

# How coronavirus has affected equality and human rights

October 2020

—

Is Britain Fairer?  
report series



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# Foreword



**Caroline Waters**  
Interim Chair

**Great Britain is experiencing a crisis not seen before in modern times. The coronavirus (COVID-19) pandemic has drastically changed the way that we live our lives. Life in Britain will probably never be the same again.**

While everyone has been affected by either the virus or the restrictions imposed in response to it, our report shows that the negative impact has been more severe for some groups than others. Sadly, this isn't surprising. We've reported for many years now of the persistent and structural disadvantages facing certain groups in our society. It is deeply concerning to see how quickly large numbers of people have become at risk of living in poverty. Without a clear strategy to address this, the small gains we have made in equality and human rights over the past few years are set to reverse with clear and long-lasting damage to our society and our economy.

There is a real danger of a lost ‘COVID generation’ as young people miss out on education and are likely to be hardest hit by job losses. Older people have also been deeply affected by the pandemic, particularly those in care homes. These populations have experienced a higher risk of mortality and faced isolation due to restrictions on visits from family members, resulting in deterioration in mental and physical health. We remain concerned of reports of discrimination against older people in terms of challenges in accessing health and social care and the inappropriate application of blanket policies. Ethnic minorities and disabled people too have faced a double whammy of being more likely to die from the virus while also being more likely to experience financial hardship as a result of the pandemic.

The full cost to society won’t be known for some time, so this report provides a snapshot of the emerging impact of coronavirus. We can learn from the early months of the pandemic to ensure that further actions are proportionate and balance the competing equality and

human rights issues at play. We will share this report with the UK, Scottish and Welsh governments to inform their recovery plans and help make sure that we build our country back in the fairest way possible, focussing on the communities most affected and for whom we must drive change.

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We face big challenges, but we do so as a community and with a renewed appreciation of our key workers. Our recovery presents an opportunity to tackle long-standing concerns and deep-rooted inequalities. By putting equality and human rights at the heart of our recovery strategies, we can make sure that throughout the pandemic, and in the future, Britain is a place where everyone can and does thrive.

# Executive summary

**The Equality and Human Rights Commission (EHRC) is Great Britain's equality body and an 'A' Status national human rights institution. 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 providing agreement for us to cover issues relating to human rights in Scotland within 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 clearly discriminatory. We also provide expertise and evidence-based insights to governments in all three nations of Great Britain. This report outlines the currently known key impacts of the coronavirus (COVID-19) pandemic on equality and human rights across key areas of life, and the risks faced by different groups.**

## Executive summary

# What we found



- The economic impact of the pandemic has been unequal, entrenching existing inequalities and widening others.
- The immediate impact on the labour market has been one of greater underemployment rather than unemployment, although unemployment is expected to rise as government support schemes are reduced or end.
- The loss of earnings from underemployment is contributing to a drop in living standards. Poverty is expected to rise despite unprecedented government support to protect jobs and incomes.
- The groups most likely to be affected by the expected rise in poverty include young people, ethnic minorities, and disabled people, who are already closest to the poverty line. The withdrawal of government support schemes is likely to trigger further increases in hardship.
- Young people have experienced significant interruption to their education, which threatens previous gains in attainment levels.
- Differences in support for remote learning during the pandemic threaten to widen inequalities for those who already perform less well than their peers, particularly boys, Black pupils, some Gypsy, Roma and Traveller pupils, pupils who need support in education, and those who are socio-economically disadvantaged.
- Older people, ethnic minorities and some disabled people, particularly those in care homes, have been disproportionately impacted by the pandemic.
- The increased demand for social care has threatened the financial resilience of the sector, potentially impacting its users and workers. This has led to an increased reliance on unpaid carers, who are more likely to be women.
- There has been a rise in reported domestic abuse and we have concerns about the ability of survivors to access justice.
- COVID-19 control measures in the criminal justice system potentially undermine the effective participation of some disabled defendants / accused and victims.

## Executive summary

# What happens next



This report is a first step in summarising the evidence to help us understand the effects of the pandemic on different groups in society, and the potential risks to equality and human rights in the longer term. We set out targeted recommendations for the UK, Scottish and Welsh Governments to ensure equality and human rights considerations are integrated into the policy response to the pandemic. We will continue to monitor and report to Parliament on trends in relation to equality and human rights through our pioneering Measurement Framework and 'Is Britain Fairer?' programme.

We are concerned about the disproportionate impact of coronavirus on different ethnic minorities and are scoping an inquiry to develop clear, evidence-based recommendations for government to tackle entrenched racial inequalities in a specific area.

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## Executive summary

# Our approach



There has been a considerable amount of research on the effects of the virus and the economic and social impacts of the policy response. The stark health inequalities exposed during the pandemic are being explored through various research programmes.<sup>123</sup> Rather than duplicate work in this developing field of research, this report takes a broader view to review the evidence on equality and human rights impacts that have arisen directly from this health crisis, or as a consequence of the response to it. We used our Measurement Framework, which combines a range of evidence to examine trends in people's ability to lead fulfilling lives in key areas or 'domains', and breaks this down to show the outcomes for people with protected characteristics (such as disability or ethnicity) to understand the impact on equality and human rights for different groups.

In relation to employment, educational attainment, deprivation and poverty, the social care system and domestic abuse, there is clear evidence of impact that

represents a negative change to the progress on equality and human rights we reported on in 'Is Britain Fairer? 2018'.<sup>4</sup> There are also other areas of significant concern where it is difficult to develop an appropriate response due to a lack of evidence on the impacts resulting from the pandemic.

We know, for example, that the lockdown restrictions have interfered with religious practice for a range of communities, limiting major festivals as well as regular worship. However, data on the impact on outcomes for different religious groups are very limited. Similarly, there is some limited evidence that LGBT people were unable to access healthcare, or medication during the coronavirus pandemic and are at increased risk of homelessness, lower employment, and restricted access to healthcare and other inequalities (LGBT Foundation, 2020). However, there are wide-ranging gaps in the evidence for these groups.

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<sup>1</sup> [Scottish Government Rapid coronavirus research.](#)

<sup>2</sup> [National Institute for Health Research: COVID-19 research in Black, Asian and minority ethnic communities.](#)

<sup>3</sup> [UK Research and Innovation: impact of COVID-19 within Black, Asian and minority ethnic communities.](#)

<sup>4</sup> Where available data indicate different outcomes in England, Scotland and Wales we have reported this. Otherwise we have only reported the trend in the UK.



The lockdown restrictions and social distancing measures have led to a rapid transfer of a wide range of services online. We previously observed that one in five disabled people and older people still did not access the internet (EHRC, 2018). These groups are therefore potentially further excluded from accessing key services, whether that be public services or online shopping for essential goods. Additionally, drastic reductions in public transport services could further impact these groups. There are concerns about the over-policing of some communities during the lockdown period. Some data indicate that police enforcement of the emergency coronavirus regulations and increases in stop search had a disproportionate impact on some ethnic minority groups in England and Wales (National Police Chief's Council, 2020; Metropolitan Police Service, n.d.). However, a lack of available data means it is not yet possible to assess the impacts on equality and human rights in these areas.

The coronavirus pandemic also has a significant impact on securing timely access to healthcare for other life-threatening conditions, such as cancer and heart disease. Referral rates have decreased (NHS England, 2020), and waiting times have increased considerably and are likely to lead to reverses in survival rates and life expectancy (Sud et al., 2020). These delays, as well as challenges in accessing healthcare for wider chronic conditions have the potential to widen further the existing health inequalities. Evidence of these trends will not show up for some time, however we will report on them through our 'Is Britain Fairer?' programme.



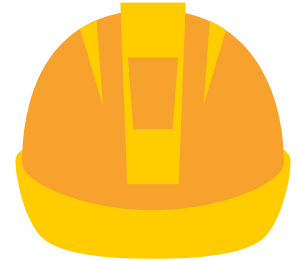
# Work

- Available data currently show a greater impact on underemployment than unemployment. Unemployment across Britain is beginning to rise and will probably increase further as government support schemes are reduced or end. Scotland has seen a larger increase in unemployment than England.
- Early evidence indicates that young people have been worse affected by the economic impact than older people.
- Analyses indicate that some ethnic minority groups and disabled people have been worse affected and are at greater risk of future unemployment than other groups. A lack of data on people with these protected characteristics limits our ability to draw firm conclusions.



## Work

# Employment, unemployment, redundancy and hours of work



The UK experienced a technical recession between April and June 2020 with Gross Domestic Product (GDP) falling by a record 20.0% in April. Monthly GDP increased in June and July, but was still 11.7% below the February 2020 level in July (ONS, 2020a). However, interpreting the impact of the drop in output on the labour market is complex as the policy response has masked many of the immediate impacts and the trajectory of the economic impact is uncertain.

There has been limited change to the headline employment rates. The employment rate of people of working age (16 to 64) in the UK was 76.6% in January–March 2020. It fell by 0.1 percentage points in May–July 2020 to 76.5%. The unemployment rate for working age people has begun to rise, reaching 4.2% in May–July, from 4.0% in January–March 2020. This was the highest level since

September–November 2018. The economic inactivity rate initially increased, as people were neither employed nor searching for, or available for, work, but in May–July 2020 was at the same level of 20.2% as in January–March 2020 (ONS, 2020b).<sup>5</sup>

There were marked national and regional differences; in Scotland, the employment rate fell more than in England (0.4 percentage points compared with 0.1 percentage points) between January–March and May–July 2020, and the unemployment rate increased by 0.5 percentage points to 4.7% (compared with an increase of 0.1 percentage points in England) (ONS, 2020c; ONS, 2020d; ONS, 2020e). The employment rate increased by 0.4 percentage points in Wales during this period (ONS, 2020f). The reasons for this are unclear.

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<sup>5</sup> Economically inactive people are those who are not in employment and have not sought work in the past four weeks and / or are unable to start work within the next two weeks.

