

## <ct>10 Social rights and situational vulnerability in the UK

<cst>Theory and practice

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<mtfo>This chapter engages with the vulnerability approach to assess UK welfare reforms and their impact on economic and social rights. It is divided in two sections. First, it provides a theoretical reflection of the contribution of the notion of situational vulnerability to social rights understood as the material conditions of freedom in a given community or society; and second, the chapter presents how tax and social security changes since 2010 have fuelled inequalities and harmed society, increasing the risk of abuse, discrimination and disadvantage.

### <ah>1. Introduction

<mtfo>A situational understanding of vulnerability can help to rethink equality and social rights. This chapter engages with the vulnerability approach to assess UK welfare reforms and their impact on economic and social rights.<sup>1</sup>

<mt>First, the chapter presents a brief theoretical analysis of the contribution of the notion of vulnerability to a community-based and vernacular idea of human rights. Second, using the UK as a case study, the chapter brings the theory down to earth to critique the way in which specific tax and social security policies implemented since 2010 have fuelled inequalities and damaged society, increasing the risk of harm, abuse, discrimination and disadvantage.

### <ah>2 Vulnerability as a result of policies that restrict freedom and equality

<mtfo>Vulnerability is ‘*the* primal human condition’.<sup>2</sup> We are not islands. We all depend on each other. We are all vulnerable.

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<fn><sup>1</sup> By ‘economic and social rights’, or simply ‘social rights’, I mean the rights proclaimed in international human rights law, in particular in the International Covenant on Economic, Social and Cultural Rights and in the European Social Charter. This includes the right to health, the right to an adequate standard of living (including food and housing), the right to education, the right to social security and workers’ rights.

<sup>2</sup> Martha Albertson Fineman, ‘Vulnerability and Inevitable Inequality’ (2017) 4(3) Oslo Law Review 133, 142.

<mt>The chapter is based on research and practice in the UK, where I worked both as an academic researcher (in Newcastle, northeast England) since 2017, and as the policy director of the human rights NGO Just Fair (based in London) since 2016.

Having said that, when it comes to the material conditions of freedom we are not vulnerable in the same way. Socio-economic disadvantages are unevenly distributed in society. Some of us are materially speaking less autonomous than others. Taking human rights seriously means that all members of a given community share the responsibility to ensure that nobody is left to their fate. As written by Martha Fineman:

<ext>It is human vulnerability that compels the creation of social relationships found in designated social institutions, such as the family, the market, the educational system and so on. The very formation of communities, associations, and even political entities and nation-states are responses to human vulnerability.<sup>3</sup></ext>

<mtfo>When we become aware of our vulnerability, we become better citizens, accomplices with each other, members of the same political community. And citizenship is a strong foundation for social rights.

<mt>As eloquently put by Wolfgang Streeck, inequality reaches a morally unacceptable level when the privileged come to believe that their lives are disconnected from anybody else's:

<ext>(Inequality has) gone so far that the rich may rightly consider their fate and that of their families to have become independent from the fates of the societies from which they extract their wealth. As a result, they can afford no longer to care about them. This becomes a problem – one of ‘moral hazard’ – when differences in wealth become so extensive that they give rise to a fusion of economic and political power – that is, *oligarchy*.<sup>4</sup></ext>

<mtfo>If one is to take inequality seriously from the perspective of human rights, the argument must be built from the reciprocal responsibilities in a community or society. This idea is not alien to international human rights law. Article 29(1) of the Universal Declaration of Human Rights established clearly that, for the bill of rights to make sense, everyone must have ‘duties to the community in which alone the free and full development of *his* personality is possible’ (sic).

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Id.

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Wolfgang Streeck, *How Will Capitalism End?* (Verso 2017), 28.

As such, human rights, and particularly social rights, become essential ingredients of citizenship, as famously formulated by T. H. Marshall at the dawning of the British welfare state.<sup>5</sup> For him, ‘social citizenship stemmed from a specific historical and cultural context, stated in national terms, which was informed by a communitarian sensibility. Citizenship was not universal, and it needed to be cultivated in specific ways according to particular circumstances.’<sup>6</sup> Marshall did not feel the need to mention the Universal Declaration of Human Rights, but if he had considered it he would have probably agreed that Article 29 had to be in there.

