

St Helens Borough Council Equality Monitoring and Positive Action Guidance



ST HELENS
BOROUGH COUNCIL



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INTRODUCTION

St Helens Borough Council Equality, Diversity and Inclusion Policy sets out our commitment to creating a more welcoming, safe, and inclusive work environment, based on the vision that everyone is included, has a voice, and is empowered to influence, through values of trust, integrity, collaboration, and innovation.

Our vision and values help to create a workforce culture of mutual respect, inclusion, and dignity, which is crucial to ensure we have the capability to meet the needs of our increasingly diverse community.

The diversity profile we use to monitor our community and workforce is based on the 2021 Census diversity categories and the protected characteristics of the Equality Act 2010. It covers age, disability, gender identity, race, religion, sex, and sexual orientation.

The General Public Sector Equality Duty of the Equality Act 2010 requires public bodies, in the exercise of their functions and decisions, to have due regard to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

People who share protected characteristics may be socially or economically disadvantaged or may be affected by the consequences of past or present discrimination or disadvantage. Certain groups may experience institutional or systemic discrimination, high levels of poverty and social exclusion, and/or segregation in housing, education, or social welfare.

This Equality Monitoring and Positive Action Guidance document is designed to provide a consistent approach to support Senior and Middle Managers to:

- Understand where and how to use diversity profiles within monitoring, consultation, and engagement processes.
- Identify signs of disadvantage, unmet need, and disproportionate outcomes connected to people who share different protected characteristics.
- Be aware of the types of positive actions available and when it is lawful to use them.
- Ensure that equality monitoring outcomes and positive actions, (where used), are included in appropriate Business Action Plans and Management Reports.

Positive Discrimination - the Special Status of Disabled People

In general, under the Equality Act 2010 positive employment discrimination of reserving job vacancies for people who share different protected characteristic is unlawful. However, Part 2 of the Equality Act 2010, [Chapter 2, Section 13\(3\)](#) states that it is not discriminatory to treat a disabled person more favourably than a non-disabled person, because of disability.

As an employer, we can, if we wish, lawfully restrict employment opportunities to disabled people, if we can demonstrate disabled people are underrepresented in the workforce. We can also exercise our Functions in a way that is more favourable for disabled people than for non-disabled people, without this being unlawful discrimination.

USING POSITIVE ACTION TO OVERCOME DISADVANTAGE

Part 11 of the Equality Act 2010, [Chapter 2 Positive action](#) section 158 and 159, enables employers and service providers to take proportionate action to achieve fuller and more effective equality outcomes for people who share different protected characteristics, where it can be shown that they are socially or economically disadvantaged or excluded, or who otherwise face the consequences of past or present discrimination or disadvantage. These are known as the ‘positive action’ provisions.

Positive Action can only be considered for use where there is evidence that people who share a protected characteristic either:

- (i) experience a disadvantage connected to that characteristic; or
- (ii) have needs that are different from the needs of persons who do not share that characteristic; or
- (iii) have disproportionately low participation in an activity or service compared to those who do not share that protected characteristic.

Collecting diversity profiles within monitoring processes can enable us to identify signs of discrimination, disadvantage, and disproportionate outcomes connected to people who share different protected characteristics. Evidence of discrimination, disadvantage, and disproportionate outcomes can include a poor experience or quality of service, or differential rates in take up of things like benefits, services, or employment opportunities.

Where there is evidence of discrimination, disadvantage, and disproportionate outcomes, we can consider using positive action to redress and improve outcomes. When considering the use of positive action ensure you follow the [Government Guidance for Employers - Positive Action in the Workplace](#). Especially section 3.1 **Awareness of legal risks of using positive action**. To be lawful, your proposed Positive Action must fulfil the requirements set out below.

