity

In 2021/22, the proportion of adults in England classed as physically active was higher among lesbian, gay and bisexual adults (75.6% gay or lesbian, 70.2% bisexual people) compared with heterosexual adults (63.9%) and those with an 'other' sexual orientation (56.9%).¹⁵⁸ These levels were not significantly different from 2018/19 (Sport England, 2023).

Figure 104: The proportion of adults classed as physically active in England, by sexual orientation, 2018/19 to 2021/22



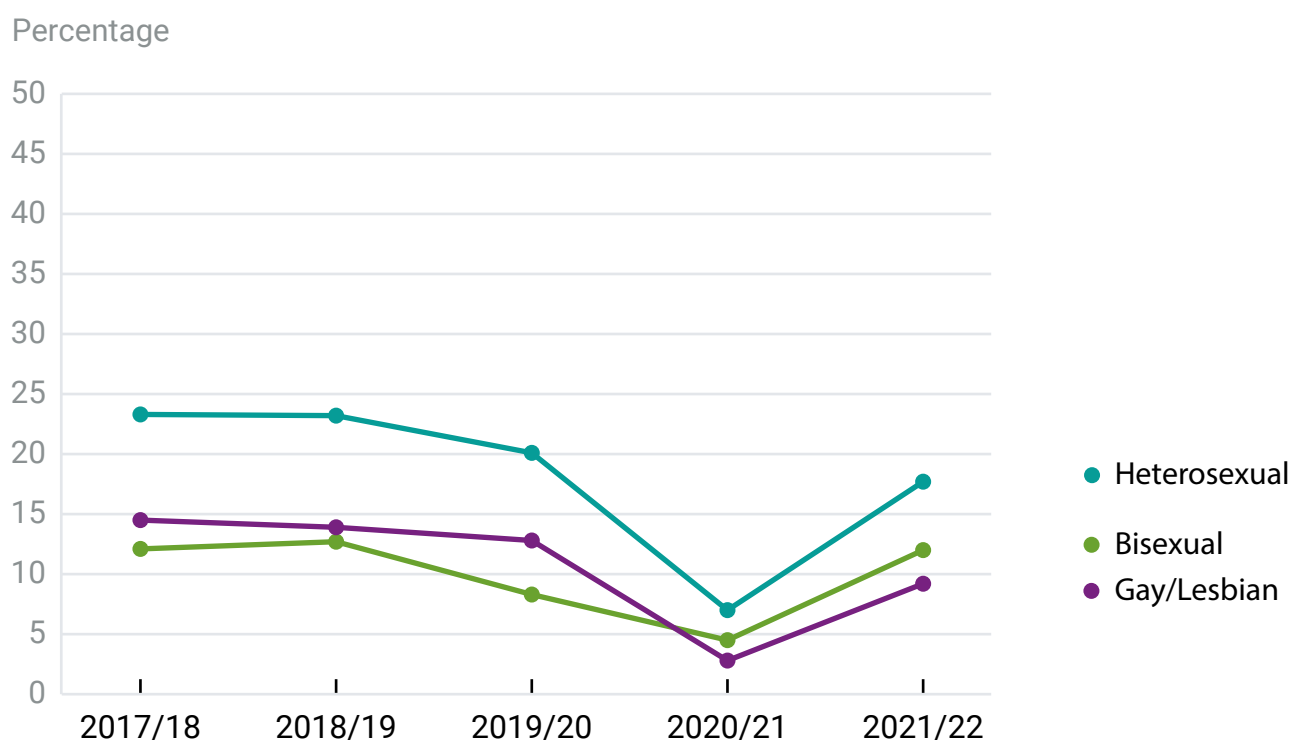
(Source: Sport England)

¹⁵⁸ Physically active is defined as doing 150+ minutes of moderate intensity physical activity per week.

Sexual orientation

Attendance at live sporting events fell during the period of COVID-19 restrictions in England. Although attendance has since increased, lesbian, gay and bisexual adults have remained less likely to attend these events (Sport England, 2023).

Figure 105: The proportion of adults attending at least two live sports events in the last year in England, by sexual orientation, 2018/19 to 2021/22



(Source: Sport England)

Recommendations

33. Central and local government should take, and report on, action to address higher rates of poverty among bisexual adults.
34. Central and local government should take, and report on, action to reduce the higher rate of lesbian, gay and bisexual adults living in poor or insecure housing.
35. Government and health providers should take, monitor and report on, action to address the higher rates of poor mental and physical health experienced by lesbian, gay and bisexual adults.
36. Government and police providers should take, and report on, action to reduce the greater risk for lesbian, gay and bisexual people of experiencing domestic abuse, rape or sexual assault.
37. Government and data producers should improve the collection, analysis, and dissemination of data on sexual orientation, developing methodologies to ensure robust analysis can be conducted.

