

Report to the Cabinet

Report reference: C-037-2012/13
Date of meeting: 3 December 2012



Portfolio: Leisure and Wellbeing
Subject: Equality Monitoring Policy and Guidance
Responsible Officer: Barbara Copson, (01992 564042).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Council's responsibility to use equality information in decision making and service planning and provision be noted; and**
- (2) That the proposed Equality Monitoring Policy and Guidance 2012 be adopted.**

Executive Summary:

The Equality Act 2010 placed a general duty on local authorities, in the exercise of their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not share it; and
- foster good relations between people who share a relevant characteristic and those who do not share it.

A relevant characteristic is: age, disability, faith or belief, gender reassignment, marriage and civil partnership (discrimination element only), pregnancy and maternity, sex, sexual orientation, and race.

Having due regard means consciously thinking about the aims of the general duty when making decisions, and in developing, planning and providing services, both as a service provider and as an employer. Having due regard requires that public authorities understand the impact of policies and practices on people with protected characteristics. Collecting and analysing equality information is an important way for public authorities to develop this understanding, and to be able to demonstrate that we have the right information available to influence our public policy decisions, including which services should be provided, and how.

The Council has a history of monitoring users of some of its services, and has had an Equality Monitoring Policy in place since 2008. The value to the authority of robust customer and employee equality intelligence gathering systems in being able to meet its equality duties was identified and included in the Equality Objectives adopted by Cabinet in March 2012. This revised Equality Monitoring Policy and Guidance (attached as Appendix 1) is key to the Council meeting that Equality Objective and reflects guidance issued by the Equality and Human Rights Commission in relation to equality information and the equality duty. It also

takes into account Best Value guidance on the duty to consult, and the safeguards provided under the Data Protection Act 1998 for fair and lawful processing of personal data.

Reasons for Proposed Decision:

The adoption of a Corporate approach to equality monitoring will ensure that it is undertaken in a consistent way throughout the Council; that it produces useful information to improve services, inform policy and decision making; and helps to provide sufficient information to demonstrate that we understand the impact of policies and practices on people with protected characteristics and thereby assist the Council to meet its equality duties.

Other Options for Action:

Not to adopt the Corporate Equality Monitoring Policy and Guidance.

To have a different approach to equality monitoring.

Report:

1. The Council is committed to delivering equality for its service users and employees, and equality is therefore an integral part of its work.
2. Ensuring that the authority considers the needs of everyone who uses its services or whom it employs, requires that the Council use information including equality monitoring information about service users and customers when planning and delivering services. Whilst some information about residents is available through statistical information or research by the government or other organisations, to help us to properly know the Council's customers, and to be able to take steps to meet the needs of people with protected characteristics where these are different from the needs of other people, we need to gather additional data about our service users and employees and potential service users and employees, and use that data when making decisions about, and providing services and employment.

Equality Monitoring

3. Equality monitoring is the collection, storage, analysis and use of data about the characteristics of existing and potential service users and employees, to measure our equality performance and effectiveness. Monitoring is a way of checking how well policies, procedures and practices are working. The results may show how the Council can improve or where resources should be targeted. It can, therefore, be linked to policy development, implementation and evaluation. Services which fully meet the needs of users are also likely to be more cost effective and lead to greater customer satisfaction.
4. The Council has undertaken some monitoring of the ethnicity, gender, disability, and age of users of some of its services for a number of years. However much of this has been undertaken inconsistently and disconnectedly, making data comparison and sharing difficult. The current range of characteristics monitored and the extent of monitoring are also inadequate to be able to properly demonstrate that we have shown due regard to the general equality duty.
5. In line with the public sector equality duty the Council has adopted a set of equality objectives to help it meet the aims of the general duty and help bring about positive improvements to the Council's service design and delivery. The Equality Objectives were identified from evidence based on our customers or employees and analysis of our services, and have links with the Council's medium-term aims for 2011-2015 for transparency, community involvement and leadership. One of the objectives is to develop existing customer

and employee intelligence gathering systems and the use of the intelligence gathered in service planning. Actions to deliver this objective include the development of a Corporate Equality Monitoring Policy and Guidance.