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, 2020g). At the end of July 2020, 9.6 million employments (32% of all eligible employments) had been furloughed.<sup>6</sup> These rates were similar across England, Scotland and Wales (ONS, 2020h). Even with the CJRS in place, the International Labour Organisation (ILO) redundancy rate rose from 3.9 to 5.6 between January–March and May–July 2020, the highest figure since February–April 2013 (ONS, 2020i).<sup>7</sup>

Between January–March and May–July 2020, the number of people in employment in the UK aged 16 and over fell by 165,000, but this reduction was focused on specific types of employment. While the number of full-time employees increased, part-time employment fell by 368,000 and self-employment by 251,000 (ONS, 2020j).

Current unemployment data are limited due to the conditions of lockdown and policy responses restricted the ability of individuals to be available to search for or take up work.<sup>8</sup> Brewer et al. (2020: p.26–27) argue that average and total working hours actually worked by those in employment (and the proportion of workers temporarily away from work) is a better measure of productive economic activity than unemployment data. In January–March 2020, average actual weekly hours for full-time and part-time workers were 36.5 hours and 15.9 hours respectively. By May–July, these figures had fallen dramatically to just 30.8 hours and 11.8 hours respectively (ONS, 2020k). Moreover, compared with May–July 2019, in 14 out of 15 industry sectors (the exception was agriculture, forestry and fishing), average actual hours of work were lower in May–July 2020 (ONS, 2020l). The reduction in hours and the reduced income from the CJRS have reduced earnings growth (ONS, 2020g). The impact this had on living standards is reported in the next chapter.

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<sup>6</sup> As defined by the CJRS.

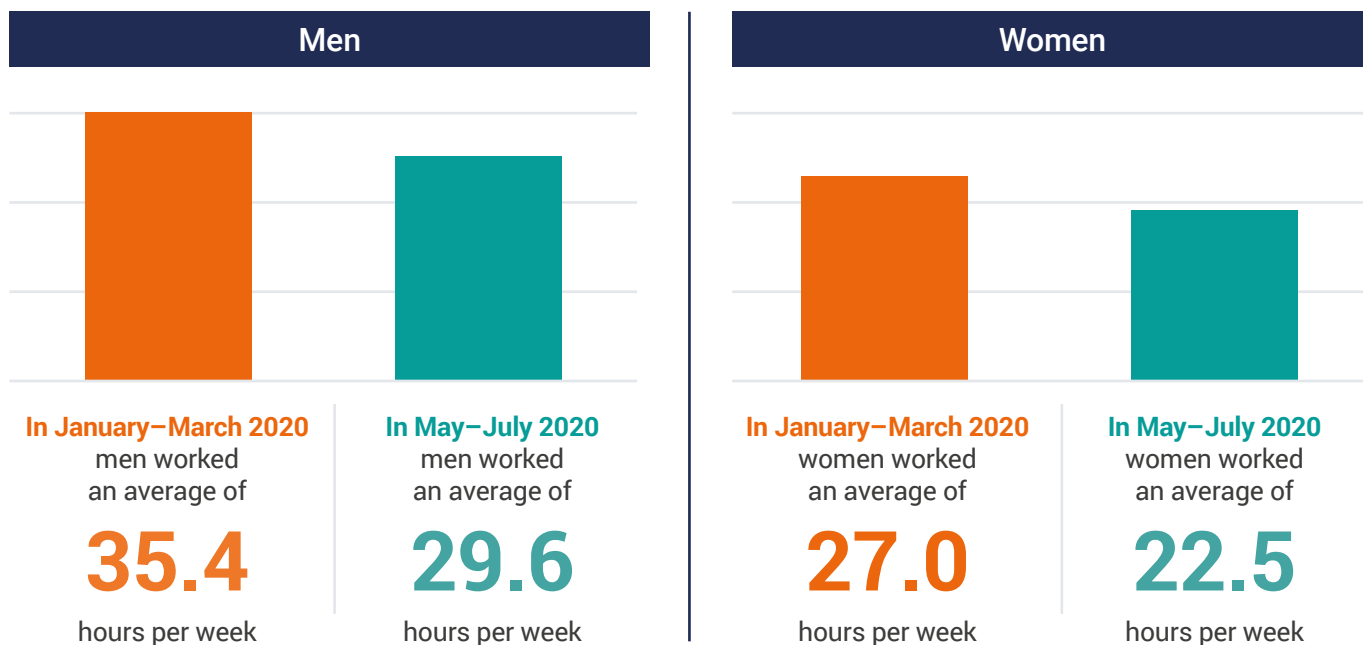
<sup>7</sup> The redundancy rate is defined as the number of employees made redundant per 1,000 employees (i.e. 0.56% in May–July 2020).

<sup>8</sup> Unemployment as defined by the International Labour Organisation (ILO).

## Average hours worked per week



United Kingdom



Source: Office for National Statistics

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In 14 out of 15 industry sectors,  
average actual hours of work  
were lower in May–July 2020  
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Not all workers are expected to have a job to return to at the end of the CJRS (planned for 31 October 2020). The Bank of England (2020: 43) forecasts that the unemployment rate will peak at around 7.5%, while the central scenario of the Office for Budget Responsibility (2020: p.38–39) is that it will do so at 11.9%. The impact on employment of a new government job support scheme to replace furlough is not yet clear (HM Treasury, 2020).

Since no two economic recessions play out in the same way, a full prediction of the impact of the 2020 recession on equality and human rights is impossible, particularly since data on employment, unemployment and redundancies have limited breakdowns by protected characteristics. However, the available data provide insights into which groups are at greatest risk.



## Work

# Protected characteristics



In May–July 2020, the employment rate for women of working age was the same as in January–March 2020, whereas the rate for men was 0.2 percentage points lower (ONS, 2020b). Redundancy rates remained higher for men, although increased more for women, rising from 4.3 to 5.7 for men and from 3.4 to 5.5 for women (ONS, 2020i).<sup>9</sup> The Bank of England noted that the worst-affected sectors are likely to make workers redundant if demand does not pick up sufficiently. Of those identified, some consumer-facing sectors (like accommodation and food services) disproportionately employ women while non-food manufacturing and construction disproportionately employ men (Bank of England, 2020: 42; ONS, 2020m).

Average actual weekly hours fell for both women and men between January–March and May–July 2020: from 35.4 to 29.6 hours for men and from 27.0 to 22.5 hours for women (ONS, 2020k). The sharpest falls for all people were in accommodation and food services (down 11.4 hours), other services (down 9.3 hours) and construction (down 7.2 hours) (ONS, 2020l). The reduction of employment for part-time employees was greater for women than men in both numerical and percentage terms: down 4.6% for women and 1.6% for men (ONS, 2020j).

### Redundancy rates in the UK

In January–March 2020



The redundancy rate is the number of employees made redundant per 1,000 employees.

Source: Office for National Statistics

<sup>9</sup>The redundancy rate is defined as the number of employees made redundant per 1,000 employees.

In May–July 2020



“  
Redundancies have increased for both women and men.  
”

The change for young people was starker. The employment rates for those aged 16 to 17 and 18 to 24 fell by 1.5 and 3.0 percentage points between January–March and May–July 2020, while they rose for those aged 25 to 64, indicating a more severe impact on younger workers (ONS, 2020b).

The unemployment rate for disabled people (aged 16 to 64) in April–June 2020 was 6.5% compared with 3.5% for non-disabled people. This compared with equivalent rates of 8.8% and 3.3% in April–June 2018 (ONS, 2020n).<sup>10</sup> Citizens Advice research (2020: 4) suggests that disabled people, parents and carers are most at risk of being made redundant.

Patterns of employment for ethnic minority groups have remained similar to those previously reported. In April to June 2020, Indian (77.8%) and White (77.6%) people aged 16 to 64 had the highest employment rates, as they had in April–June 2018. Pakistani (57.5%) and Bangladeshi (59.1%) people had the lowest rates, again as was the case in April–June 2018 (ONS, 2020o).<sup>11</sup> Unemployment rates were higher for Pakistani, Bangladeshi and Black African / Caribbean people aged 16 and over in April–June 2020 at 8%, compared with a rate of 3.5% for White people (ONS, 2020o). Data on redundancy by ethnicity are unavailable.

Additional data and analysis of the reasons for reduction in working hours has shown that in April 2020, respondents who identified as Black, Asian and Minority Ethnic (BAME) were 13 percentage points less likely to be furloughed, and 14 percentage points more likely to have been unemployed than non-BAME respondents (Benzeval et al., 2020: 27).<sup>12</sup>

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<sup>10</sup> These data are not seasonally adjusted and are for Government Statistical Services Standard Rates.

<sup>11</sup> These data are not seasonally adjusted.

<sup>12</sup> 'BAME' is the term used in the cited report so is reproduced here for accuracy. The EHRC uses the term 'ethnic minority'.



# Conclusion

The evidence to date suggests the main impact of coronavirus has been on hours of work, indicating increasing underemployment, rather than on employment or unemployment so far. However, there are important national differences, with a larger fall in employment rates and a higher increase in unemployment in Scotland than in the UK as a whole. The limited headline measures so far show a worse effect of coronavirus on young people than on older people. The current data do not allow for an examination of the direct impact of coronavirus by ethnicity and disability, although some analysis has shown greater impacts for some ethnicities. We are particularly concerned about the treatment of people from ethnic minority communities in low paid, insecure and precarious employment that the pandemic has exposed.

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## Recommendations

- The UK Government should introduce mandatory monitoring and reporting on the recruitment, retention and progression of disabled people and ethnic minority groups for private sector employers across Britain with over 250 staff by April 2022.
- The UK Government should require those same employers to publish time-bound, target driven action plans to address the factors creating pay and employment gaps.
- The UK Government should implement similar provisions for public sector employers in England with over 250 staff.
- The Scottish and Welsh Governments should address inequalities in employment in the public sector through the forthcoming reviews of the Public Sector Equality Duty specific duties.
- The UK Government should implement as a matter of urgency its earlier commitment to extend pregnancy and maternity redundancy protections by a further six months.
- The UK Government should demonstrate its commitment to inclusive ways of working by extending the right to request flexible working to everyone from day one in all jobs, requiring employers to offer and advertise all jobs, including the most senior roles, on a flexible and part-time basis unless there is a genuine business reason that means this is not possible.

