



London Borough of Tower Hamlets: Equality Monitoring Guidance and template, 2019

Introduction

The purpose of this guidance document is to further improve the council's collection of equality data and target setting processes. The guidelines explain what data we need to collect and how it should be used to set targets which deliver service improvements and reduce inequality between people in the borough.

Delivering excellent services and meeting the needs of the diverse communities we serve is a key Council commitment. This means achieving the very highest standards of equality in service delivery and employment in line with legislation and guidance from the Equality and Human Rights Commission. In serving a diverse population, the council aims to ensure there is equality of opportunity for its residents, service users, employees, elected members, stakeholders and partner organisations irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In order to ensure continuous improvement and deliver the highest standard of service, it is essential that we adopt a comprehensive and consistent approach to monitoring of equality outcomes. Equality and delivering an excellent service is everybody's business and we should be able to show how we use a cycle of monitoring, reviewing and setting targets, to help improve the services we provide.

What is equality monitoring?

Equality monitoring is recording the social identity of staff and service users. We do this so that the Council can:

- analyse the use and experience of service delivery by different groups; and
- take necessary and appropriate action to improve services for particular groups of people

Why monitor?

Equality monitoring applies both to the council's employees and the borough's residents. It is important that the council collects and analyses information about its staff and residents so that it can:

- identify and address issues of inequality and discrimination;
- improve its decisions;
- understand the needs of groups of people in the borough;
- understand the impact council services could have on groups;
- identify whether services are reaching the intended groups of people;

Legal compliance - the Equality Act 2010 and the Public Sector Equality Duty (PSED)

In order to be compliant with the Equality Act 2010 and the Public Sector Equality Duty (PSED), it is essential we have adequate systems and processes in place to monitor the following categories known as protected groups:

- Age;
- Disability;
- Gender Reassignment;
- Pregnancy and Maternity;
- Race and Ethnicity;
- Religion or Belief;
- Sex; and
- Sexual Orientation

The Act also applies to Marriage and Civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

In order to ensure consistency across the organisation, the council has adopted a set of equality questions that should be used whenever we are carrying out equality monitoring or reporting on equality performance. These questions will also help to monitor compliance with our statutory duties and build a comprehensive picture of performance against the three general aims of the duty which requires public bodies to have **due regard** to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

In order to assist public bodies to comply with the general duty, a number of specific duties have been prescribed. These require councils to publish sufficient equalities information to demonstrate that they have complied with the general equality duty on an annual basis.

The information published must cover the nine protected characteristics (listed earlier in the guidance) and include:

- Data on employees with regards to make up of workforce, recruitment and selection, training, redundancy, leavers, and dismissals;
- Take up and non take up of services; and
- Satisfaction levels and complaints

As a general rule, services should aim to collect data on all nine protected characteristics. However, in some cases it may not be relevant to monitor specific groups. For example, it will not be relevant to monitor marriage and civil partnership or gender reassignment for school pupils when collating data to analyse performance.

When to monitor?

We should carry out equality monitoring only where there is a possibility of gathering useful information that we can act on to improve services or reveal possible discrimination. People should not be asked equality questions unless the information will be used to improve services or reveal possible inequality. That being said, most services will need to carry out equality monitoring so they have accurate information on the particular groups of people using or not using their service.

Equality monitoring should be undertaken to help us meet our duties under legislation covering equal opportunities and their respective codes of practice.

What to monitor?

Front line services are required to monitor as standard the nine protected characteristics as outlined in the monitoring template (Appendix 1).

All frontline services are expected to monitor the following by equality group/protected characteristic:

- take up or non-take up of services, as appropriate;
- customer complaints;
- customer satisfaction; and
- employment statistics, recruitment, promotion, disciplinary, grievances, training and employment tribunal cases

Data Protection

The General Data Protection Regulation (GDPR) and a new UK Data Protection Act are now in place bringing new requirements on how the council handles personal data.

As part of the council's commitment to data protection, detailed privacy notices will be issued each time the council gathers personal data of residents to explain how the data will be used and individuals' rights. The privacy notice will provide a general overview of how the council will hold an individual's data.

As Equality Monitoring data contains special category or sensitive data you will need to be clear that this data is required, (e.g. under the Equality Act and to provide services effectively) you should consider:

- Does the directorate genuinely require this information about an individual and is there clarity about how this information will be used?
- Do customers whose information is held, know that we have this data and do they understand what this will be used for?
- Are there procedures in place to ensure the information is being held securely, either on paper or on computer?
- Is access to personal information confined to officers on a need to know basis?
- Are you able to ensure that the personal information recorded is accurate and up to date?
- Do you have a procedure which ensures the deletion of personal information, as soon as there is no need for it?
- Are staff aware of their duties and responsibilities under the Data Protection Act and are they putting them into practice?

You will need to have / be covered by a [Special Category Data Policy](#).

What can happen if we don't comply with the Data Protection?

Compensation - Compensation can be awarded to an individual if an organisation has not met a requirement of the Act.

Monetary penalties - the council can be fined up to 4 million euros by the information Commissioner.

Confidentiality - Customers have the right to know what is happening to their information. All council staff should be fully conversant with Tower Hamlets Confidentiality and Data Protection policies and procedures. Continued emphasis must be placed on the relevance and the requirement of confidentiality at all times. It should be clarified that this not only relates to manual and computerised data but also informal and formal conversations about service users. All council employees are under a legal duty to keep service users information confidential at all times and they should be reminded of this obligation regularly.

Equality monitoring of contracted services

Organisations providing services on behalf of the Council are required by law to fulfil the requirements of the Public Sector Equality Duty and collect information on equality profile of service users and their satisfaction with services. Contract managers need to develop and agree equality monitoring information requirements at the start of any relationship with an organisation providing services on our behalf.

New Contracts

For all new contracts (including third sector commissioning) managers must make sure that tendering organisations are aware of the Council's commitment to equalities in service delivery and employment practice. Attention should be drawn to the equalities clauses in the contract and the circumstances that could lead to defaults or bonuses. Managers should ensure that the contractor understands any references to the Equality Act 2010. You should also agree how these aspects of the contract will be monitored.

All new firms not on the Council's Approved List must complete the 'Pre-tender Qualification Questionnaire' that includes a section on equalities.

Existing Contracts

When contracts are coming up for renewal, managers must provide the contracted firm with a copy of the Council's Policy Statement on Equality and Diversity along with a copy of the latest population profile of the borough. The firm should be asked to complete the equalities section of the 'Pre-tender Qualification Questionnaire' available from the Procurement Section, which the

Council should then evaluate. The Council is then in a position to decide whether a firm is meeting equalities requirements and whether the contract should be renewed.

Monitoring and target setting

How will I use the information I collect?

Information on staff and service users is collected and evaluated on an annual basis. This data should inform the service monitoring process in between the census years and should be used to highlight changes in the community profile and as an evidence base when undertaking an Equality Analysis process.

How will this information influence the service development planning process?

Equality of access to all services provided by the council is essential in recognising diversity and should play a primary role in the planning and development of services. As part of the Business Planning process, data should be used to monitor and prioritise high priority actions which have emerged from the monitoring exercise conducted.

Service areas are expected to report annually on how they are embedding equality objectives and performance indicators in service plans.