Further recommendations for the Scottish and Welsh Governments are in the separate Scotland and Wales reports.

Key terms

Acquired gender: This is the gender in which someone is living and identifies, where it is different from sex recorded at birth. Legally, it can only be man or woman.

Adult poverty: For the purpose of our data analysis of the Family Resources Survey, poverty is defined as the percentage of all adults aged 16 and over living in a household with an income below 60.0% of the contemporary median, after housing costs. It excludes dependent children aged 16–19.

Child poverty: For the purpose of our data analysis of the Family Resources Survey, child poverty is defined as the percentage of children aged under 16 and dependent children aged 16–19 living in households with an income below 60.0% of the contemporary median, after housing costs.

Employment tribunal complaint: Employment tribunal claims are made up of complaints using different legal frameworks that define employment rights. A single claim can be made up of claims using several different legal bases known as 'jurisdictional complaints' in the data, and refer to specific legal basis for an element of the claim. For ease of reading, when referring to employment tribunal data, we refer to 'complaints' when referring to 'jurisdictional complaints'.

Employment tribunal disposal: The closure of an Employment Tribunals case is referred to a disposal and can be because the claim has been withdrawn, settled, dismissed, or decided at a hearing.

Economic inactivity: People not in employment who have not been seeking work in the previous four weeks and / or are unable to start work in the next two weeks.

Experimental statistics: Data sets or analysis that, due to their novelty or difficulty in collection, may not meet the highest standards of statistical reporting. They have nonetheless undergone significant quality assurance and are reported with caveats.

Gypsy, Roma and Travellers: A range of ethnic groups or people with nomadic ways of life who are not from a specific ethnicity.

In the UK, it is common in data collections to differentiate between:

- Gypsies (including English Gypsies, Scottish Gypsies or Travellers, Welsh Gypsies and other Romany people)
- Irish Travellers (who have specific Irish roots)
- Roma, understood to be more recent migrants from Central and Eastern Europe

‘Gypsy, Roma and Traveller’ is a collective term used to describe people from a range of ethnicities who are believed to face similar challenges. These groups are distinct but are often reported together.

High-paid occupations: Employees or self-employed workers with main jobs as managers, directors and senior officials or in professional occupations.

Insecure employment: Employees whose main form of employment is either agency work, casual work, seasonal work, or another form of temporary work. It also includes employees or self-employed workers who are on zero-hour contracts, on-call working arrangements or are self-employed (in SOC 6, 8 or 9).

Low-paid occupations: Employees or self-employed workers with main jobs in: caring, leisure and other services; sales and customer services; elementary occupations.

Overcrowding: The number of bedrooms the household requires compared with the number of available bedrooms. An occupancy rating of -1 or less implies that a household’s accommodation has fewer bedrooms than required (and is therefore overcrowded).

Severe material deprivation: For the purposes of our data analysis of the Family Resources Survey, severe material deprivation is defined as not being able to afford four or more items from a list of nine items:

- holidays away from home at least one week a year, not staying with relatives
- enough money to keep your home in a decent state of decoration
- household contents insurance
- savings of at least £10 a month
- replacing worn-out furniture
- repairing or replacing broken electrical goods
- money to spend each week on yourself, not your family
- keeping accommodation sufficiently warm
- keeping up with bills and regular debt payments

It is measured in adults aged 16–59, which excludes dependent children aged 16–19.

Disadvantaged students: Students are defined as disadvantaged if they meet any of the following criteria:

- they have been eligible for free school meals (FSM) in the previous six years (from Year 6 to Year 11)
- they have been looked after by a local authority in England or Wales for at least one day during the previous year
- they have ceased to be looked after because of adoption, a special guardianship order, a child arrangements order or a residence order

Free school meals: For a child to be eligible for free school meals (FSM), their parent or guardian must be receiving:

- Income Support
- Income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- support under Part VI of the Immigration and Asylum Act 1999
- the guaranteed element of Pension Credit
- Child Tax Credit (provided they are not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
- Universal Credit if applied for on or after 1 April 2018 and household income is less than £7,400 (after tax and not including benefits)

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