# Poverty

- The impacts of coronavirus on the labour market are widening and entrenching existing inequalities in poverty and living standards.
- Groups in society who have seen their living standards deteriorate were already more likely to live in or close to poverty and in material deprivation. The pandemic has exacerbated their hardship.
- Large numbers of people are expected to be pushed into poverty in 2020 and beyond, leading to a worsening of the disappointing trends observed in poverty over the last decade.
- The UK Government's social security system has not protected everyone's living standards during the pandemic, and it will not protect everyone equally in the recovery.



## Poverty

# Labour market, poverty and income



The underemployment identified in Chapter 1 alongside other significant changes in the labour market across Britain (ONS, 2020a) have disproportionately decreased the earnings of the lowest-income households (Bourquin et al., 2020; Brewer and Gardiner, 2020). Social security interventions have cushioned these decreases, with 3.4 million individuals making a universal credit declaration from 1 March to the end of June 2020 (Department for Work and Pensions, 2020). The UK and devolved governments also introduced additional temporary support measures, including the CJRS (Mackley et al., 2020).

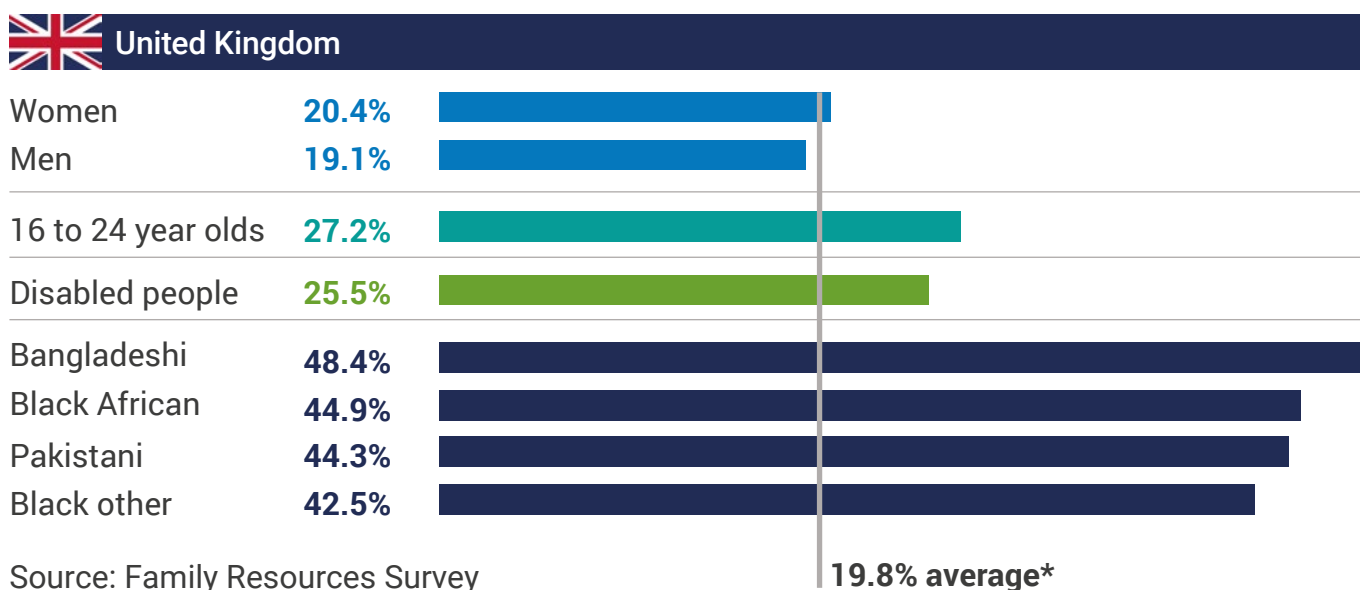
However, even with this support (largely reserved to UK Government), there is a consensus that the number of households facing hardship has still increased.

Demand for emergency food parcels has been unprecedented (Independent Food Aid Network [IFAN], 2020) and the number of households unable to pay essential bills has increased (Step Change, 2020), even after receiving support such as universal credit or the CJRS (Delestre et al., 2020).

The labour market impact has been felt across all nations and regions of Britain, but it has been felt harder in areas that already had higher levels of deprivation. For example, the universal credit claimant count in local areas has been strongly correlated with pre-pandemic claimant level (McCurdy, 2020). The economic recovery in these areas, such as coastal towns, the Midlands and the North of England, West and Central Scotland, and the North, South and West of Wales is also likely to be harder (Joseph Rowntree Foundation, 2020).

“ Demand for emergency food parcels has been unprecedented and the number of households unable to pay essential bills has increased ”

## Percentage of adults living in households below 60% contemporary median income after housing costs (relative poverty) in 2015/16



\*Average line represents the percentage of the whole population living below 60% contemporary median income after housing cost

The number of adults and children living in relative poverty<sup>13</sup> in Britain is now predicted to increase by an additional 1.1 million by the end of 2020, including 200,000 children (Institute for Public Policy Research [IPPR], 2020a). Brewer et al., (2020) make similar estimations across 2021/22 if enhancements to basic benefits are reversed in April 2021. However, it is severity of poverty, as well as incidence, that is likely to be impacted. Analysis has shown that people already in poverty are more likely to have been negatively affected by changes in the labour market, potentially

“ People already in poverty are more likely to have been negatively affected by changes in the labour market ”

exacerbating the increase seen in deep poverty (more than 50% below the poverty line) over the last two decades (Social Metrics Commission [SMC], 2020a). While it is too early to observe actual changes in relative and deep poverty, these predictions are supported by the negative impact already seen in areas of living standards.

One of the primary drivers of the predicted increase in poverty is a reduction in household earnings due to changes in the labour market (ONS, 2020a). Women, young

<sup>13</sup> Relative poverty is defined as the number of adults and children living in households below 60% of the contemporary median income after housing costs.

people, disabled people and many ethnic minority groups (especially Bangladeshi and Pakistani) are the most likely to have experienced a reduction in earnings through redundancy, a reduction in hours, or being furloughed from a job in a shut-down sector (Blundell et al., 2020; Rodriguez, 2020; SMC, 2020a). Analysis shows, for example, that younger people (age 18 to 24) are the most likely to have experienced one of these negative changes compared with other age groups (SMC, 2020a). It is of concern that the impact has fallen on these groups, because they were already more likely than others to live in or close to poverty (EHRC, 2018; SMC, 2020b). Considering their lower financial resilience and the poor unemployment outlook, these groups now face the risk of entering or falling deeper into poverty, potentially worsening trends seen in 'Is Britain Fairer? 2018' (EHRC, 2018). Cumulative impacts should be of concern given the links between poverty and other equality and human rights outcomes, such as educational attainment (Child Poverty Action Group [CPAG], 2020a; Hutchinson et al., 2020) and health inequalities (Marmot et al., 2020; Tinson, 2020). There is a well-established link, for example, between socio-economic position, self-reported health and life expectancy (Marmot et al., 2020).

A further driver of the predicted increase in poverty is that the same groups at risk of reduced earnings are more likely to have entered the pandemic already experiencing material deprivation (EHRC, 2018).<sup>14</sup> With low resilience to loss of earnings and additional costs, women, young people, disabled people,

and ethnic minority groups are more likely to have fallen further behind on essential bills (see for example: Citizens Advice, 2020; ONS, 2020b; Step Change, 2020).

