

# EHRC BRIEFING NOTE

## THE EQUALITY MEASUREMENT FRAMEWORK

### What is the Equality Measurement Framework?

The establishment of the Equality and Human Rights Commission (EHRC) provides an opportunity to develop a new equality concept and way of measuring equality that is appropriate for the needs of a multicultural democracy in the 21<sup>st</sup> century.

The new single equality concept directly focuses on the central and valuable things in life that people can actually *do* and *be* – taking account of the equality characteristics of age, disability, ethnicity, gender, religion or belief, and sexual orientation, and the perspective of human rights. It moves away from old-style approaches towards equality based on opportunities and outcomes.

The Commission has a legal duty to monitor and evaluate progress towards equality. Taking the single equality concept as the starting point it has been developing, with others, the Equality Measurement Framework (EMF), as recommended by the Equalities Review (2007).

The development of the EMF has drawn on three key inputs: the theoretical underpinning of the capability approach developed by Amartya Sen; the international human rights framework; and extensive consultation with the general public, individuals and groups at risk of discrimination and disadvantage.

Building on these inputs, the Equalities Review proposed:

1. A definition of equality, based on the idea of ‘substantive freedom’ or equality in the central and valuable things in life that people can actually *do* and *be*;
2. A list of central and valuable freedoms derived from the international human rights framework and consultation with the general public and ‘at risk’ groups;
3. An Equality Measurement Framework based on (1) and (2) above which can provide information about individuals and groups from an equality and human rights perspective.

The Equalities Review recommended that the EMF should be “used by all public bodies, to agree priorities, set targets, and evaluate progress towards equality” and by the Equality and Human Rights Commission “to inform its triennial report”.

Thus, the EMF will be used to ‘map’ the extent of inequality between individuals and groups in 21<sup>st</sup> century Britain.

### **The single equality concept**

Before using the single equality concept and the EMF in its work, the EHRC was keen to consult both internally and externally to ensure the language used and ideas contained were readily understandable and relevant to the Commission. The single equality concept proposed by the Equalities Review has been revised, as shown in Box 1.

#### **Box 1: The Single Equality Concept**

“An equal society protects and promotes the central and valuable freedoms and real opportunities of each person, securing human rights for all and ensuring that no-one is unfairly disadvantaged.

In an equal society, central and valuable freedoms and real opportunities are not unconstrained but are limited by the need to guarantee the same freedoms and opportunities for all.

In an equal society, institutions and individuals respect the diversity of people and their goals, address their different needs and situations, and remove the barriers that limit what people can do and can be”.

This concept has a number of advantages. It is in plain English, making it easier for people to use and explain to others, it recognises diversity and reflects current disadvantage, not just aspirations. It incorporates responsibility and obligations of individuals and institutions and includes human rights in a way that explains what the term means. It clarifies the connection between individuals’ values and freedom for everyone and includes the concept of fairness.

It is this concept that has formed the bedrock for further development of the EMF.

## Aspects of inequality

A crucial building block of the EMF is the concept that there are three distinct aspects of inequality that can arise between individuals and groups:

- Inequality of outcome - that is, inequality in the central and valuable things in life that individuals and groups actually achieve;
- Inequality of autonomy - that is, inequality in the degree of independence people have to make decisions affecting their lives, how much choice and control they really have given their circumstances;
- Inequality of process - reflecting inequalities in treatment through discrimination or disadvantage by other individuals and groups, or by institutions and systems.

This means that in developing and applying the EMF, information about unequal outcomes will be considered alongside information about inequalities in autonomy - who did the choosing, the adequacy of the options available, and whether the outcomes would have been chosen, given real choice - and information about inequalities in process - whether there is discrimination, or other aspects of unequal treatment, such as a lack of dignity and respect.

What does this look like in practice? Box 2 provides examples of each type of inequality.

The substantive freedom concept provides a good basis for thinking about inequality because it covers the three distinct aspects - outcomes, autonomy and process. This means that all three examples of inequality shown in Box 2 are given an independence, status and value within the EMF. It is not sufficient to have equality of outcome without choices, or in the absence of fair treatment, dignity and respect. They are all distinct aspects of inequality that will be evaluated and tracked through the measurement framework, by EHRC and others.

## **Box 2: Aspects of inequality: Outcomes, autonomy and process**

### **Example 1: Inequality of outcome**

Tracey and Yvonne are 16-year-olds. Tracey has a hearing impairment, she uses a hearing aid and lip reads, but her school does not always take account of her needs. As a result, Tracey cannot get as much out of the curriculum as Yvonne, and her GCSE grades do not reflect her potential. This is inequality in **outcomes**.