This communitarianism is not cultural or ethnical, but geographical, sociological and republican. The community is synonymous with society and defined by the group of individuals that coexist in a certain space and decide their future together.

Taking material equality seriously, this communitarian approach conceptualises social rights as the material conditions of freedom. The capabilities approach, developed by Nussbaum and Sen, contributes to fleshing out the meaning of material conditions of freedom.<sup>7</sup> The capabilities approach puts the accent on the critical conditions that enable individuals to do something or to be someone – that is, to develop their own personality. The approach is flexible enough to recognise the inherent diversity in people’s choices. It also acknowledges the importance of structural and institutional triggers and constraints.

Justifying social rights as the material conditions of freedom co-opts the most characteristic liberal axiom – freedom as negative liberty – to demand a fairer distribution of resources to ensure that everyone is really free. Growing inequality within a country suggests that public authorities are not making use of *all* available resources to ensure an adequate standard of living, as required by the International Covenant on Economic, Social and Cultural Rights.<sup>8</sup> In this day and age, economically advanced societies already have the necessary resources to satisfy an adequate standard of living for everyone. The problem is that most of these resources are privately owned. In fact, many of these resources have been ‘accumulated by dispossession’<sup>9</sup> during the neoliberal era through the privatisation of public services, the financialisation of housing and the progressive lowering of the tax pressure on the wealthy.

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<sup>5</sup> T. H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge University Press 1950).

<sup>6</sup> Julia Moses, ‘Social Citizenship and Social Rights in an Age of Extremes: T. H. Marshall’s Social Philosophy in the *Longue Durée*’ (2019) 16 *Modern Intellectual History* 155, 158.

<sup>7</sup> Martha Nussbaum, ‘Capabilities and Human Rights’ (1997) 66(2) *Fordham Law Review* 273; Amartya Sen, ‘Elements of a Theory of Human Rights’ (2004) 32(4) *Philosophy & Public Affairs* 315.

<sup>8</sup> Articles 2(1) and 11.

<sup>9</sup> David Harvey, ‘The “New” Imperialism: Accumulation by Dispossession’ (2004) 40 *Socialist Register* 63.

Taking equality seriously in social rights research and advocacy must grasp the nettle of this regression. Society must empower the State to intervene over those resources that are privately owned but necessary to advance in the progressive enjoyment of social rights.

The resources to protect, promote and progressively fulfil economic and social rights are generally available in advanced economies. Not making use of them to ensure an adequate standard of living is a political choice. Poverty and inequality are the product of policy decisions that increase the risk of vulnerability, understood – in the words of Britain’s Equality and Human Rights Commission (EHRC) – as ‘the risk of harm, abuse, discrimination or disadvantage’ for groups and individuals.<sup>10</sup>

The following section will show how austerity policies implemented in the UK since 2010 increased individuals’ vulnerability by firing material inequality and curtailing the welfare state.

### 3 What this means for human rights in the UK: equality and *welfare reform* since 2010

As a party to the International Covenant on Economic, Social and Cultural Rights, the UK must take steps, to the maximum of its available resources, to achieve progressively the realisation of economic, social and cultural rights, including the right to social security.<sup>11</sup> To comply with human rights standards, policy adjustments in times of economic crisis must be: temporary, necessary and proportionate; must be adopted after meaningful engagement with those most affected by them; must not be discriminatory; must mitigate inequalities; and ensure that the rights of the most disadvantaged people are not disproportionately affected.<sup>12</sup> These are the human rights principles of non-retrogression.

The most significant changes to the UK’s social security were introduced through the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016, and include: (a) benefit cap, (b) the introduction of Universal Credit, bringing most welfare support into a single benefit, (c) replacing the Disability Living Allowance with personal independence payments, (d) tougher sanctions in case of breach of requirements, (e) a freeze on benefits and (f) the limitation of the Child Tax Credit and Universal Credit awards to two children.<sup>13</sup>

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<sup>10</sup> Equality and Human Rights Commission, *Measurement Framework for Equality and Human Rights* (Equality and Human Rights Commission 2017) 48.