Legislative Requirements and Considerations

6. The introduction of the Equality Act 2010 placed additional responsibilities on local authorities and thereby increased the relevance of equality monitoring to service planning and provision. Also relevant to equality monitoring information is the duty to publish information to demonstrate compliance with the general duty. The purpose of publishing equality information is not merely to demonstrate the sufficiency of our equality evidence base, but to demonstrate how we have used evidence in a particular decision or the way we have delivered a service, and thereby how we have had due regard to the aims of the general equality duty.

7. In 2011 the DCLG issued guidance requiring local authorities to consider overall value – including social value – when making arrangements to secure continuous improvement in the way in which functions are exercised, and to have regard to a combination of economy, efficiency and effectiveness. The guidance specifically states that, *“In the interests of economy and efficiency, it is not necessary for authorities to undertake lifestyle or diversity questionnaires of suppliers or residents”*. This view highlights the need for a balance to be struck between economy and equality monitoring activities to improve services, efficiency, and to comply with the general equality duty. That balance has been built into the service led approach to equality monitoring of this Equality Monitoring Policy and Guidance.

8. Whilst the Council has a legitimate basis for collecting and processing personal data about its customers and users data protection legislation exists to protect individuals against the misuse of their personal data which can be held on both manual and computerised records. The Data Protection Act 1998 (DPA) classifies information the Council collects on its customers as ‘personal data’ and places a number of conditions upon the Council when collecting and processing such data, including conditions to ensure fair and lawful processing. Essentially only information for which we have a specific purpose must be collected, and those from whom we seek to obtain the data must be advised about the purpose to which the information will be used, and that the information collected will be treated in confidence and its use restricted to the purpose for which it was collected. This Equality Monitoring Policy and Guidance meets the conditions for data processing imposed on the authority by the DPA.

The Council’s Approach to Equality Monitoring

9. Whilst statutory guidance for public bodies recommends all functions and services undertake equality monitoring, it is not necessary, practical or useful to monitor all equality groups or services all the time. Using a targeted approach to equality monitoring will ensure that we only seek equality monitoring data in relation to services and activities which are relevant to equality. Services and activities relevant to equality have been previously identified through a screening process undertaken as part of the Customer Impact Assessment system of equality analysis, the progress of which is reported annually to the Finance and Performance Management Scrutiny Panel.

10. Earlier investigation of appropriate systems for equality monitoring considered a Corporate system for the collection and storage of equality monitoring data. It quickly became apparent that different approaches to equality monitoring are needed for different activities such as recruitment and employee management, customer satisfaction surveys, personalised service interaction, or consultation and engagement activities. In addition resource implications, together with concerns surrounding ensuring that all data collected was relevant

and that fair processing of data could be ensured, indicated that a more bespoke approach to the collection, storage, analysis and use of equality monitoring data would be most appropriate and efficient.

11. The system proposed provides for a service led identification of appropriate data, activities to monitor, mechanisms to collect the data, and disaggregation and storage systems. Starting from a minimum of the nine protected characteristics, service areas will develop their own equality monitoring activities via a consideration of the following:

- which activities they need to monitor (services relevant to equality);
- what they want to achieve by the monitoring (e.g. increase service take-up; to inform service review);
- which element of their activities to monitor (e.g. service application forms; people in receipt of a service);
- identification of an appropriate method for collecting the data and timescales for the data collection activity (e.g. equality monitoring form attached to an service application form for all applications in a 6 month period);
- how the data should be stored (electronically or hard copy); and
- how the data should be disaggregated (i.e. according to purpose of service).