### **Example 2: Inequality of autonomy**

Ethel and Marie both live in care homes. In both homes, the staff take the residents out for an afternoon each week. In Ethel's home, the staff decide: bingo or shopping. In Marie's home, the residents decide. Cases of inequality in choice and control of this type are inequality in **autonomy**.

**Example 3: Inequality of process.** Ishan and Mark both apply for a job as a trainee manager in a car hire firm. They have the same qualifications and the same work experience. Mark is offered an interview, Ishan is not. Ishan is told, 'Your sort wouldn't fit in round here'. Cases of discrimination of this type, as well as other forms of unequal treatment, such as a lack of dignity and respect, are inequality in **process**.

## **The list of 10 central and valuable freedoms or domains**

Before the equality concept can be applied in practice, a list of the critical areas of life in terms of which the position of individuals and groups will be evaluated needs to be agreed. To arrive at a list of central and valuable freedoms and opportunities was a two-stage process. First, the international human rights framework was used to draw up a core list of what those central and valuable freedoms might be. Second, this list was supplemented and refined through a process of deliberative consultation - a program of workshops and interviews with the general public and with individuals and groups at high risk of discrimination and disadvantage. The EHRC consultation added to the number of groups and individuals consulted in this way by the Equalities Review.

This process resulted in the development of a detailed list of central and valuable freedoms grouped under ten headings or domains. These are:

- life
- physical security
- health
- education
- standard of living
- productive and valued activities
- individual, family and social life
- participation and voice
- identity, expression and self-respect
- legal security.

Other, more specific, freedoms are listed under each heading. A complete list of central and valuable freedoms with sub-headings for adults is provided in Appendix 1. (An equivalent list for children is in the process of being developed).

### **Building blocks of the equality measurement framework**

We have explored the single equality concept and how it theoretically underpins development of the EMF. Also considered are the three aspects of inequality and the list of 10 central and valuable, or substantive, freedoms. These contribute to the core ‘building-blocks’ of the Equality Measurement Framework shown in Box 3 below.

#### **Box 3: The equality measurement framework: Key building blocks**

##### **Inequality of substantive freedom**

3 aspects: outcomes; process (unequal treatment, discrimination, lack of dignity and respect) and autonomy (choice and control).

##### **Inequality in 10 domains**

Life; physical security; health; education; productive and valued activities; participation, influence and voice; individual, family and social life; identity, expression and self respect; legal security.

##### **Inequality by at least six characteristics**

Age; disability; ethnicity; gender; religion or belief; sexual orientation.

The third building block shows how the EMF reflects the Commission's mandate and responsibilities as set out in the Equality Act 2006. Inequality will be disaggregated **at least** by age, disability, gender, race and ethnicity, religion and belief, and sexual orientation and identity. Additional characteristics such as social class, family type, asylum and refugee status can also be used in the framework.

### **Why use the 'substantive freedom' concept?**

Debates about inequality have often focused exclusively on unequal treatment, or on unequal opportunities or on unequal outcomes, but the evidence shows that these are all interconnected. The approach taken in the Equality Measurement Framework aims to measure substantive freedom – a multidimensional concept, which embraces aspects of equal treatment, equality of opportunity and equality of outcome. It means having more real opportunities to achieve the things we want to achieve in life, having more independence and genuine choices available, being treated with dignity and respect and having more of a say about important decisions in our own lives.

In this way, the new equality concept can help to move the British equality agenda forward by transcending old-style debates and focusing directly on the central and valuable things in life that people can actually do and be.

The substantive equality concept captures many of the desirable characteristics that have been highlighted in stakeholder consultations. These include multidimensionality (coverage of the domains in which inequality 'matters') and recognition of the important differences in both the needs of individuals and groups, and of underlying barriers and constraints.

It also has a better 'fit' with the responsibilities and mandate of the EHRC than other equality concepts. For example:

- resourcism focuses exclusively on income and wealth and fails to capture the importance of a broad range of freedoms and opportunities;
- negative liberty focuses on the absence of interference, and fails to provide a basis for thinking about positive duties to promote equality and human rights;

- subjective wellbeing fails to reflect the importance of people's expectations and the ways in which their circumstances can systematically impact on their aspirations and choices.

In contrast, the focus of substantive freedom on the real freedoms and opportunities that people can and do enjoy provides a good 'fit' with the Commission's mandate and an appropriate theoretical underpinning for taking its responsibilities forward.

### **Mapping inequality using the equality measurement framework**

The EMF will be used to 'map' inequality between individuals and groups, and to develop a series of 'spotlight' indicators that represent an aspect of inequality in a particular domain. How will it work in practice?

