

Equality Act 2010

12. Pursuant to Schedule 19 of the EA 2010, the Department is subject to the Public Sector Equality Duty (PSED), found at section 149(1), which states that in the exercise of its functions, it must have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13. The Department, as a “service-provider” to the public, is also subject to section 29 of the EA 2010 which imposes a duty not to do anything, in the exercise of a public function, that constitutes discrimination, harassment or victimisation. More specifically, it is not to harass, victimise or discriminate: as to the terms of the service provided; by terminating the provision of the service; or by subjecting a person to any other detriment.

Human Rights Act 1998

14. Under section 6 of the Human Rights Act 1998 (HRA), the Secretary of State is required to act in a way that is compatible with the European Convention on Human Rights (ECHR), except in limited circumstances. Furthermore, under section 19 of the HRA, the Secretary of State has a duty to provide a statement confirming that the provisions of any Bill laid before Parliament are compatible with the ECHR.

15. In terms of how the Department approaches its duties in respect of equalities, any such impacts are routinely assessed and taken into account during the formation of policies and the decision-making process, which generally takes place in the usual Government fashion, i.e., by the provision of submissions to the decision-maker(s).

16. The Department also recognises that there are multifaceted socio-economic reasons that lead to inequalities in health, as well as systemic failures in institutions to recognise and address the health of particular groups, including those from ethnic minority backgrounds, women, the LGBTQ+ community and those with disabilities. The Department’s work is aimed at reducing the differentials in life expectancy between those and other such groups and the average through a ‘whole system’ approach and that is inherently central to the preparation for any pandemic.