<sup>11</sup> Articles 2(1) and 9.

<sup>12</sup> UN CESCR, *Letter by the Chairperson of the CESCR to States parties to the ICESCR*, 12 May 2012. See also CESCR, *Public Debt, Austerity Measures and the ICESCR: Statement by the CESCR*, 24 June 2016, UN doc: E/C.12/2016/1, para 4.

<sup>13</sup> This section is based on two submissions to the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, from September 2018: one from Just Fair supported by 15 other organisations,

The UK's Office for Budget Responsibility observed in 2016 that 'the scale and sustained nature of the welfare spending cuts seen over the current and previous Parliaments are in some respects unprecedented'.<sup>14</sup> The UK has indeed made remarkable savings at the expense of welfare expenditure. Reforms introduced since 2010 saved around £26 billion by the end of 2017, roughly 10 per cent of what welfare spending might otherwise have been, and the greatest savings come from tax credits (£4 billion lower) and child benefits (22 per cent lower).<sup>15</sup>

The UK's public deficit reached 2 per cent in the year ending March 2018,<sup>16</sup> but this figure does not reflect the economic cost of poverty in terms of public services, healthcare, achievement gap in schools, adult social care, housing and homelessness, and police and criminal justice. The cost of UK poverty has been estimated at £78 billion per year.<sup>17</sup>

The EHRC has shown that, between 2010 and 2022, public spending per head is forecast to fall by 18 per cent in England, 5.5 per cent in Wales and just over 1 per cent in Scotland.<sup>18</sup> Cash losses for lower income households are larger in England than in Wales or Scotland. Households where adults are under 55 experience larger losses from public spending changes, and the effects are particularly noteworthy in households where the adults are aged 18–24. Households with children suffer larger losses particularly due to cuts to school spending. Lone parents (9 in 10 of which are women) lose more than any other type of family in all three countries: 18.7 per cent in England, 10.5 per cent in Wales and 7.6 per cent in Scotland.

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Just Fair, 'Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018: Written Submission' [http://justfair.org.uk/wp-content/uploads/2018/09/Just\\_Fair\\_15\\_Alston\\_Submission-FINAL.pdf](http://justfair.org.uk/wp-content/uploads/2018/09/Just_Fair_15_Alston_Submission-FINAL.pdf) (last accessed 20 December 2020); and another from Newcastle University, supported by Newcastle City Council, 'Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018: Written Submission' <https://research.ncl.ac.uk/article22/outputpublications/NCL%20submission%20to%20Philip%20Alston%20Sep2018%20final.pdf> (last accessed 14 December 2020). The author of this chapter was the coordinator of both submissions.

<sup>14</sup> Office for Budget Responsibility, *Welfare Trends Report* (October 2016) 12 available online <http://obr.uk/wtr/welfare-trends-report-october-2016/> (last accessed 14 December 2020).

<sup>15</sup> House of Commons Library, *Welfare Savings 2010–11 to 2020–21* (July 2016) <https://commonslibrary.parliament.uk/research-briefings/cbp-7667/> (last accessed 14 December 2020).

<sup>16</sup> Office for National Statistics, *UK Government Debt and Deficit: March 2018* (July 2018) [www.ons.gov.uk/economy/governmentpublicsectorandtaxes/publicspending/bulletins/ukgovernmentdebtanddeficitforeurostatmaast/march2018](http://www.ons.gov.uk/economy/governmentpublicsectorandtaxes/publicspending/bulletins/ukgovernmentdebtanddeficitforeurostatmaast/march2018) (last accessed 14 December 2020).

<sup>17</sup> Glen Bramley, Donald Hirsch, Mandy Littlewood and David Watkins, *Counting the Cost of UK Poverty* (Joseph Rowntree Foundation 2016).

<sup>18</sup> Equality and Human Rights Commission, *The Cumulative Impact on Living Standards of Public Spending Changes* (Equality and Human Rights Commission 2018).

One of the requirements of the human rights principle of non-retrogression is that the implemented measures must be necessary and justifiable. In other words, to comply with human rights standards, they must be fit for the intended purposes. They must work.