1. Positive Action must only be used to meet one or more of the following “stated aims”:
 - (i) to overcome a disadvantage for a protected group
 - (ii) to meet different needs of a protected group, or
 - (iii) to address under-representation of a protected group.
2. General Provisions (section 158) allow proportionate positive action to meet the 3 aims above.
3. The Recruitment or Promotion Provisions (section 159) can only be used when two or more candidates are [equally qualified](#) in all considerations. Then, and only then are we permitted to select the candidate with a protected characteristic that is underrepresented in the workforce.
4. To justify the use of Positive Action, the following conditions must be true:
 - The proposed action must be an appropriate way to achieve the stated aim
 - The proposed positive action must be a proportionate way of achieving the stated aim when balanced against other relevant factors, e.g.:
 - the seriousness of the relevant disadvantage
 - the degree to which the need is different.
 - the extent of the low participation in the particular activity
 - the cost of the proposed positive action.
 - the relative disadvantage, need, or participation of those other protected groups.
 - the impact of the proposed positive action if it relatively worsens the position of other protected groups.
 - The proposed action is a reasonably necessary way to achieve the stated aim; that is, in all circumstances, would it be possible to achieve the aim as effectively by other actions that are less likely to result in less favourable treatment of others.

NB Remember, in general, under the Equality Act 2010 positive employment discrimination of reserving job vacancies for people who share different protected characteristic is unlawful.

Examples of Positive Action to overcome disadvantage.

In Service Delivery	In Employment
Targeting services at specific disadvantaged groups, for example by advertisements, outreach programmes, special arrangements to encourage increased take-up.	Targeting employment advertising at specific disadvantaged groups, for example advertising jobs in media outlets which are likely to be accessed by the target group.
Providing services specifically aimed at a disadvantaged group.	Making a statement in recruitment advertisements that the employer welcomes applications from the target group, for example 'We welcome applications from disabled people.'
Providing services in a different way, at different times, at different locations.	Providing opportunities exclusively to the target group to learn more about particular types of work, for example work placements, internships, or open days.

Examples of Positive Action to meet different needs.

In Service Delivery	In Employment
Reallocating resources in order to provide services in a particular geographical location or at a particular time, for example, increased police patrols outside gay clubs to improve protection against homophobic hate crime.	The creation of a work-based support group for staff who share a protected characteristic, who may have workplace experiences or needs that are different from those of staff who do not share that characteristic.
Adopting ways of providing a service to meet the different needs of a particular group, for example, providing additional support for members of a racial group known to have particular public health needs.	Providing exclusive training to the target group specifically aimed at meeting particular needs, for example, English language classes for staff for whom English is a second language.
Providing services specifically aimed to meet particular needs, for example English language classes, training, culturally or religiously appropriate mental health services	The provision of support and mentoring, for example, to a member of staff who has undergone gender reassignment.

Examples of Positive Action to address under-representation.

In Service Delivery	In Employment
Providing services in different ways.	Set targets for increasing participation of the targeted group and develop an action plan.
Improving or making more relevant the content and forms of information, advertisements, and advice.	Providing bursaries to obtain qualifications in professions where representation might be disproportionately low.
Using outreach programmes and mentoring	Reserving places on training courses, for example, in management
Extending or changing locations or times for activities to take place.	Providing shadowing and mentoring opportunities

NB in all cases, cease using the positive action provision when the stated aim has been achieved.

OTHER LAWFUL ACTIVITY TO PROMOTE ACCESSIBLE, SAFE, AND INCLUSIVE SERVICES.

Reinforce importance of recognising customer diversity

St Helens Borough Council is committed to creating a more welcoming, safe, and inclusive work environment, based on the vision that everyone is included, has a voice, and is empowered to influence, through the values of trust, integrity, collaboration, innovation. Our vision and values are designed to create a workforce culture of mutual respect, inclusion, and dignity, which is crucial to ensure we have the capability to meet the needs of our increasingly diverse community.

Make sure all your staff show genuine sense of fairness and goodwill, and take customer requests seriously, no matter what their gender, race, religion, or other characteristics are. An important step into improving customer satisfaction might be ensuring staff make necessary reasonable adjustments for disabled customers or provide additional explanations when needed. Be prepared. Ensure all staff know how to access Language Services to support people who don't speak English, even if you don't have any customers that currently need to use language services.

Know your customers and seek out culture-specific knowledge.

Do you know the demographic profile of people who use your services? Are the people accessing your services representative of your local community? If not, what plans do you have to understand why and to address this? Whenever possible, spend time to learn about where your customers are from, and get a basic knowledge of culture, values, and beliefs.