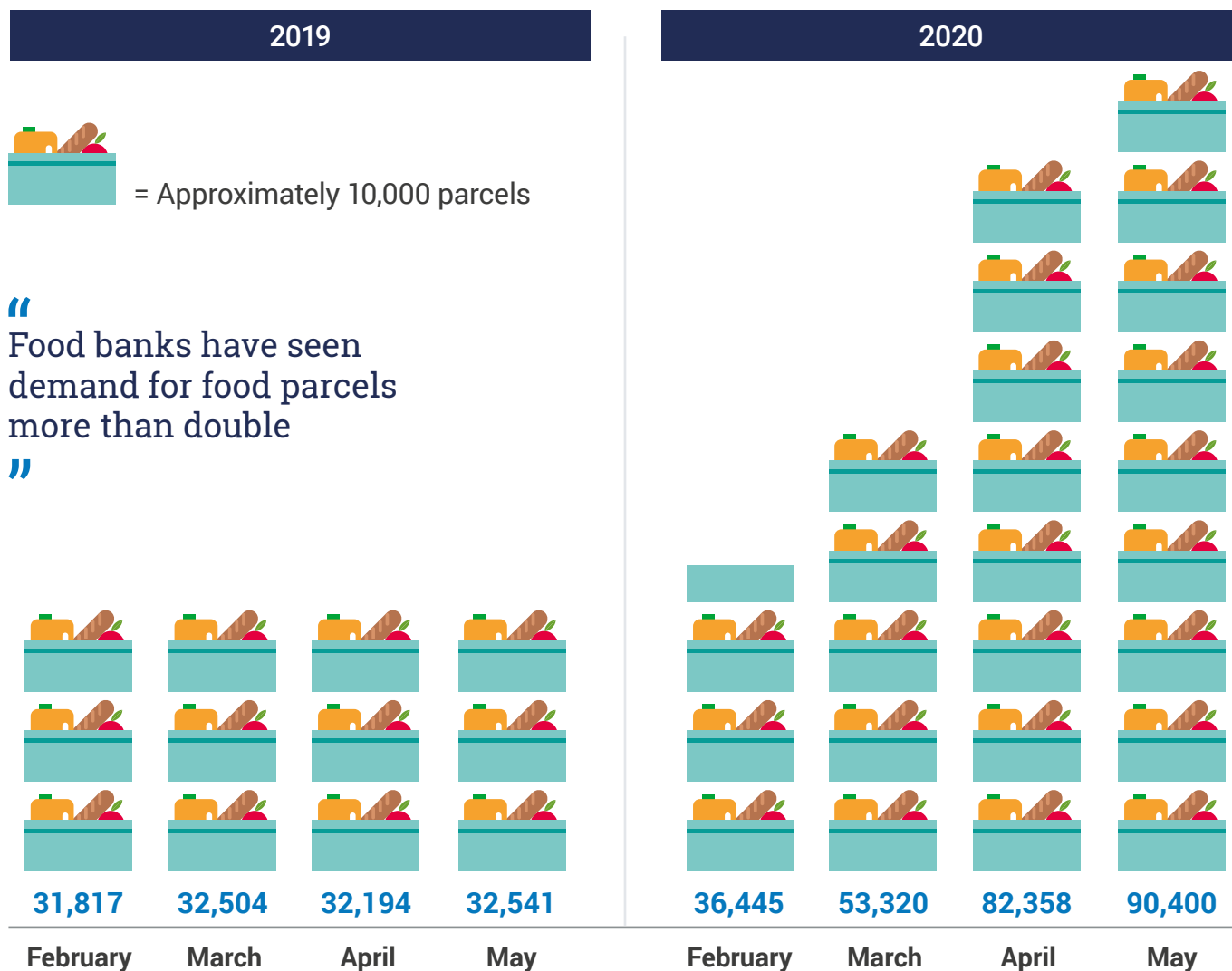
For example, one analysis shows that in July 2020 19.5% of disabled people in Britain had struggled to pay their bills, and 21.3% had to borrow money or rely on credit in the last seven days, compared to 13.4% and 18.2% of non-disabled people respectively (ONS, 2020b). Carers (Carers UK, 2020; Citizens Advice, 2020) and low-income households with children (Fawcett Society, 2020; Howes et al., 2020; IPPR, 2020b; Maddison, 2020) have also struggled to make ends meet. With fewer options than higher-income households to mitigate loss of earnings, many within these groups have turned to consumer borrowing (Bangham and Leslie, 2020; Maddison, 2020; Step Change, 2020), carrying mounting debt into a period of financial insecurity (Office for Budget Responsibility [OBR], 2020). Of concern is that some individuals still need to resort to borrowing after receiving social security support, indicating that this support is insufficient (Maddison, 2020). For example, after receiving their payment, new claimants of universal credit still see their net income fall by approximately 40% (Delestre et al., 2020). In this context, it is not surprising that food banks have seen demand for food parcels more than double (Trussell Trust, 2020; IFAN, 2020), particularly among households with an ethnic minority or disabled adult, or a child on free school meals (The Food Foundation, 2020).

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<sup>14</sup> Material deprivation is a measure of whether people can afford to buy certain items, and participate in leisure and social activities that are widely considered essential, as defined in the Family Resources Survey.



**The number of three-day food parcels distributed by 100 organisations running 191 independent foodbanks in Great Britain**



Source: Independent Food Aid Network

Although some people will return to their usual work, the unemployment outlook is concerning, particularly for sectors disproportionately employing lower-income groups (Brewer et al., 2020; OBR, 2020). Therefore, social security will be an important safety net for many households in the recovery from the pandemic (Brewer and Handscomb, 2020). However, there remain concerns about aspects of benefits largely reserved to the UK Government on living standards, such as the reversal of temporary increases to universal credit in 2021 (Brewer et al., 2020), and the resumption of benefit-related debt recovery, sanctions

and conditionality (CPAG, 2020b). This follows long-term concerns that universal credit was not built to help those most in need of its support, exacerbating financial hardship (Aston et al., 2020; Economic Affairs Committee, 2020; National Audit Office, 2020). Therefore, the UK Government’s social security system will not be a sufficient safety net to secure an adequate standard of living for everyone, and given our previous concerns that social security reforms have impacted some groups disproportionately (EHRC, 2018), nor will it protect everyone equally who is at risk from entering or falling deeper into poverty and material deprivation.

Overall, it is clear that the economic impact of the pandemic has been unequal, widening and entrenching existing inequalities (Blundell et al., 2020). While poverty and material deprivation had been arguably stable for a period, the pandemic will likely lead to these increasing dramatically, and potentially inequitably. The impact is already falling disproportionately on groups in society who were already in or close to poverty. Cumulative impacts should be of concern given the links between poverty and other equality and human rights outcomes. Much of the eventual impact will depend upon the recovery plans put in place by the UK and devolved governments for social security, the labour market and the economy.

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## Recommendations

- Governments should use the socio-economic duty to reduce the most pressing inequalities of outcome exacerbated by the pandemic. The UK Government should bring the socio-economic duty into force in England at the earliest opportunity, and regional and local authorities in England should consider adopting the duty to support more inclusive approaches to strategic decision making. The Welsh Government must meet its commitment to bring the duty into force from 31 March 2021, and it should use a nationally set outcomes model in doing so. The Scottish Government should consider the effectiveness of the first three years of the socio-economic duty in its upcoming review, and identify opportunities to increase its impact on inequalities linked to socio-economic disadvantage.
- To achieve inclusive economic growth, governments must put equality at the heart of their recovery and investment strategies, taking steps to identify and monitor the specific economic impacts of the pandemic on groups of people who share protected characteristics. Governments should ensure that this insight informs their strategic plans, investment frameworks and public sector contracts at a formative stage. They should adjust their plans to provide targeted support for groups and sectors experiencing disproportionate negative economic impacts.
- As the furlough scheme comes to an end and unemployment rates are set to rise, the Department for Work and Pensions should ensure that the social security system is accessible and effective for all, supports the right to an adequate standard of living, and does not contribute to increasing material deprivation and poverty. This should include: a review of the time to first payment and the impact of sanctions and conditionality; and the collection and monitoring of data on the protected characteristics of claimants and claim outcomes and provision of reasonable adjustments where required.



# Education

- The response to the coronavirus pandemic has created gaps in the education of most children in Britain. These gaps threaten attainment at primary and secondary level.
- Inequalities in the home-learning environment and changes to grading systems risk exacerbating existing inequalities in education, leading to a disproportionately severe impact on some groups including boys, Black pupils, Gypsy, Roma and Traveller pupils,<sup>15</sup> pupils who need support in education,<sup>16</sup> and those who are socio-economically disadvantaged.



<sup>15</sup> Referred to as Gypsy / Travellers in Scotland.

<sup>16</sup> Special educational needs and disability (SEND) in England, additional support needs (ASN) in Scotland, and additional learning needs (ALN) in Wales.

## Education

# Impact of school closures on attainment



On Friday 20 March, all educational establishments in Britain temporarily closed in response to the coronavirus pandemic. Most learning moved online, with resources and support provided by schools and/or devolved governments and local authorities. Exams were replaced by different grading systems across the three nations.

While guidance specified that schools should remain open for children identified as 'vulnerable' and children of key workers, attendance was low across the three nations. In England, an estimated 5% of 'children in need' or with an Education Health and Care Plan (EHCP) were attending school and colleges on Friday 17 April and 6% of this group were attending early year settings (Department for Education, 2020a). In the final week before the summer holidays

(16 July), an estimated 27% of children with an EHCP plan or social worker were attending school and colleges and 25% of vulnerable children were attending early years settings (Department for Education, 2020b). In Scotland, approximately 0.5% of children and young people regarded as vulnerable were attending schools and early years settings in the week of 21 April (Scottish Government, 2020a). The number of vulnerable children attending hubs increased between May and 24 June (up to the school holidays) but remained low (Scottish Government, 2020b). In Wales, on average 1.2% of vulnerable children attended local authority settings in the first week of school closures, rising to 2.4% after the Easter holidays and 6.1% in the week ending 26 June (Welsh Government, 2020b).

In England, primary schools reopened to selected year groups (Nursery, Reception, Year 1 and Year 6) in June and secondary school pupils in Years 10 and 12 were invited to have at least some face-to-face contact with their teachers (UK Government, 2020a). In Wales, primary and secondary schools reopened to all year groups on 29 June, although with limitations on the number of pupils at any one time (Welsh Government, 2020a). Scottish schools remained open only to children of key workers and to those classified as 'vulnerable' until the new term in August.

It is too early to assess the impact of school closures on attainment. There are concerns, however, that the closures will exacerbate existing attainment gaps for groups who already attain lower educational outcomes than their peers (Black, 2020; EEF, 2020; EHRC, 2020a; Eivers et al., 2020; EPI, 2020; McNeil et al., 2020; Sharp et al., 2020). 'Is Britain Fairer? 2018' showed significant disparities in attainment at secondary level, which are also evident in recent analysis (EHRC, 2018; Department for Education, 2020c; Hutchinson et al., 2020; Scottish Government, 2020c; Welsh Government, 2020c; 2020d; 2019a; 2019b). Boys continue to perform worse than girls and attainment by children with SEND / ASN / ALN is much lower than those without such needs. Black pupils have lower attainment levels than other ethnic minority groups although Gypsy, Roma and Traveller pupils continue to have the lowest attainment levels of any ethnic group by a significant amount. Children eligible for free school meals or from deprived areas perform below the average.