#### **The “substantive freedom matrix”**

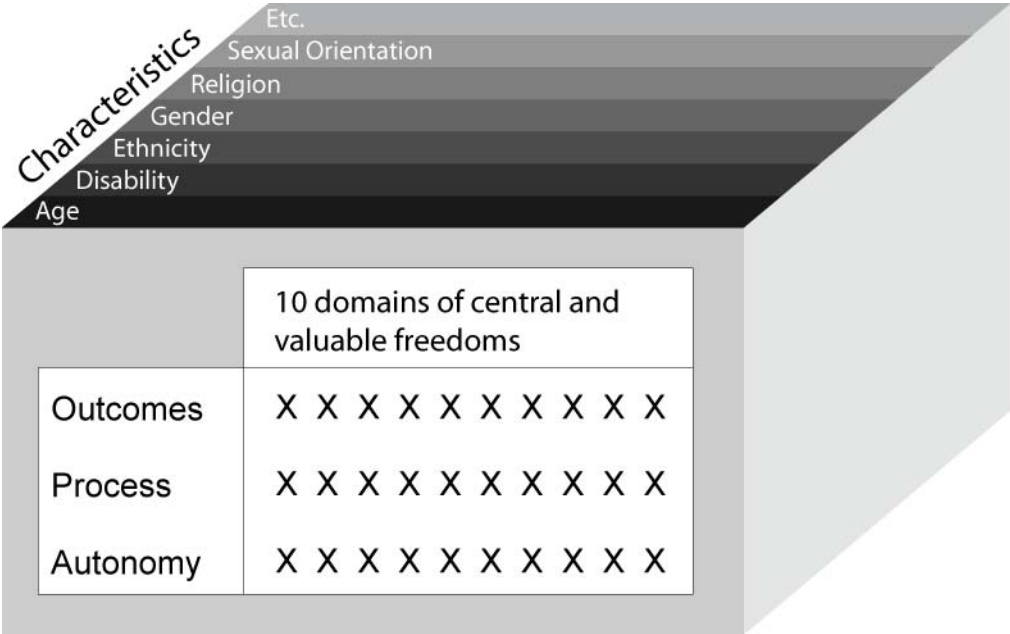
The EMF provides the foundation for developing a practical monitoring tool - a “substantive freedom matrix” - that will allow us to evaluate and compare inequality between individuals and groups.

This will be a 3D matrix where the rows represent the three aspects of inequality discussed above – of outcomes, autonomy and process - and the columns represent the 10 domains of central and valuable freedoms. The layers of the matrix then represent the different characteristics of the groups of particular concern such as gender, ethnicity etc (Figure 1). Combinations of characteristics can also be used to identify intersectional group concerns i.e. those that cut across different characteristics.

For example, the EMF could be used to evaluate the health position of older people in terms of their:

- outcomes or health status;
- autonomy, questioning if they experience choice and control in relation to their medical treatment, including issues of information and consent, and
- process, exploring whether older people experience explicit discrimination or other forms of unequal treatment, such as a lack of dignity and respect.

**Figure 1 The ‘substantive freedom matrix’**



**Using the EMF for analysis and evaluation**

Not only can the EMF be used as a tool to measure inequality but the overall framework can assess policy interventions and underlying causes of inequality. The freedoms that an individual or a group has are enhanced or constrained by, for example, their access to resources (known as entitlements) and how well those resources can be used due to social and individual factors (known as conversion factors).

At the same time, there are underlying process that affect the available resources and how they are utilised. These include personal characteristics such as social class, ethnicity or age; the level of available resources and their distribution; and the way in which society operates and the institutions within that, from the labour market and built environment to the legal system.

For example, everyone should have access to a health service. But if a person does not speak English, this will result in a limitation in the central and valuable things that the person can do and be. Intervention can alter a person’s entitlement (e.g. by providing a translator) or, in the longer term, his or her conversion factors (e.g. by providing English lessons). This is controversial of course – a policy choice – but the framework helps to identify the kinds of intervention that might be relevant, and how they relate to end objectives.

## **Next steps**

If the whole of the EMF were to be populated with data, it would be vast in scope. For it to be manageable in size and realise its potential as a tool for measuring equality, a system of spotlight indicators will be developed over the coming months, involving a programme of consultation with relevant stakeholders. Appropriate indicators will be identified and agreed relating to outcomes, autonomy and process in each of the 10 domains of central and valuable freedoms. These indicators and accompanying data will be used to inform the EHRC's first triennial report in 2010.