Create a welcoming environment by having a diverse, inclusive, and informed workforce.

People feel more welcome, safe, and included if they see that they are represented within a service's workforce. Do you know the demographic diversity profile of your workforce? Can you demonstrate that your workforce is representative of the local community?

Is your leadership diverse and inclusive? If not, what plans do you have to improve the diversity and inclusivity of leaders? What are you doing to improve understanding of equality and diversity specific to your directorate / departmental functions and services? How can you demonstrate that training and development approaches are having an impact on equity and inclusion?

Engage with the community.

How are you engaging with your community? Can you demonstrate that your engagement strategies are inclusive and reach all groups in the community? How are you reaching out to communities or groups who are significantly under-represented within your service user profiles? What plans do you have to improve engagement with our diverse community?

Communicate your approach to inclusion.

Let the community know what you are doing to make a welcoming, safe, and accessible service experience. Promote your successes. Have you identified barriers or specific issues impacting equality groups? How can you demonstrate that practice is non-discriminatory? How do you reinforce good practice? Let our diverse community know that they are welcome by demonstrating the ways you value equality and inclusion.

WHEN TO USE EQUALITY MONITORING WITH DIVERSITY PROFILES

Council Services and Teams should be looking to record diversity profile data within any monitoring they carry out in relation to service users, customers, residents, the workforce, the wider community.

Relevant monitoring processes include service user monitoring, consultations, surveys, focus groups, complaints, programme evaluation, inspection reports, and discrimination claims.

What equality monitoring is relevant for a particular service, policy, or function is determined by different factors including the following:

- (i) Mandatory, statutory, or regulatory requirements
- (ii) Data Protection principles and the General Data Protection Regulations (GDPR) 2018
- (iii) contractual or funding requirements.

The Equality and Human Rights Commission Statutory Codes of Practice in Employment states that employers should monitor the key areas of the employment relationship including:

- recruitment and promotion
- pay and remuneration
- training
- appraisals
- grievances
- disciplinary action
- dismissals and other reasons for leaving

In general, officers should adopt a common-sense approach in relation to their particular service, or support area, and monitor those protected characteristics that are appropriate to help them deliver their service or support accessibly, safely, inclusively, and fairly.

The collection and use of diversity profile data enables consultation and monitoring outcomes to be disaggregated by different protected characteristics.

Analysis of disaggregated data

1. Helps to demonstrate equality of opportunity in access, quality, and outcome for those who share different protected characteristics, in employment, service delivery and contract management.
2. Enables us to identify evidence of discrimination, disadvantage, and disproportionate outcomes connected to people who share different protected characteristics.
3. Provides data about the profiles of service users and employees that can be used to support equality impact assessments, and help to inform the impact that decisions, policies, and service delivery arrangements have on people who share different protected characteristics.

Where there is evidence from monitoring of disadvantage, disproportionate outcomes, or discrimination, we can consider using positive action to redress and improve outcomes.

In relation to Equality Impact Assessments, positive action can help to mitigate any actual or potential negative impact for a protected group identified within the proposed decision.

IS EQUALITY MONITORING INTRUSIVE?

Monitoring of equality characteristics is a very sensitive area. Individual opinions can differ for varying reasons and this needs to be both considered and respected. Some people who share protected characteristics which are in the minority in our community have experienced been bullied, harassed, and marginalised; and, as a result, worry that they could be affected negatively by the disclosure of their minority status.

Nevertheless, without gathering some form of diversity profile it may be difficult to identify discrimination and disadvantage in service delivery, or evidence the impact of policies and procedures or employment patterns such as recruitment, training, promotion or leaving rates, on people who share protected characteristics in the minority in our workforce or in our community.

Some people welcome the inclusion of diversity profiles within monitoring. This not only gives an individual a means to express an opinion, but also offers a general recognition of the importance of the issue of diversity within society.

Equality monitoring can also engender positive feelings about an organisation or service if questions are asked in an appropriate language that indicates the questioner has an awareness of the diverse needs of the people from whom it is collecting information.

