

Mr John Edwards
Information Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
22nd June 2023

Joint letter to Information Commissioner John Edwards on the need to publish a Spring Budget 2022 equality impact assessment

Dear Mr Edwards,

We are writing with deep concern regarding your decision that the Treasury will not be required to publish an equality impact assessment (EIA) of the 2022 Spring Budget, as set out in your response to the FOI request submitted by Disability News Service. This decision prevents an effective evaluation of whether the Treasury fulfilled its obligation under the Public Sector Equality Duty (PSED) to have 'due regard' to equality. Consequently, it hinders a meaningful cumulative equality assessment of the budget. As the Information Commissioner, it is your responsibility to promote transparency in matters of public interest, which this decision fails to serve.

Therefore, the Women's Budget Group (WBG), Runnymede Trust, and Disability Rights UK are calling on the Treasury to fulfil its obligations under the PSED by publishing a cumulative impact assessment of the Spring Budget 2022.

Why an EIA is essential.

The ongoing cost of living crisis is having a significantly adverse effect on the most discriminated against communities in the UK. Recent and historical changes to the tax and social security systems have disproportionately affected these communities, locking them out of support and exacerbating their financial difficulties. For instance, disabled single parents, most of whom are women, were the group worst hit by austerity measures between 2010 and 2021, losing 21% of their income through changes to taxes and benefits. This rose to 32% if they had a disabled child. Disabled women are also particularly vulnerable to economic abuse, so supporting their access to work and earning an independent income is important.¹

Similarly, in real terms, white families now receive £454 less a year on average in cash benefits than they did a decade ago. This rises to £806 less a year for Black and minority ethnic families and even higher to £1,635 for Black families. Black and minority ethnic women have been some of the worst affected, experiencing a £1,040 decrease in benefits over the past decade.²

This is because inequalities based on gender intersect with other forms of inequality based on race, disability, class, sexuality and other factors. This means that some groups of women, particularly lower income, Black and minority ethnic, and disabled women, face multiple disadvantages.³ A 2017 report from WBG and Runnymede Trust, in which we carried out our own cumulative impact assessments of budgets since 2010, shows that the poorest Black and minority ethnic women gained the least from tax cuts, and instead were continuously negatively affected by cuts to social security and spending on public services.⁴ The PSED is therefore an important mechanism for tackling racial inequality, racism, and other forms of discrimination within all public sector functions.

When the government introduces policies without conducting a proper analysis of their impact, it fails to effectively use public funds to ensure policy formation focuses support on all its intended recipients. For instance, the 'Energy Price Guarantee' lifted more white households out of fuel poverty than Black and minority ethnic households. Consequently, only 32% of White people were likely to have experienced fuel

¹ WBG (2018) Disabled Women and Austerity (<https://shorturl.at/bgFRS>)

² Runnymede Trust (2022) Falling Faster amidst a Cost-of-Living Crisis: Poverty, Inequality and Ethnicity in the UK (<https://shorturl.at/jnqOP>)

³ WBG/Runnymede Trust (2017) Intersecting Inequalities (<https://bit.ly/2PFrb1N>)

⁴ Ibid

poverty last winter, compared to 52% of Black and minority ethnic people (rising to 66% of Pakistani and Bangladeshi people).⁵

Against the 'chilling effect' argument.

Regarding the Treasury's argument about the "chilling effect," the basis for this decision is that releasing the information could have detrimental consequences on policy development. However, EIAs focus on the process of decision-making, enabling policymakers to consider evidence of equality and identify any disproportionate impacts on protected groups.⁶ Guidance and case law emphasise that this duty is continual and applies throughout the policy development process, not merely as a tick-box exercise at the end.⁷ Conducting an EIA during the policy development stage is crucial for examining potential differential impacts and implementing necessary mitigating measures.

As you mentioned, there is a significant public interest in disclosing this information as it would aid the public's understanding of policy considerations, promote transparency in the policy-making process, and provide stakeholders with valuable insights to engage with the government. Organisations like WBG, Runnymede Trust, and Disability Rights UK possess expertise in analysing government policies through an intersectional lens. Therefore, transparency and access to government information during and after the policy-making process are vital to ensure that we are able to support the government in formulating policies that benefit society as a whole and align with the Equality Act 2010.

The Treasury should carry out and publish a cumulative impact assessment of the Budget every year and of periodic spending reviews.

We expect the Treasury to conduct and publish a meaningful cumulative impact assessment of the Budget annually and during periodic spending reviews. Despite repeated calls from the WBG, Runnymede Trust, and Disability Rights UK since 2011, the Treasury has consistently failed to produce meaningful, cumulative, EIAs of Budgets and financial statements.⁸ Even when other government departments have released their EIAs the quality has been disappointing.⁹ For instance, impact assessments conducted by the Department of Work and Pensions have been simplistic; lacked detailed evidence; and have contained political bias, with arguments built on controversial (non-evidenced) assumptions that failed to understand equality impact.¹⁰

Simply publishing a tick box impact assessment is insufficient. It is disappointing to see the Information Commissioner's Office make a decision that contradicts the principles of upholding information rights and promoting openness for the public interest, thus hindering civil society's ability to support and hold the government accountable.

Therefore, we urge you and your Office to fulfil your role by reconsidering your decision and calling on the Treasury to demonstrate compliance with the PSED by publishing a cumulative impact assessment of the 2022 Spring Budget. Additionally, we strongly recommend that the Treasury invest in training its staff to conduct meaningful cumulative impact assessments, including gender-responsive budgeting, to identify how various policy decisions affect different groups of people.

Without access to these EIAs, we will continue to perpetuate policies that maintain a cycle of inequality and exclusion for the very people these policies are intended to support.

Yours sincerely,

Mary-Ann Stephenson, Director, Women's Budget Group

Dr Shabna Begum and Laurence Jay, co-CEOs, Runnymede Trust

Kamran Mallick, CEO, Disability Rights UK

⁵ Runnymede Trust (2022) Falling Faster amidst a Cost-of-Living Crisis: Poverty, Inequality and Ethnicity in the UK (<https://shorturl.at/jnqOP>)

⁶ EHRC (2015) Making fair financial decisions: Guidance for decision-makers (<https://shorturl.at/bdzHM>)

⁷ EHRC (2019) Relevant case law (<https://www.equalityhumanrights.com/en/advice-and-guidance/relevant-case-law>)

⁸ WBG analysis of budgets and financial statements are available at: <https://wbg.org.uk/category/analysis/uk-budget-assessments/>

⁹ WBG (2018) Submission to the Women and Equalities Select Committee Inquiry into Enforcement of the Equality Act (<https://bit.ly/2Oo62vk>)

¹⁰ WBG (2019) 'Gender-neutral': Universal Credit Equality Impact Assessments (<https://bit.ly/2S1Koer>)