The UK government justified welfare reforms as a lever to encourage, ‘including through benefit sanctions where appropriate, those who can work to find and keep work and to increase their earnings rather than relying on benefits’.<sup>19</sup>

However, the UK Statistics Authority casts doubt on any possible causal relationship between welfare reforms and the labour market: ‘The available numerical evidence does not demonstrate a particularly strong causal link between the benefit cap and the decisions made by individuals about moving into work.’<sup>20</sup> The National Audit Office disclosed that neither they nor the Department of Work and Pensions were confident it would ever be possible to measure whether the economic goal of increasing employment has been achieved.<sup>21</sup> It is true that welfare reforms and historically low levels of unemployment have happened at the same time, but correlation and causation are two separate things.

In March 2015, the Supreme Court said that ‘it cannot possibly be in the best interests of the children affected by the (benefit) cap to deprive them of the means to provide them with adequate food, clothing, warmth and housing, the basic necessities of life’.<sup>22</sup> In November 2016, the Court ruled that adults with a disability who cannot share a room with another person should not have their housing benefit reduced.<sup>23</sup>

The House of Commons Public Accounts Committee denounced the ‘unexplained variation’ in the use of benefit sanctions in different parts of the country.<sup>24</sup> Reflecting on the role of sanctions in getting more people to work, the Work and Pensions Committee has concluded that, ‘at best, evidence on the effectiveness of sanctions is mixed, and at worst, it shows them

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<sup>19</sup> UK Government Ministry of Justice, *National Report to the UN Universal Periodic Review* (February 2017) para 50.

<sup>20</sup> Letter from the Chair of the UK Statistics Authority to Jonathan Portes (December 2014) [www.statisticsauthority.gov.uk/archive/reports---correspondence/correspondence/letter-from-sir-andrew-dilnot-to-jonathan-portes-171214.pdf](http://www.statisticsauthority.gov.uk/archive/reports---correspondence/correspondence/letter-from-sir-andrew-dilnot-to-jonathan-portes-171214.pdf) (last accessed 15 May 2020).

<sup>21</sup> National Audit Office, *Rolling out Universal Credit* (June 2018) 10 [www.nao.org.uk/report/rolling-out-universal-credit/](http://www.nao.org.uk/report/rolling-out-universal-credit/) (last accessed 14 December 2020).

<sup>22</sup> *R (on the application of SG and others (previously JS and others)) (Appellants) v Secretary of State for Work and Pensions (Respondent)* [2015] UKSC 16, para 226.

<sup>23</sup> *R (Carmichael and Rourke) v. Secretary of State for Work and Pensions* [2016] UKSC 58.

<sup>24</sup> House of Commons Public Accounts Committee, *Benefit Sanctions* (February 2017) 3, 5, 7 <https://publications.parliament.uk/pa/cm201617/cmselect/cmpublicacc/775/775.pdf> (last accessed 14 December 2020).

to be counterproductive'.<sup>25</sup> Both this Committee and the National Audit Office criticised the government for not doing enough to assess the impact of sanctions on people on low incomes.<sup>26</sup> The tax and welfare cuts have had a regressive effect on social protection. The cumulative impact assessment by the Equality and Human Rights Commission shows that key human rights requirements have not been met – namely, the principle of proportionality, non-discrimination, protection of most disadvantaged groups and independent review. The largest cash gains from changes to income tax and National Insurance contributions were enjoyed by the wealthiest 30 per cent.<sup>27</sup> As a result of changes to benefits and tax credits, households in the second and third deciles have lost more than twice as much as those in the top 20 per cent. At this pace, by 2022, 1.5 million more children will live in poverty, the child poverty rate for lone parent households (90 per cent of whom are women) will increase from 37 to 62 per cent and households with at least one disabled adult and a disabled child will lose 13 per cent of their income. Lone mothers will lose almost one fifth of their annual income.