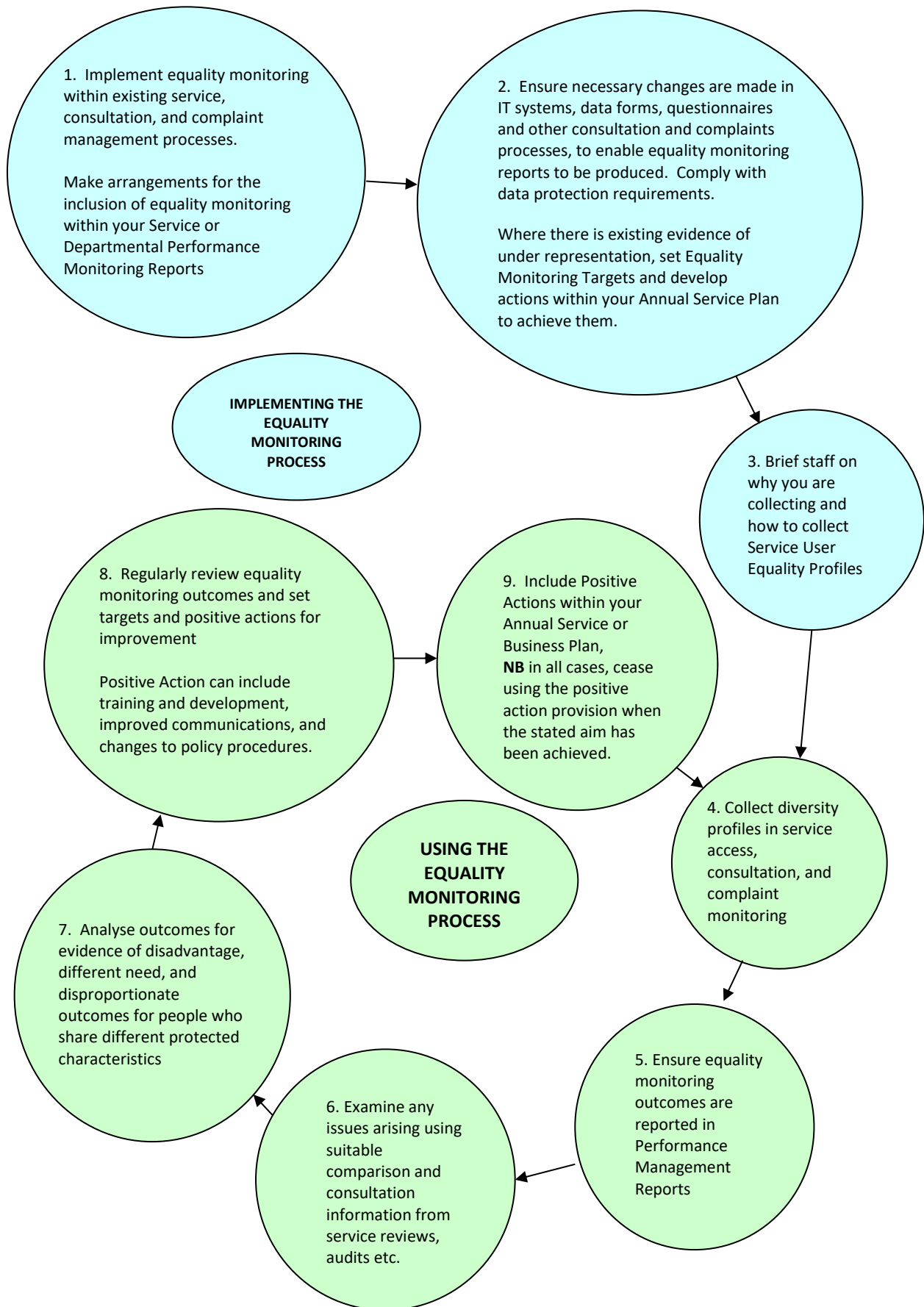
Often analysis of monitoring by equality profile can identify areas for further review. For example, if a service provider reports no transgender service users, does that mean that these services are not required by transgender people, or is this an indication that the services are avoided by transgender people because they are viewed as unsuitable?