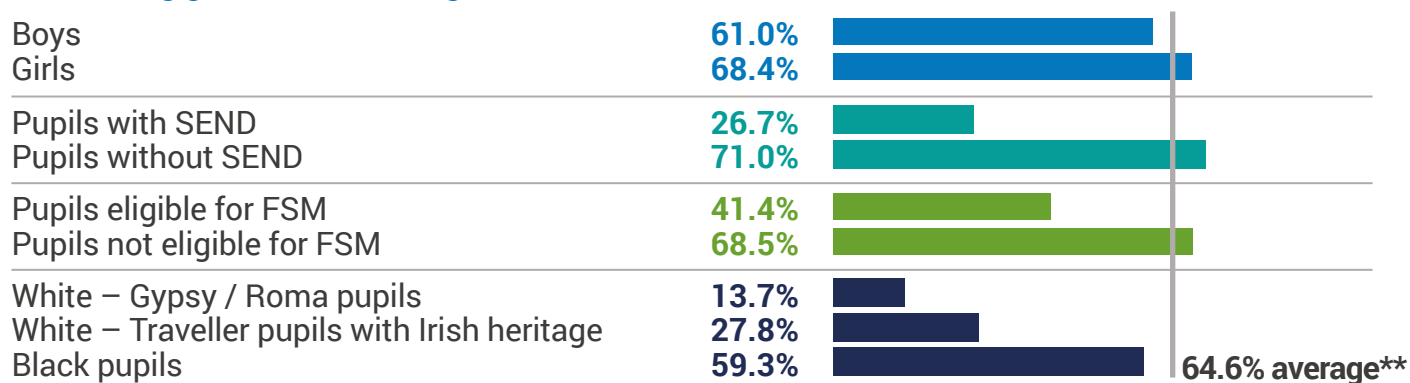
“ Boys continue to perform worse than girls and attainment by children with SEND / ASN / ALN is much lower than those without such needs. Black pupils have lower attainment levels than other ethnic minority groups although Gypsy, Roma and Traveller pupils continue to have the lowest attainment levels of any ethnic group by a significant amount. Children eligible for free school meals or from deprived areas perform below the average. ”

These groups are at risk of falling further behind. Based on studies of previous school closures across different countries, the Education Endowment Foundation estimates that the socio-economic attainment gap in England will widen by 36% (EEF, 2020). This is the median estimate of the research reviewed. Estimates varied substantially between studies, meaning that there is a high level of uncertainty around this figure. This projection should also be viewed cautiously because it does not take into account the remote learning that has happened during the pandemic, nor does it reflect the extended length of time that schools have been closed during this time (EEF, 2020). Teachers surveyed in England estimated that, on average, the gap between disadvantaged pupils and their peers had already increased by 46% (Sharp et al., 2020). The level of uncertainty around this estimate is also high (Sharp et al., 2020).

## Differences in attainment at school leaving age in 2018/2019

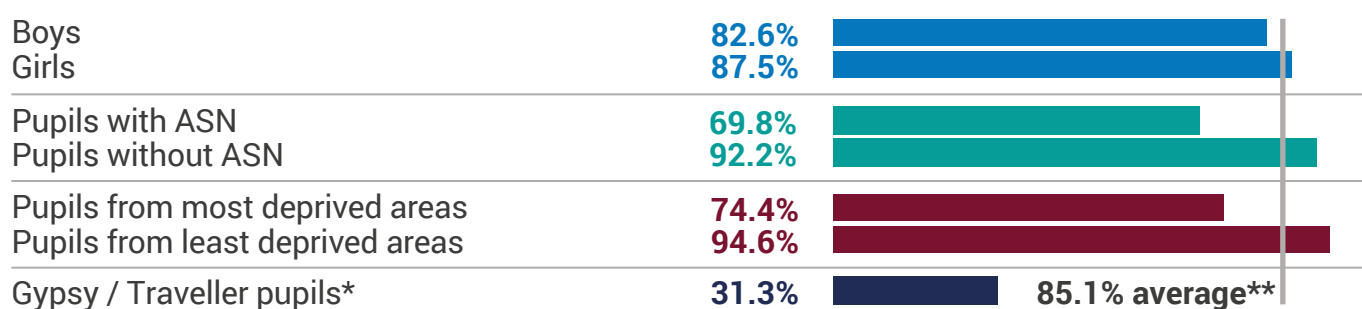
### England

#### % achieving grades 9 to 4 in English and mathematics in 2018/2019



### Scotland

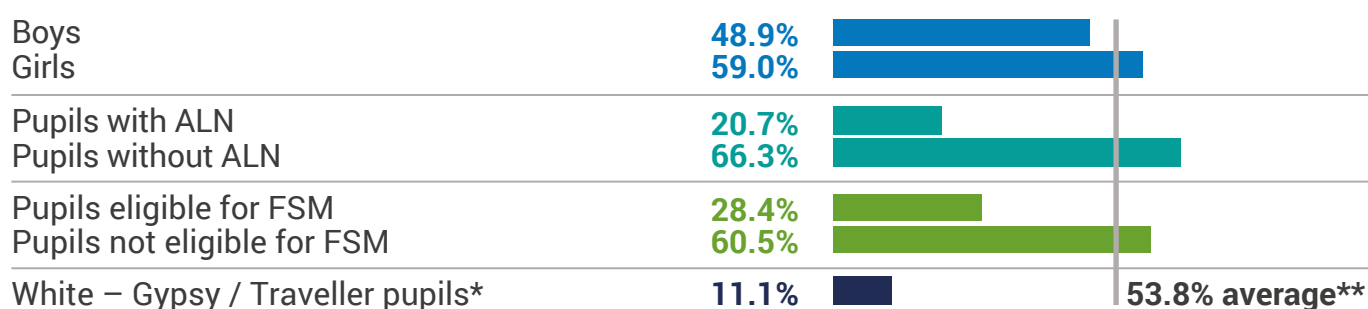
#### % achieving 1 or more SCQF level 5 or better in 2018/2019



\*Due to small numbers this is a two year average for 2016/17 and 2017/18.

### Wales

#### % achieving the 'Level 2 inclusive threshold' in 2018/2019 (equivalent of 5 GCSEs at grade A\* to C including English or Welsh first language and mathematics)



\*Due to small numbers three-year aggregations for 2017 to 2019 have been used.

\*\*Average line represents the percentage of all pupils achieving the stated grades in each nation.

Sources: Department for Education, Welsh Government, Scottish Government.

## Education

# Impact of remote learning on educational inequalities



Research on learning during lockdown shows the average amount of schoolwork done by all groups has been low, between 2.5 and 3 hours per day (Green, 2020; Eivers et al., 2020; ONS, 2020). Nearly all teachers (98%) surveyed in England reported that their pupils are behind where they would normally expect them to be in their curriculum learning, with the average estimate being three months behind (Sharp et al., 2020). Over half (52%) of parents with school-aged children in Britain said a child in their household was struggling to continue their education (ONS, 2020).

There are also inequalities in the amount of time spent on home-learning, with some indication that boys are spending less time on home learning than girls (Green, 2020), and early speculations that children with Pakistani and Bangladeshi backgrounds are spending less time than pupils of other ethnicities (Guveli, 2020). The disparity between socio-economic groups is, however, substantial (Green, 2020; IFS, 2020; Eivers et al., 2020; Cullinane and Montacute, 2020). Research conducted for NFER showed that

pupils from lower-income families in the UK are spending less time on home learning. For example, 41% of secondary school pupils from the highest-income households spent at least four hours a day on school work, compared to only 23% of pupils from the lowest-income households (Eivers, et al., 2020).

The digital divide is a significant challenge and contributes to these inequalities. The UK, Scottish and Welsh Governments have set up different systems to try to mitigate the digital divide. Each government has committed extra funding for the provision of free laptops and online services (UK Government, 2020b; Scottish Government, 2020d; Welsh Government, 2020f). However, 1 in 10 (9%) parents in Britain with a child who was struggling with education gave a lack of devices as the reason (ONS, 2020). Children from socio-economically disadvantaged backgrounds have less access to the technology needed for online learning, including a computer and connection to the internet (Cullinane and Montacute, 2020; Green, 2020; IFS, 2020; McNeil et al., 2020).



Research suggests that 20% of pupils on free school meals in the UK had no access to a computer at home, compared with 7% of other children (Green, 2020, p10). Small-scale research on digital exclusion conducted prior to the pandemic indicates that this may be a particular issue for Gypsy, Roma and Traveller pupils (Friends, Families and Travellers, 2018).

There are further inequalities in family support and access to resources. Research shows that pupils from lower socio-economic backgrounds also have less access to individualised learning such as private tutoring; they have fewer resources provided by their schools such as lessons; and they have a worse home set-up for distance learning (Black, 2020; Cullinane and Montacute, 2020; Green, 2020; IFS, 2020). While evidence from England suggests that parents from low- and middle-income households feel slightly less confident supporting their child with school work (IFS, 2020), research in the UK suggests parents from this group spend the most amount of time doing so (Eivers et al., 2020; Green, 2020). Issues around parental support may be more pronounced for children from migrant backgrounds and for Gypsy, Roma, Traveller pupils, whose parents often face language or literacy barriers and who face additional COVID-19 risks (The Traveller Movement, 2020; Scottish Government and COSLA, 2020). In Wales, there are also concerns that pupils attending

Welsh language schools who do not have Welsh-speaking parents are not getting sufficient attention (Griffith, 2020). There is some evidence that young carers do not have enough time to spend on schoolwork and feel their education has suffered during lockdown (Carers Trust, 2020; Carers Trust Scotland, 2020).

**“ Families with children who need support in education have faced particular difficulties accessing educational and other support during the period of school closures ”**

Families with children who need support in education have faced particular difficulties accessing educational and other support during the period of school closures (Disabled Children’s Partnership, 2020; SCLD, 2020; Welsh Parliament, 2020: p.30). In Scotland, small-scale research suggests a lack of access to school hubs for ASN pupils (SCLD, 2020) and in Wales and England, evidence suggests that online learning resources were not fully accessible to disabled children (EHRC, 2020a: p.9; Welsh Parliament, 2020: p.30). Serious concerns have been raised about the long-term impact of this period on both the wellbeing and attainment of these children.

# Impact of changes to grading systems



The initial decision to replace exams with teacher estimates raised concerns about how the attainment of certain groups could be affected (Runnymede Trust, 2020; EHRC, 2020b; NASUWT, 2020). Research conducted before the pandemic indicated potential for unconscious bias when teachers estimate grades (Wyness, 2016), with particular implications for children from lower socio-economic backgrounds, ethnic minority pupils, including Gypsy, Roma and Traveller pupils, and children with SEND / ASN / ALN.