Four UN Special Rapporteurs – the Committee on the Rights of the Child; the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of Persons with Disabilities; and the European Committee of Social Rights – have expressed serious doubts about the compatibility of 'welfare' reforms with the UK's international human rights obligations.<sup>28</sup>

After a two-week mission to the UK in November 2018, the UN Special Rapporteur on Extreme Poverty and Human Rights, Professor Philip Alston, issued a damning report.<sup>29</sup> Alston labelled

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<sup>25</sup> House of Commons Work and Pensions Committee, *Benefit Sanctions* (October 2018) 18 <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/955/955.pdf> (last accessed 14 December 2020).

<sup>26</sup> **Id.**, 19; National Audit Office, *Benefit Sanctions* (November 2016) 7 [www.nao.org.uk/report/benefit-sanctions/](http://www.nao.org.uk/report/benefit-sanctions/) (last accessed 14 December 2020).

<sup>27</sup> Equality and Human Rights Commission, *Cumulative Impact of Tax and Welfare Reforms* (March 2018) [www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms](http://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms) (last accessed 14 December 2020).

<sup>28</sup> UN Special Rapporteurs on Housing, on Rights of Persons with Disabilities, on Extreme Poverty, and on the Right to Food, 'Joint Letter to the UK Government', UN doc. AL GBR 1/2016, April 2016, 12; Committee on the Rights of the Child, *Concluding Observations: UK*, July 2016, UN doc. CRC/C/GBR/CO/5, paras 66 and 69–70; Committee on Economic Social and Cultural Rights, *Concluding Observations: UK*, July 2016, UN doc: E/C.12/GBR/CO/6; paras 40–42 and 47–48; Committee on the Rights of Persons with Disabilities, *Inquiry Concerning the UK*, 2016, UN doc. CRPD/C/15/R.2/Rev.1; European Committee of Social Rights, *Conclusions XXI-2 (2017) United Kingdom*, January 2018. See also British Institute of Human Rights et al., *Joint Civil Society Report to the UN Universal Periodic Review of the UK (3rd Cycle)*, 2016, 20–23 [www.bihhr.org.uk/Handlers/Download.ashx?IDMF=899c9202-602e-4244-b776-52ddaf6e79d3](http://www.bihhr.org.uk/Handlers/Download.ashx?IDMF=899c9202-602e-4244-b776-52ddaf6e79d3) (last accessed 14 December 2020).

<sup>29</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, 'Statement on Visit to the United Kingdom' (16 November 2018)



poverty levels as ‘patently unjust and contrary to British values’.<sup>30</sup> He accused the government of remaining ‘determinedly in a state of denial’,<sup>31</sup> and concluded ‘that the driving force (behind welfare reforms) has not been economic but rather a commitment to achieving radical social re-engineering’.<sup>32</sup>

<ext>British compassion for those who are suffering has been replaced by a punitive, mean-spirited, and often callous approach apparently designed to instil discipline where it is least useful, to impose a rigid order on the lives of those least capable of coping with today’s world, and elevating the goal of enforcing blind compliance over a genuine concern to improve the well-being of those at the lowest levels of British society.<sup>33</sup></ext>

<mtfo>Inequality is projected to rise in the coming years, with sluggish growth across much of the distribution and a ‘leaving behind’ of those at the bottom.<sup>34</sup> Wealth inequality contracted in the decade prior to the financial crisis, but it is now rising in part because of the decreasing accessibility of home ownership and the decoupling of land value and economic growth.<sup>35</sup>

<mt>Inequality is closely linked to the poverty premium – that is, the fact that poorer people pay more for essential goods and services. Lower income households have to assign a greater share of their food budget to basic groceries and, relative to their disposable income, they spend approximately three times as much in electricity, gas and other fuels than those with the highest income.<sup>36</sup>

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[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E) (last accessed 14 December 2020).

<sup>30</sup> Id, 1.

<sup>31</sup> Id.

<sup>32</sup> Id, 2.

<sup>33</sup> Id, 3.

<sup>34</sup> Resolution Foundation, *The Living Standards Outlook* (February 2018) 65

[www.resolutionfoundation.org/publications/the-living-standards-outlook-2018/](http://www.resolutionfoundation.org/publications/the-living-standards-outlook-2018/) (last accessed 14 December 2020); Institute for Fiscal Studies, *Living Standards, Poverty and Inequality in the UK: 2017–18 to 2021–22* (November 2017) [www.ifs.org.uk/publications/10028](http://www.ifs.org.uk/publications/10028) (last accessed 14 December 2020).