People may also hold concerns relating to equity, where people who share a protected characteristic are in the minority. For example, if the numbers of Black people are small at a local level, the concern may be that identifying and meeting the needs of Black people may be given low priority.

It is right to acknowledge these concerns, many of which arise from individual's lived experience. We should do everything within our power to reassure individuals of our data integrity when asking them to provide diversity data for use within monitoring processes.

The inclusion of disability, race, religion, and sexual orientation as special category data under the Data Protection Act 2018, helps to reassure some people that the diversity data that they share with the Council will be kept confidentially, and protected under strict security requirements.

EQUALITY MONITORING STEP BY STEP DIAGRAM



DATA PROTECTION WHEN USING DIVERSITY PROFILE DATA WITHIN MONITORING PROCESSES

When planning to use Diversity Profile data within any employment, service, contract, business management, consultation or engagement process, the following principles from the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) 2018 must be observed:

Special Category Data

The collection, storage and processing of some Diversity Profile information comes under the GDPR's definition of special category data. These are disability, sexual orientation, race, and religion. Special category data is deemed more sensitive, and so needs more protection.

For equality and diversity purposes, this means:

- Additional security controls should be put in place to protect the confidentiality of Diversity Profile special category data, provide an audit trail of its processing, and enable some degree of accountability for its safeguard.
- When collecting and processing Special Category Data, the Privacy Notice (see section on Privacy Notice below) must include the "Data Protection Condition" that justifies the processing of the Special Category Data. For equality purposes the Data Protection Condition is "for reasons of substantial public interest (with a basis in law)". The substantial public interest condition is "Equality of opportunity or treatment", and the basis in law is the Equality Act 2010.

Lawfulness, Fairness and Transparency

For data to be processed 'lawfully' a lawful basis must be identified. For data to be processed 'fairly' and in a 'transparent manner' we must be clear and open with individuals on what we are doing with their personal data. This is done via a Privacy Notice.

For equality and diversity purposes, this means:

- The lawful basis would be to demonstrate compliance with the duties of equality legislation, such as the Equality Act 2010 Employment Duties
- The fair and transparent manner would relate to the purpose for which the Diversity Profile data is being collected, e.g., to demonstrate equality of opportunity to access employment, along with the provision of a Privacy Notice as at point 4.
- Diversity Profile data must only be processed for the specified purpose(s) for which it has been obtained.
- Individuals should be supplied with appropriate privacy notices explaining why their Diversity Profile data is being collected and what the Council intends to do with it.
- No Diversity Profile data must be processed in a way that has a harmful or negative effect on the individual, unless there is a lawful justification, for example a Deprivation Of Liberty Safeguard under the Mental Health Act 1983.
- All processing of equality and diversity data must be entered into the Council's Record of Processing Activities (ROPA).

Integrity and Confidentiality

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

The Council must take adequate steps (both technical and organisational) to ensure that personal data is secure. This applies to both manual data and data held electronically. Security of data must be considered, and appropriate measures applied through all the stages in processing personal data.

For equality and diversity purposes, this means that:

- Diversity Profile information must be held securely and confidentially.
- Diversity Profile data must only be accessible to those carrying out the specific purpose(s) for which it is being held.

Data Minimisation

Personal data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed. You must only collect and use information that is sufficient for the purpose or function for which it is being obtained. For instance, it would never be necessary to collect details of a person's sexual orientation or gender reassignment data on a Council Tax form.

Consideration must also be given to data requirements in relation to distinct groups of individuals. For instance, in the case of electoral registration, date of birth data is collected only from individuals who are "rising 18s", as the Electoral Registration Officer only needs to be aware of those approaching voting age. Date of Birth is not collected from any other age group.

For equality and diversity purposes, this means that:

- You do not collect or hold more Diversity Profile data than you need for the purpose for which it is being obtained.
- You should identify the minimum amount of Diversity Profile data you need to properly fulfil your purpose.
- You should hold only the minimum amount of Diversity Profile data, but no more.

Privacy Notice

Personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. The Council must be open about its reasons for obtaining personal data.