12. To support service managers with their equality monitoring activities this Equality Monitoring Policy and Guidance includes:

- details of the protected characteristics and what information about them we need to help us plan and provide services;
- suggestions for additional monitoring, for example, post code or preferred language;
- guidance on how to assess relevance to equality;
- suggestions on which activities to monitor;
- guidance regarding the planning and preparation of equality monitoring activities, including determining the frequency and appropriate method;
- an example of an equality monitoring planning exercise;
- a flow chart of the equality monitoring activity;
- guidance regarding the legislative requirements, as set out above;
- where to access further information about equality monitoring; and
- where to access support and guidance when undertaking equality monitoring activities.

13. Other tools to support equality monitoring activities include:

- an explanatory leaflet, "Why we ask you personal questions...", (attached as Appendix 2);
- a template equality monitoring form which can be modified according to service requirements for monitoring data (attached as Appendix 3); and
- the results of a pilot exercise currently underway across three different services and which will be made available to Directorates early in 2013 when the exercise is complete.

14. The Equality and Human Rights Commission is the regulatory body for the Equality Act 2010 and as such it has published details of its focus for its monitoring and enforcement activities in relation to the publishing of equality information. In particular it has identified:

- how comprehensive the equality information is about people with the different protected characteristics who are affected by its policies and practices; and
- whether authorities have a clear approach to having due regard to the aims of the general duty in their policy and decision making.

15. This Equality Monitoring Policy and Guidance will provide structure to the Council's equality monitoring activities and support Directorates to generate the range of information

necessary for use in carrying out due regard to the aims of the general duty.

16. The Cabinet is asked to note the Council's responsibility to carry out due regard to the aims of the general equality duty in decision making and service planning and delivery, and the role of equality information including equality monitoring information in this process; and to adopt the Equality Monitoring Policy and Guidance 2012.

Resource Implications:

Appropriate equality monitoring will be undertaken within the existing resources of each directorate or service area.

Legal and Governance Implications:

Equality Act 2010.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

This Equality Monitoring Policy and Guidance has been agreed by the Corporate Equality Working Group, Management Board, and Extended Management Board.

Background Papers:

Customer Impact Assessment.

Impact Assessments:

Risk Management

No risk as a result of adopting this Equality Monitoring Policy and Guidance. Risk could arise should the approach to equality monitoring and the guidance set out in this policy not be followed.

Equality and Diversity

The Council is committed to integrating the consideration of equality and diversity issues into its business, to ensure that it values and promotes equality and diversity and eliminates discrimination. A summary of equality information and implications must therefore be included in all reports to the Cabinet. Some policies or decisions will have obvious equality relevance because they aim to address a discrimination issue or imbalance by providing opportunities or adjustments to specific groups (e.g. specific provision for people with disabilities). In other cases, report authors may be used to considering equality implications (e.g. short listing candidates for a job vacancy).

It may initially appear that many reports/proposals do not have any equality or diversity implications. However, in order to ensure that nothing is missed, the equality implications of every proposed agenda item should be identified as part of the preparation of a report for the Cabinet, to ensure that a proposed policy with a potentially adverse impact can be revised prior to implementation. This will include the 'screening' of all proposals for equality implications before the drafting of the report and its consideration by the Cabinet Agenda Planning Group (APG). For all reports, including new policies and service related decisions, equality impact screening should be completed at an early stage. Where equality implications

are identified through the screening process, an Equality Impact Assessment must be undertaken and the results used to ensure that reports incorporate any actions necessary to avoid discrimination against any particular group.

The APG will not clear any report for consideration by the Cabinet unless the item confirms that it has been screened for relevance and, where an Equality Impact Assessment is required, that this has been completed and the results of the assessment and any necessary actions to avoid discrimination are reflected in the report.

The Council's Equality Impact Assessment toolkit is available from the Performance Improvement Unit.

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? Yes

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? Yes

What equality implications were identified through the Equality Impact Assessment process?
Difficulty in accessing a written document if a reader did not have English as first language, or had either a visual impairment or difficulties with literacy.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
The Equality Monitoring Policy and Guidance would be available in other languages or formats upon request including Braille. Officers would explain the document if requested.