<sup>35</sup> Resolution Foundation, *Britain’s Increasingly Unevenly Shared Property Wealth is Driving up Inequality after a Decade-Long Fall* (June 2017) [www.resolutionfoundation.org/media/press-releases/britains-increasingly-unevenly-shared-property-wealth-is-driving-up-inequality-after-a-decade-long-fall/%20I](http://www.resolutionfoundation.org/media/press-releases/britains-increasingly-unevenly-shared-property-wealth-is-driving-up-inequality-after-a-decade-long-fall/%20I) (last accessed 3 March 2020); The Progressive Policy Think Tank, *Capital Gains: Broadening Company Ownership in the UK Economy* (December 2017)

[www.ippr.org/research/publications/CEJ-capital-gains](http://www.ippr.org/research/publications/CEJ-capital-gains) (last accessed 14 December 2020).

<sup>36</sup> Office for National Statistics, *Family Spending in the UK: Financial Year Ending March 2016* (February 2017)

[www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/expenditure](http://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/expenditure)



<mt>In his end of mission statement, the UN Special Rapporteur also lamented that, in his last Budget, the Chancellor could have ended the benefit freeze, and instead chose to change the income tax thresholds in a way that benefits particularly those who are better off.<sup>37</sup> ‘Choice’ is the keyword here. The UK has the means to end poverty and reduce inequalities. It is a matter of political choice not to do so.

Austerity’s tentacles reached beyond tax and social security; it directly affected the resources made available to local authorities. According to the National Audit Office, government funding for local authorities fell in real terms by 49.1 per cent between 2010 and 2018.<sup>38</sup> The Institute for Fiscal Studies estimates that the local authorities that received the largest share of their funding from government grants in 2009 experienced most significant cuts to their service spending. The 10 per cent of authorities most dependent on grants in 2009 received an average cut of 33 per cent, compared to 12 per cent for the 10 per cent of authorities that are less dependent on grants.<sup>39</sup>

Councils’ spending on adult social care fell by 10 per cent in real terms between 2009 and 2015, and it was budgeted to be 3 per cent lower in 2018 than in 2009.<sup>40</sup> The Campaign for Better Transport calculated that local spending on buses in England has been cut by £172 million in real terms since 2010/2011, a reduction of 46 per cent.<sup>41</sup> According to the Social Market Foundation, since 2015 over 47,000 children were in the care of local authorities deemed by Ofsted (Office for Standards in Education, Children’s Services and Skills) to have inadequate children’s services or services that require improvement.<sup>42</sup> Figures obtained by a

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/bulletins/familyspendingintheuk/financialyearendingmarch2016 (last accessed 14 December 2020).

<sup>37</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, ‘Statement on Visit to the United Kingdom’ (16 November 2018) 13

[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E) (last accessed 14 December 2020).

<sup>38</sup> National Audit Office, *Financial Sustainability of Local Authorities* (March 2018)

[www.nao.org.uk/report/financial-sustainability-of-local-authorities-2018/](http://www.nao.org.uk/report/financial-sustainability-of-local-authorities-2018/) (last accessed 14 December 2020).

<sup>39</sup> Neil Amin Smith, David Phillips and Polly Simpson, *Council-Level Figures on Spending Cuts and Business Rates Income* (Institute for Fiscal Studies, November 2016) [www.ifs.org.uk/publications/8780](http://www.ifs.org.uk/publications/8780) (last accessed 14 December 2020).

<sup>40</sup> David Phillips and Polly Simpson, *Changes in Councils’ Adult Social Care and Overall Service Spending in England, 2009–10 to 2017–18* (Institute for Fiscal Studies, June 2018) [www.ifs.org.uk/publications/13066](http://www.ifs.org.uk/publications/13066) (last accessed 14 December 2020).