A Privacy Notice must be provided at the point at which personal data is collected. This is done through a written statement, which must explain to individuals the reason the council is collecting their personal data and how the Council intends to use it. Individuals must not be deceived or misled as to the purpose or purposes for which their personal data is to be processed. The scope or degree of personal data sought must be proportionate to the purpose for which it is being obtained. The proposed use of data must be reasonable, i.e. in line with the reasonable expectations of the individuals concerned.

For equality and diversity purposes, this means that you must:

- Determine, before the data is collected, the purpose or purposes for which Diversity Profile data is to be used.
- Be clear from the outset why you are collecting Diversity Profile data and what you intend to do with it.
- Comply with the lawfulness, fairness, and transparency requirements.
- Ensure that if you wish to use or disclose Diversity Profile data for any purpose additional to (or different from the originally specified purpose), the new use or disclosure is fair and transparent.

- When collecting and processing Special Category Data (see Special Category Data section above), the Privacy Notice must include the “Data Protection Condition” that justifies the processing of the Special Category Data. For equality purposes the Data Protection Condition is “for reasons of substantial public interest (with a basis in law)”. The substantial public interest condition is “Equality of opportunity or treatment”, and the basis in law is the Equality Act 2010

Accuracy

Personal data must be accurate and, where necessary, kept up to date. Diversity profiles can change, for example, people can acquire a disability, get married or enter into a civil partnership. Every reasonable step must be taken to ensure that the Diversity Profile is up-to date and correct. You should ensure that adequate verification is undertaken so that the risk of damage or distress being caused unnecessarily to the individual is minimised. An appropriate method be chosen according to the nature of the data collected. Where you find that you hold inaccurate personal data it must be rectified without delay.

For equality and diversity purposes, this means that you must:

- Take reasonable steps to ensure the accuracy of any Diversity Profile data you obtain.
- Carefully consider any challenges to the accuracy of Diversity Profile data.
- Consider whether it is necessary to update diversity profiles.
- Ensure that the source of any Diversity Profile data is clear and valid.

Storage Limitation

Personal data must be stored for no longer than is necessary for the purposes for which the personal data is being processed.

For equality monitoring purposes, it means that you will need to:

- Review the length of time you keep Diversity Profile data.
- Consider the purpose or purposes you hold Diversity Profile data for in deciding whether (and for how long) to retain it.
- Securely delete/destroy Diversity Profile data that is no longer needed for this purpose.
- Update, archive, or securely delete or destroy Diversity Profile data if it goes out of date.
- Diversity Profile data must always be disposed of as confidential waste.

Regular Review

Where personal data is collected you should ensure that reviews of collection processes and procedures are undertaken on at least an annual basis.

For equality and diversity purposes, this means you should check the following:

- That the purpose for which the Diversity Profile data is collected and processed continues to be lawful, fair, and transparent.
- That the Diversity Profile data collected is no more than is needed for the purpose(s).
- That the privacy notice and the information in the Council’s ROPA continue to reflect the purpose for which the Diversity Profile data is being collected.
- That checks are made to ensure the accuracy of data and all necessary amendments are made.

See the Council’s [Data Protection Policy](#) and [Data Protection Codes Of Practice](#) for further details

INTEGRATING DIVERSITY PROFILE DATA WITHIN MONITORING PROCESSES

When using diversity profiles within any kind of monitoring, the Diversity Profile data needs to be linked to the other data being collected so that the results can be disaggregated to show the outcomes for people who share different protected characteristics.

In some cases, such as complaints, the electoral register, social care assessments, pupil attainment, or employment, equality data is linked to the individual. In these cases, IT data systems need to have the functionality to record the individual's Diversity Profile information as part of their employee or service record, so that an individual's Diversity Profile and their interaction with the service or the council as an employer can be measured.

This enables not only overall diversity profiles of employees and service users to be analysed and reported on, (to demonstrate equality of opportunity in employment and service access, quality, and outcomes), but also enables the diverse needs of the individual to be taken into account within service delivery or employment arrangements.

Should I monitor all the protected characteristics?

What your service, programme, or project has to monitor may be set out by statutory, regulatory, contractual requirements. However, in general, you should adopt a common-sense approach in relation to your particular service, or support area, and monitor those protected characteristics that are appropriate to help you deliver your service or support accessibly, safely, inclusively, and fairly.