While the three nations took different approaches to issuing grades, exams were initially replaced by teacher assessments and a moderation process to control grade inflation.<sup>18</sup> Based on this system, some attainment measures improved in England and Wales with a higher percentage of pupils achieving grade A and above for A level compared with 2019. In England, 27.6% of pupils achieved grade A at A level in 2020 compared with 25.2% in 2019 (Ofqual, 2020a). In Wales, 29.9% of pupils achieved A\* to A for A level, up 2.9 percentage points from 2019 (Qualifications Wales, 2020). In all three nations one of the factors used to decide

whether a grade should be moderated was the school's previous performance. This resulted in a significant percentage of pupils being downgraded during the moderation process, with a much higher number of pupils from schools in deprived areas having their results negatively adjusted (SQA, 2020; Lough, 2020; Thomson and Nye, 2020). In Scotland, the pass rate of pupils in the most deprived areas was reduced by 15.2% from teacher estimates, compared with 6.9% of for pupils from the most affluent backgrounds (SQA, 2020). The moderation processes in all three nations were subsequently overturned and pupils were awarded either their teacher calculated grade or the moderated grade, whichever was higher (Ofqual, 2020b; Welsh Government, 2020e; Scottish Government, 2020e). In the case of A levels in Wales, this also applied if a pupil's AS level grade was higher than their teacher calculated grade and their issued grade (Welsh Government, 2020e). There is an appeals process in England and Wales and a chance to sit some exams in the autumn (Welsh Government, 2020e; Ofqual, 2020b). A full analysis of the initial results broken down by protected characteristics has yet to be published.

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<sup>18</sup> This was carried out by the Scottish Qualifications Authority in Scotland, Ofqual in England and Qualifications Wales in Wales.



# Conclusion

'Is Britain Fairer? 2018' showed attainment at primary and secondary level was improving across Great Britain, but this is likely to be negatively affected by school closures. Evidence also suggests that inequalities in the home-learning environment, particularly access to technology, align with and potentially compound the inequalities already being experienced in education for boys, some ethnic minorities, including Gypsy, Roma and Traveller pupils, pupils with SEND / ASN / ALN and those who are socio-economically disadvantaged. If there are further school closures then these disparities and impacts could be worsened. Furthermore, any future changes to the grading system, must consider the impact on pupils with protected characteristics. Given the economic impact of the pandemic, there is an additional risk that increasing levels of poverty may further affect education attainment and long-term prospects. Without intervention, this indicates a potentially severe and long-lasting impact on young people, reversing the progress we had observed and increasing persistent inequalities for the most disadvantaged.

## Recommendations

- Governments should identify the impact of school closures on the attainment gap affecting pupils facing socio-economic disadvantage, giving particular attention to the overlap between disadvantage and protected characteristics.
- Governments should support schools to develop catch-up / recovery plans to meet the needs of these pupils and report within six months on the progress and outcomes of these plans.
- Governments should ensure that the needs of pupils with SEND / ALN / ASN who return to full-time on-site education are met by addressing the long-term problems affecting SEND / ALN / ASN educational provision.
- Governments should urgently prepare for future disruption to education due to the coronavirus, including by drawing up contingency plans to ensure that every child, regardless of their background and circumstances, is able to access good quality education without discrimination. This includes ensuring that children with SEND / ALN / ASN who stay at home receive the support they need, including specialist equipment, training materials and social care.
- Governments should undertake and publish an analysis of how the exceptional arrangements for issuing grades this summer, both the standardisation process and the decision to replace this with teacher assessed grades, impacted on outcomes for pupils with protected characteristics. This should be used to identify any disproportionate impacts and to inform contingency plans for issuing grades in preparation for the possibility of future disruptions to exams.

# Social care

- Older people, ethnic minorities and some disabled people, particularly those in care homes, have been disproportionately impacted by the pandemic, as have those who support them including paid care workers and unpaid carers.
- The virus and corresponding control measures have increased pressure on adult social care, leading to poor infection control, temporary reductions in care provision and an increased reliance on unpaid carers.
- The financial repercussions of the pandemic are likely to exacerbate existing inequalities for both users and workers within the care sector for some time to come.



## Social care

# Older people in residential care

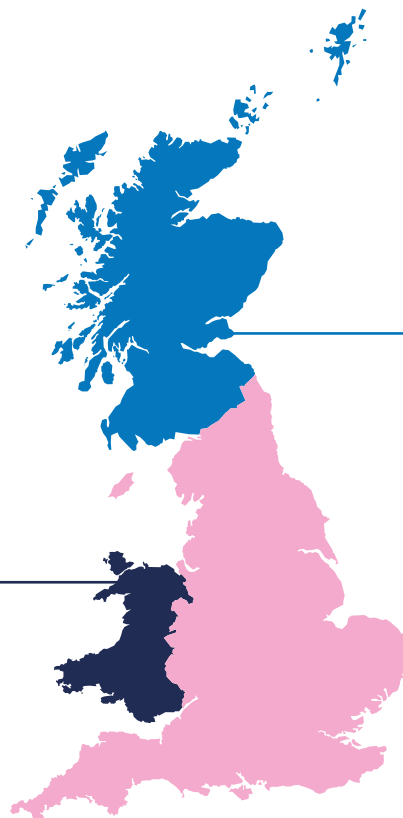


The coronavirus pandemic has had a devastating impact on older and disabled people, particularly older people living in care homes. At least 40% of COVID-19 deaths in the UK were accounted for by care home residents (Bell et al., 2020).<sup>19</sup> This percentage varied by nation.

Care home residents accounted for 50% of all COVID-19 related deaths in Scotland, 39% of COVID-19 related deaths in England and 34% of COVID-19 related deaths in Wales (Bell et al., 2020). Data indicate there may be local variations within nations (Grimm and Deeny, 2020; National Records of Scotland [NRS], 2020a) and further research is needed to verify emerging findings.

### Percentage of COVID-19 deaths by nation attributed to care home residents

**34%**  
in Wales



**50%**  
In Scotland

**39%**  
In England

Source: Bell et al., 2020, p.24

<sup>19</sup> Between week 11 (week ending 13 March 2020) and week 26 (week ending 26 June 2020).

In addition to the increased number of deaths resulting from COVID-19, there has been an increase in overall mortality in care homes, indicating an increase in deaths from other causes. In England, there has been a 79% increase, in Scotland a 62% increase and in Wales a 66% increase (Bell et al., 2020).

Mortality rates for deaths involving COVID-19 of care home residents increase with age, particularly for residents over the age of 65 years (ONS, 2020a; NRS, 2020b). In Great Britain, most care home residents whose death involved coronavirus had at least one pre-existing health condition. In England and Wales over 90% of care home residents, and in Scotland 92% of all people, who died had at least one pre-existing health condition, the most common of which was Dementia and Alzheimer's disease (ONS, 2020a; NRS, 2020c). A substantial proportion of this group in Scotland are likely to have been care home residents.

Data indicates that male care home residents are disproportionately impacted by deaths involving COVID-19 in England and Wales; up to June 33.3% of male resident deaths, compared with 26.8% of female resident deaths involved COVID-19 (ONS, 2020a). In Scotland, up until August, 19.6% of male deaths in care homes involved COVID-19 and 18.0% of female deaths in care homes involved COVID-19 (NRS 2020b).

Data also indicate that ethnic minority groups are disproportionately impacted by deaths involving COVID-19 in care homes in England, (Care Quality Commission [CQC], 2020a). As of May 2020, the proportion of deaths due to COVID-19 was higher for Black (54%) and Asian (49%) residents, compared to White residents (44%) and those from mixed or multiple ethnic groups (41%). Comparable data are not currently available for deaths of care home residents in Wales and Scotland.

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**Ethnic minority groups are disproportionately impacted by deaths involving COVID-19 in care homes in England**  
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The impact goes beyond increased mortality. Lockdown restrictions have isolated care home residents from their family and friends, significantly impacting physical and mental health (Relatives and Residents Association, 2020). This is particularly the case for people with Dementia and Alzheimer's disease (Alzheimer's Society, 2020). Further research is needed to understand the severity and scale of these issues for care home residents across the UK.

## Social care

# Older and disabled people receiving care at home



Data on the impact of coronavirus on people receiving care at home, including older and disabled people, are limited. Between April and June 2020, the CQC was notified of 6,523 deaths of people receiving care at home in England; 3,628 deaths higher than the three-year average. Of these deaths, 12.6% involved COVID-19 (ONS, 2020a). However, this is likely to be an underestimate due to reporting delays and the CQC's omission of data collection from self-employed or unpaid carers (Bell et al., 2020; Hodgson et al., 2020). Comparable data are not available for Wales and Scotland.

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Older and disabled people have experienced difficulties in accessing care due to reductions in the availability of formal care  
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Older and disabled people have experienced difficulties in accessing care due to reductions in the availability of formal care (Inclusion London, 2020; Inclusion Scotland, 2020; Research Institute for Disabled Consumers [RIDC], 2020) and cross-contamination fears prompting service users and their families to cancel and avoid formal care (Institute for Public Policy Research [IPPR], 2020). These issues, coupled with new challenges of accessing basic provisions while shielding, have increased feelings of isolation and anxiety (Glasgow Disability Alliance, 2020; Inclusion London, 2020; Inclusion Scotland, 2020; RIDC, 2020). In July, over 7 in 10 disabled people in England and Wales reported feeling 'very worried' or 'somewhat worried' about the effect that coronavirus was having on their life (ONS, 2020b).



## Social care

# Paid care workers and unpaid carers



Workers in the care sector have faced an increased burden of risk. The death rate from COVID-19 for social care staff has been higher than for the general population in England and Wales (ONS, 2020c) and higher than the average for all occupations in Scotland (NRS, 2020c). In England and Wales men and women working in social care had significantly higher rates of death involving COVID-19: 50.1 deaths per 100,000 men and 19.1 deaths per 100,000 women compared with the average for all occupations – 19.1 deaths per 100,000 men and 9.7 deaths per 100,000 women (ONS, 2020c).<sup>20</sup> In Scotland, social care worker death rates were 14.4 per 100,000 compared with 10.3 per 100,000 for all occupations (NRS, 2020c).