<sup>41</sup> Campaign for Better Transport, *Buses in Crisis: A Report on Bus Funding across England and Wales 2010–2018* (June 2018) <https://bettertransport.org.uk/buses-in-crisis-2018> (last accessed 14 December 2020).

<sup>42</sup> Matthew Oakley, *Looked After Children* (Social Market Foundation, 2018)

[www.smf.co.uk/publications/looked-after-children/](http://www.smf.co.uk/publications/looked-after-children/) (last accessed 14 December 2020).

freedom of information request show public spending on residential rehab and detox treatment in England has fallen by 15 per cent since 2013/2014, when the government removed the ring fence that had required local authorities to spend certain amounts on drug and alcohol treatment.<sup>43</sup> The impact of local government funding cuts in England has been unevenly distributed across regions: 97 per cent of the reductions in local spending on social care, children and homelessness since 2011 have taken place in the fifth most deprived councils.<sup>44</sup> The damaging effects of these cuts are also disproportionately distributed in society. Minority ethnic groups are more likely to live in deprived areas, and cuts to local authority spending has led to cuts in local services many women rely on, such as social care, public transport, services for children and voluntary sector organisations.<sup>45</sup>

The socio-economic duty contained in Section 1 of the Equality Act 2010 would require public authorities to actively consider how they can reduce inequalities of outcome derived from socio-economic disadvantage. However, successive governments have failed to bring the duty to life.<sup>46</sup> Although it would only apply to public authorities and not private actors, the implementation of the socio-economic duty would constitute a significant step forward in terms of transparency, accountability and evidence-based policymaking at all levels of government. However, the UK government has refused to use, and let others use, this tool precisely when it was most needed.

## 4 Conclusion

Ideological austerity has eroded some of the fundamental pillars of a fair society. Welfare reforms and local government funding cuts have disproportionately affected those who need society's protection the most. The government has failed to prove that austerity policies meet the human rights threshold.

Specific public policies have put more people at higher risk of harm, abuse, discrimination and disadvantage. The socio-economic duty could have helped address some of the worst

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<sup>43</sup> UK Addiction Treatment Centres, *Our Campaign Reveals Cuts to Addiction Treatment Funding, as Drug Deaths Rise* (August 2018) [www.ukat.co.uk/addiction-treatment/ukat-campaign-reveals-cuts-addiction-treatment-funding-drug-deaths-rise/](http://www.ukat.co.uk/addiction-treatment/ukat-campaign-reveals-cuts-addiction-treatment-funding-drug-deaths-rise/) (last accessed 14 December 2020).

<sup>44</sup> Lloyds Bank Foundation and New Policy Institute, *A Quiet Crisis: Local Government Spending on Disadvantage in England* (September 2018) [www.npi.org.uk/files/7715/3669/7306/A\\_quiet\\_crisis\\_final.pdf](http://www.npi.org.uk/files/7715/3669/7306/A_quiet_crisis_final.pdf) (last accessed 14 December 2020).

<sup>45</sup> Women's Budget Group and Runnymede Trust, *Intersecting Inequalities: The Impact of Austerity on Black and Minority Ethnic Women in the UK* (October 2017) [www.intersecting-inequalities.com/](http://www.intersecting-inequalities.com/) Last accessed 14 December 2020).

<sup>46</sup> The duty is in force in Scotland since April 2018, where it is known as the 'Fairer Scotland Duty' – Scottish Government, *Fairer Scotland Duty – Interim Guidance for Public Bodies* (March 2018) [www.gov.scot/Publications/2018/03/6918](http://www.gov.scot/Publications/2018/03/6918) (last accessed 14 December 2020).

causal links between misplaced policies and negative consequences. However, the government refused to bring it into effect, thereby taking away a device that could have been very useful in holding public authorities accountable.

A vulnerability approach contributes to bringing the idea of human rights closer to home, from a global and individualist perspective to a more local and communitarian one. This chapter has advocated a conceptualisation of social rights as the material conditions of freedom within a given community or society. This frame can go hand in hand with the vulnerability approach. Everyone is entitled to social rights, but public policy must prioritise those that are struggling the most because of their material circumstances in light of rising power, income and wealth inequalities.