## **Reference**

Equalities Review (2007) *Fairness and Freedom: The Final Report of the Equalities Review*, especially Chapter 1 and Annex A

## **Appendix 1: The list of central and valuable freedoms for adults**

### **The capability to be alive**

including, for example, being able to:

- avoid premature mortality through disease, neglect, injury or suicide
- be protected from being killed or murdered

### **The capability to live in physical security**

including, for example, being able to:

- be free from violence including sexual and domestic violence and violence based on who you are
- be free from cruel, inhuman or degrading treatment or punishment
- be protected from physical or sexual abuse (especially by those in positions of authority)
- go out and to use public spaces safely and securely without fear

### **The capability to be healthy**

including, for example, being able to:

- attain the highest possible standard of physical and mental health, including sexual and reproductive health
- access to timely and impartial information about health and healthcare options, including contraception
- access healthcare, without discrimination and in a culturally sensitive way
- be treated medically, or subject to experiment, only with informed consent
- be assured of patient confidentiality and be free from the stigmatisation associated with some health conditions
- maintain a healthy lifestyle including exercise, sleep and nutrition
- live in a healthy and safe environment including clean air, clean water, and freedom from pollution and other hazards

**The capability to be knowledgeable, to understand and reason, and to have the skills to participate in society**

including, for example, being able to:

- attain the highest possible standard of knowledge, understanding and reasoning
- be fulfilled and stimulated intellectually, including being creative if you so wish
- develop the skills for participation in productive and valued activities, including parenting
- learn about a range of cultures and beliefs and acquire the skills to participate in a diverse society, including learning English
- access education, training and lifelong learning that meets individual needs
- access information and technology necessary to participate in society

**The capability to enjoy a comfortable standard of living, with independence and security**

including, for example, being able to:

- enjoy an adequate and secure standard of living including nutrition, clothing, housing, warmth, social security, social services and utilities, and being cared for and supported when necessary
- get around inside and outside the home, and to access transport and public places
- live with independence, dignity and self-respect
- have choice and control over where and how you live
- have control over personal spending
- enjoy your home in peace and security
- access green spaces and the natural world
- share in the benefits of scientific progress including medical advances and information and technology

**The capability to engage in productive and valued activities**

including, for example, being able to:

- have a decent paid job, with support where necessary
- care for others, including children and parents
- do something useful and have the value of your work recognised even if unpaid
- have rest and leisure, including holidays, and respite from caring responsibilities
- choose a balance between paid and unpaid work, care and leisure on an equal basis with others

- work in just and favourable conditions, including health and safety, fair treatment during pregnancy, maternity and paternity, fair pay, reasonable hours, and freedom from harassment or discrimination
- not be forced to work in a particular occupation or without pay
- not be prevented from working in a particular occupation without good reason

### **The capability to enjoy individual, family and social life**

including, for example, being able to:

- develop as a person, including self-identity
- develop your sense of values and other beliefs
- formulate and pursue goals and objectives for yourself
- hope for the future
- develop and maintain self-respect, self-esteem and self-confidence
- have a private life and some personal space, including protection of personal data
- access emotional support
- know that someone will look out for you
- have peace of mind
- form intimate relationships, friendships and a family
- celebrate on special occasions
- be confident that your primary relationships will be treated with dignity and respect
- spend time with, and care for, others, including wider family
- enjoy independence and equality in primary relationships including marriage
- be free in matters of sexual relationships and reproduction
- enjoy special support during pregnancy, maternity, paternity and adoption

### **The capability to participate in decision-making, have a voice and influence**

including, for example, being able to:

- participate in decision-making and make decisions affecting your own life independently
- participate in the formulation of government policy, locally and nationally
- participate in non-governmental organisations concerned with public and political life
- participate in democratic free and fair elections
- get together with others, peacefully
- participate in the local community

- form and join civil organisations and solidarity groups, including trade unions

### **The capability of being and expressing yourself, and having self-respect**

including, for example, being able to:

- have freedom of conscience, belief and religion
- have freedom of cultural identity and expression of gender
- have freedom of expression
- communicate, including using information and communication technologies, and use your own language
- engage in cultural practices, in community with other members of your chosen group or groups and across communities
- have self-respect
- live without fear of humiliation, harassment, or abuse based on who you are
- be confident that you will be treated with dignity and respect
- access and use public spaces freely

### **The capability of knowing you will be protected and treated fairly by the law**

including, for example, being able to:

- know you will be treated with equality and non-discrimination before the law
- be secure that the law will protect you from intolerant behaviour, and from reprisals if you make a complaint
- be free from arbitrary arrest and detention
- have fair conditions of detention
- have the right to a fair trial
- access to affordable and high-quality information and advocacy as necessary
- have freedom of movement
- have the right to name, gender and nationality
- own property and financial products including insurance, social security, and pensions in your own right
- know your privacy will be respected.