Staff shortages, inability to attract new staff, fears of cross-contamination between care homes, and lack of recognition compared to NHS colleagues have negatively impacted mental health and morale within the sector. (National Audit Office [NAO], 2020; CQC, 2020b). In July the Scottish Government (2020a), launched a national mental wellbeing helpline for health and social care workers.

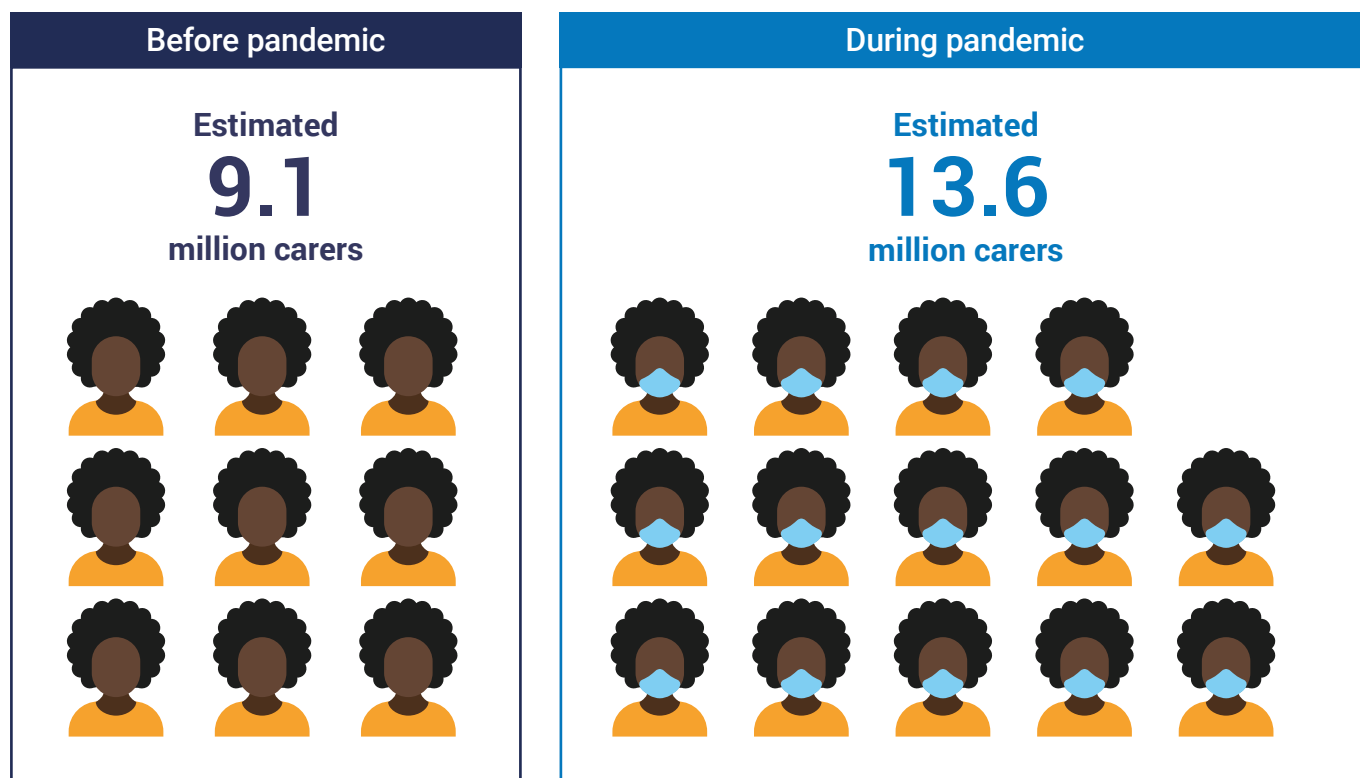
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<sup>20</sup> This analysis does not prove conclusively that the observed rates of death involving COVID-19 are necessarily caused by differences in occupational exposure; ONS adjusted for age, but not for other factors such as ethnic group and place of residence (ONS, 2020c, Coronavirus related deaths by occupation, England and Wales).

Reduced care availability and the introduction of isolation measures has transferred some caregiving duties to informal carers. This is evidenced by the estimated 4.5 million people in the UK who have become unpaid carers since the start of the pandemic, a rise of almost 50%; meaning over a quarter of the adult population now care for a family member or friend (Carers Week, 2020).


Those who have become unpaid carers are more likely to be women, younger and have young children. They have faced competing demands, which have challenged their physical and mental health and wellbeing and placed additional strain on their relationships, finances and ability to do paid work (Carers Week, 2020).

### Increase in unpaid carers



Source: Carers Week, 2020

“ It has been estimated that there has been nearly a 50% increase in unpaid carers since the start of the pandemic ”

 = Approximately 1 million carers





Local authorities in England and Wales have seen an increase in demand for adult social care services during the peak periods of lockdown (Association of Directors of Adult Social Services [ADDAS], 2020a, Welsh Local Government Association, 2020). The situation is likely to be comparable in Scotland based on increasing demand before the pandemic (Age Scotland, 2019; Baylis and Trimble, 2018; British Medical Association, 2020).

Directors of adult social care in England attribute the increased demand predominantly to a temporary closure of services, such as day services, provider concerns about accepting new clients, and people declining services offered (ADDAS, 2020a). Additional pressures on local systems include discharge of patients from hospital (ADDAS, 2020a), increased staff absence and post vacancies, and lack of PPE and testing (Care Inspectorate, 2020; CQC, 2020b).

Despite these increased pressures, just eight local authorities temporarily made use of the Coronavirus Act in England (Liberty, 2020) to allow an easement of duties under the Care Act 2014; specifically – alleviating councils from undertaking detailed care and support needs and financial assessments (Department of Health and Social Care, 2020). None are currently using the easements (CQC, 2020c). Similarly, few local authorities in Scotland have made

use of the Coronavirus (Scotland) Act 2020 for easements (Scottish Government, 2020c). No local authorities in Wales are known to have implemented easements.

As a result of the impact of coronavirus, only 4% of adult social care directors in England are fully confident that budgets are sufficient to meet statutory duties in 2020/21, a significant change from 2019/20, when 35% of adult social care directors were fully confident they could meet their statutory duties (ADDAS, 2020b). Furthermore, 35% indicate they have 'no confidence' in meeting their statutory duties this financial year (ADDAS, 2020b).

While comparable data are unavailable for Wales and Scotland, evidence indicates the nations face similar prospects. The Welsh Government has introduced additional social care funding and there are stakeholder concerns that the financial impact of the pandemic could result in the closure of care homes in Wales, and that if closures do occur the NHS will be; 'completely overwhelmed by a tsunami of need' (Senedd Research, 2020). In Scotland the introduction of additional funding for the social care sector (Scottish Government, 2020b) and a review of the financial impact of coronavirus on local authorities (The Scottish Parliament, 2020) also indicates financial concerns for the nation's social care sector.

# Conclusion

The pandemic has disproportionately impacted service users and workers within social care, with notable consequences for older people and disabled people. Increased demand, reduced provision and implementation of lockdown restrictions and self-isolation measures increased the need for unpaid carers, resulting in challenges for an emerging cohort of younger, employed women. Additionally, growing demand, additional costs and reductions in income place undue strain on the adult social care sector and heighten concerns for its long-term viability.

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## Recommendations

- The UK Government should urgently undertake a review of deaths in care homes during the pandemic or commission an independent inquiry.
- UK, Scottish and Welsh Governments should ensure equality and human rights considerations are built effectively into the ongoing response to coronavirus and in planning for increases in infection rates. This should include careful consideration of the need to respect all rights, guided by the principles in our equality and human rights framework for residential social care.
- The UK Government should urgently repeal the provisions in the Coronavirus Act which allow for the reduction in safeguards and level of provision in the delivery of social care, strengthen oversight of changes to social care provision at the local level beyond those implemented under the emergency legislation, and take immediate action to address reductions in care that disproportionately affect particular groups.

# Justice and personal security

- Court users face significant delays in accessing justice because of an increased backlog of cases in the courts and tribunal systems in England and Wales and a developing backlog in Scotland as a result of the pandemic.
- The use of remote and virtual hearings to address the delays risks reducing access to justice for people who share protected characteristics, particularly disabled people.
- Reported domestic abuse has increased during lockdown. Changes to support services, including an increase in online support, and delays in the criminal justice system presents specific challenges for accessing justice for those experiencing domestic abuse.
- The human rights of prisoners are at risk due to restricted regimes, but scrutiny of conditions is currently limited.



## Justice and personal security

# Access to justice



Crown and magistrates' courts in England and Wales had a significant case backlog before coronavirus. The pandemic led to a 22% increase in outstanding magistrates' court cases between 8 March and 22 May to around 484,000 cases (Ministry of Justice 2020). In the Crown Court between 8 March and 31 May there was a 4% increase in outstanding cases to over 40,000 cases, on top of a 21% increase over the previous year (Ministry of Justice, 2020). In Scotland, the pandemic created a backlog in some areas of the criminal justice system. For example, before lockdown there were 390 cases awaiting High Court trial and 500 sheriff and jury trials; by the end of August this had risen to 750 and 1,800 respectively (The Scottish Parliament, 2020).

Her Majesty's Courts and Tribunals Service (HMCTS) rapidly expanded audio and video technology to increase the use of remote and virtual hearings in England (HMCTS, 2020a). At the peak of the pandemic on 24 April, 90% of all hearings in England and Wales were being conducted remotely (HMCTS, 2020b). Since that time, remote trials have increased in Scotland, and have been identified as an effective tool for reducing the backlog of cases in Scottish courts (Scottish Government 2020a: p.18).

The changes to the court and tribunal operations, including the increased use of remote hearings, present specific challenges for disabled people, people with cognitive and neurodiversity conditions, (EHRC, 2020). Our inquiry analysing the experiences of disabled defendants/accused identified the risk of audio-visual technology impeding understanding and ability to communicate for people with learning disabilities, autism spectrum disorders and mental health conditions (EHRC, 2020). The swift increase in remote hearings and the reduction in face-to-face hearings over the period of the pandemic risks the effective participation of disabled people. However, it also poses risks to victims of specific types of crime.

## Justice and personal security

# Increasing domestic abuse



There is evidence of an increase in domestic abuse during the lockdown period. The National Domestic Abuse Helpline received a 50% increase in the number of calls in the second week of April 2020 (the fourth week of lockdown restrictions) compared with the same period of 2019 (Home Affairs Committee, 2020). In Scotland the number of police-recorded domestic abuse incidents for April–June 2020 was 9% higher than the same period in 2019 (17,252 incidents compared with 15,852 incidents) (Scottish Government, 2020b).

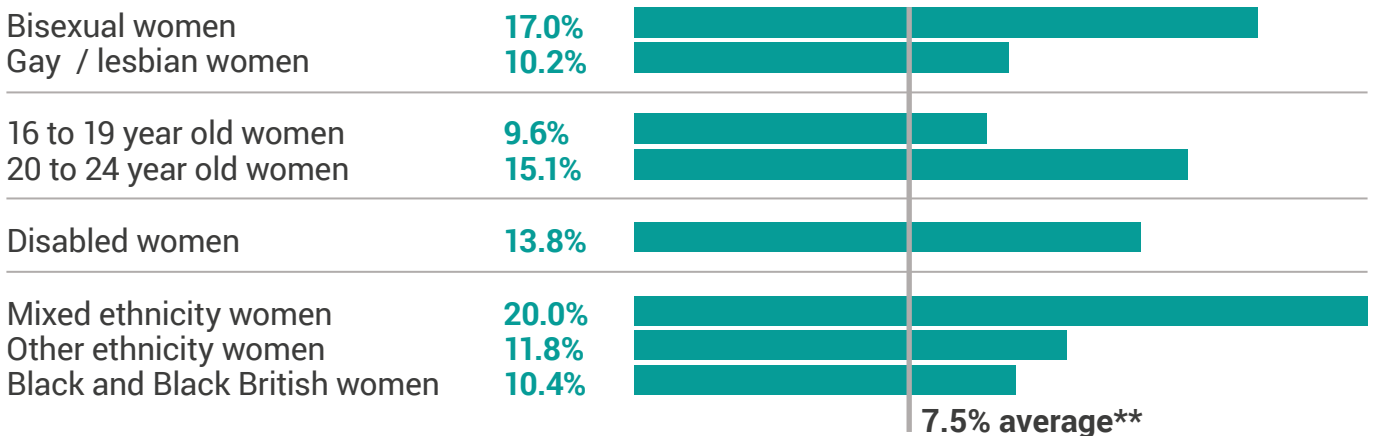
In addition, some institutions and charities reported ‘worryingly’ low levels of ‘calls for help’ due to service reduction and increased time spent at home, and around perpetrators (Home Affairs Committee, 2020). The impact of these barriers will disproportionately impact ethnic minority women, who often prefer to access services in person or via community routes (Home Affairs Committee, 2020).

Increases in the prevalence of domestic abuse in this period will particularly affect people who share certain protected characteristics. Domestic abuse disproportionately affects women. In 2018/19 1.6 million women and 786,000 men in England and Wales experienced domestic abuse (ONS, 2019a). Domestic abuse has a disproportionate impact on younger and disabled people (ONS, 2019b; Scottish Government, 2019) and, as we previously reported, available data show that LGBT people in England and Wales and people of Mixed Ethnicity in England are also disproportionately affected (EHRC, 2018, p139–140).

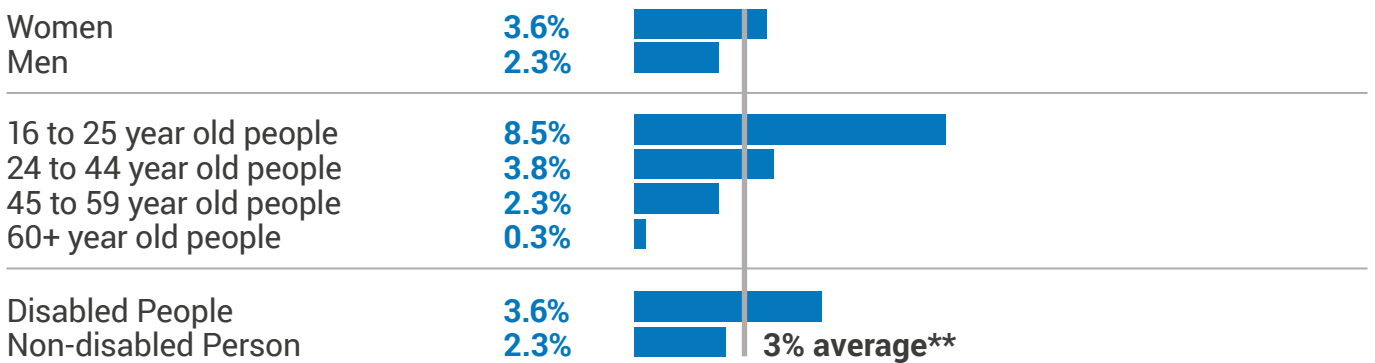
## Prevalence of domestic abuse



Percentage of women (aged 16 to 74) who experienced domestic abuse in the year ending March 2019.



Percentage of people experiencing psychological or physical partner abuse in the last 12 months 2016/17 and 2017/18\*



\*Prevalence of domestic abuse in Scotland shows data from 2016/17 and 2017/18 to overcome small sample sizes

\*\*Average line represents the percentage of all women who have experienced domestic abuse in England and Wales; or all people who have experienced psychological / physical partner abuse in Scotland

Source: Office for National Statistics and Scottish Government

“ In England and Wales, mixed ethnicity women, Black women, disabled women and bisexual women are disproportionately more likely to experience domestic abuse

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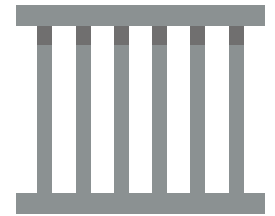
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Despite an increase in reporting, prosecutions and convictions for domestic abuse flagged offences remain alarmingly low  
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We are concerned that the needs of an increased number of survivors of domestic abuse and other forms of violence against women will not be adequately met, due to the criminal justice system struggling with the effects of the pandemic. Despite an increase in reporting, prosecutions and convictions for domestic abuse flagged offences remain alarmingly low (EHRC, 2018). For 2018/19 to 2019/20 prosecutions fell by 22.2% from 78,624 in 2018/19 to 61,169 in England and Wales (CPS, 2020). Reductions in the number of offences charged and prosecuted for sexual assault and rape in England and Wales since 2014/15, has prompted serious questions

on the effectiveness of the criminal justice system. The percentage of rape offences resulting in a charge or summons dropped from 6.5% in 2014/15 to 5.4% in 2017/18, and for sexual offences it decreased from 19.6% to 10.0%<sup>21</sup> (Home Office, n.d.). The London Rape Review and Inspectorate of Prosecution Scotland identified victim withdrawal as a key area for concern (MOPAC, 2019; IPS, 2017). Reduced court and tribunal operations and the resulting exacerbation of backlogs and delays within the criminal justice system may contribute to an increase in victim/survivor withdrawal from the criminal justice system for domestic abuse and sexual violence cases.

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<sup>21</sup> Due to complexity of investigations there is significant delay to assign an outcome to sexual offences. Therefore later years have not been included as they do not represent a complete picture of the proportions assigned a particular police outcome.



The effects of coronavirus on the human rights of prisoners and those experiencing detention is concerning. Significant restrictions were put in place within prisons and young offender institutes (YOI) to ensure the safety of detainees, including restricted time out of cells and all visits stopped. This has led to most prisoners spending at least 23 hours a day in their cells and children spending over 22 hours a day in their cells (HMCIP, 2020a). There are indications that conditions of detention have declined since the start of the pandemic (Hewson et al., 2020). Incidents of self-harm are at a higher level in women's prisons than before restrictions (HMCIP, 2020b).

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Incidents of self-harm are  
at a higher level in women's  
prisons than before restrictions  
”

There has also been an increase in the length of time spent on remand, due to delays to court hearings (Hewson et al., 2020). The lack of information on the impact of these severe restrictions on individuals is concerning.

# Conclusion

The increase in domestic abuse during lockdown is concerning in itself, with a likely disproportionate impact on women, particularly younger women, women from some ethnic minorities and disabled women. The delays resulting from court system backlogs could further erode the trust of these victims of crime in the criminal justice system and further reduce already low rates of prosecution. The use of remote and virtual courts and tribunals requires a proper assessment of the needs of disabled people to ensure reasonable adjustments are made, otherwise effective participation of both disabled defendants/accused and victims in the legal process is undermined.

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### Recommendations

- Given the rise in domestic abuse during the pandemic, the UK, Scottish and Welsh Governments should ensure that survivors of domestic abuse and other forms of violence against women and girls receive appropriate protection and support, regardless of immigration status. They should also ensure that services are adequately funded and supported to address all forms of abuse, both during and after the coronavirus pandemic.
- The Ministry of Justice and the Scottish Government should take urgent steps to capture and assess data on the experiences of court users and outcomes of cases across courts and tribunals, disaggregated by case type and protected characteristic.
- This should inform any required changes to the use of online or remote proceedings, particularly if there is a greater reliance on remote proceedings to deal with future outbreaks and delays caused by the pandemic. This should include engagement with professionals with expertise in each jurisdiction and affected groups.
- The UK Government should take immediate action to understand, monitor and mitigate disproportionate adverse effects of restrictions on prison regimes linked to the pandemic, including on children and young people in custody. This should include the impact of restrictions on visits, lack of access to education and meaningful activity, and increased isolation and time in cells.

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