For example, if you are organising a consultation exercise, consider whether your proposal is likely to have an impact on people with specific protected characteristics:

- If your consultation is about school catering, it might be important to monitor respondents by religion or disability so that you can understand different dietary needs.
- If your consultation is about changes to parking in a town centre, it might be important to monitor respondents by age and disability to understand issues about accessibility.
- If you are consulting the population on general satisfaction of our services, it might be appropriate to monitor respondents by all the protected characteristics to check that you are reaching all sections of the community.

How complete must the data be?

Diversity Profile data should be as complete as possible. However, in most cases incomplete data can still be used, so long as gaps in data are acknowledged when reported.

Monitoring Categories - Who should supply the data?

1. The service user
If this is not possible then
2. Their partner, carer, parent, or guardian.
You should give the client the chance to alter the data later if this is possible.

Monitoring Categories - "Other" Classification

To enable all different identities to be included, many of the monitoring questions will include the "other" options, to enable self-definition. If someone has ticked the 'other' box, they should have the option to self-define. Ensure that the system used to record and analyse Diversity Profile data has the functionality to record self-definition information within the individual's profile fields.

EQUALITY MONITORING - DIVERSITY PROFILE QUESTIONS AND CATEGORIES

The Council uses the Census 2021 diversity monitoring questions within employment and service monitoring processes, to enable equality monitoring outcomes to be benchmarked against the Census 2021 diversity profiles of the community. The equality monitoring questions use clear English, and are designed to be short, simple, and inclusive, to help them be understood by everyone within our diverse community, including those who are not familiar with issues such as Gender Identity or Sexual Orientation.

NB Do not ask people any Diversity Profile questions during the interview stage of recruitment.

When designing your data collection form please use the following questions

Remember, Data Protection Regulations require a privacy notice to be added to all data collection and monitoring form. See Appendix 1 for further details.

It is always helpful to add a statement explain why you are asking for the information. For example:

“The Council is committed to delivering fair, accessible, safe, and inclusive services. So that we can check that what we are providing is fair and effective, we would be grateful if you could answer the questions below. The more information you provide in this section, the more we can learn about customers’ views of our services and how satisfied different groups of people are.”

SEX

What is your sex? Male Female

Is your sex the same as your sex registered at birth?

Yes No Prefer not to say

GENDER IDENTITY

What is your Gender Identity?

Female Male Intersex Non-binary Other Prefer not to say

For “Other”, please self-describe here: _____

AGE Use whatever age recording method that is appropriate for your service or purpose

E.g., What is your date of birth? Please fill in Date/Month/Year (DD/MM/YYYY) ___/___/____

Or Please indicate which age band you are within

16-24 25-29 30-34 35-39 40-44 45-49
50-54 55-59 60-64 65+ Prefer not to say

MARITAL STATUS Use where appropriate

What is your legal marital or civil partnership status? (Tick the appropriate box)

Single Married In a registered civil partnership
Widowed / Widower Surviving partner from a civil partnership

PREGNANCY AND MATERNITY Use where appropriate

Are you pregnant, or have you been on maternity leave in the past 12 months?

Yes No

DISABILITY

Do you have a long-term health condition or disability that limits your day-to-day activities?

Yes, limits me a lot Yes, limits me a little No

What is your disability or health condition (Please tick all appropriate)

Physical Disability Visual Impairment Neurodivergent/Autistim Mental Health
Medical Condition Hearing Impairment Learning Disability/Difficulty Other

For "Other", please self-describe here: _____

The question below is for employment monitoring only.

Is there anything arising from your disability or health condition that effects or impacts upon your work? Please write in here: _____

The information in this form is for monitoring purposes only. If you believe you need a 'reasonable adjustment', then please discuss this with your manager, or the manager running the recruitment process if you are a job applicant.

RELIGION

What is your belief or religion? (Please tick one box)

Buddhist Christian Hindu Jewish Muslim Sikh
Prefer not to say No religion or belief Other

If "Other" please write in here: _____

SEXUAL ORIENTATION

What is your sexual orientation?

Gay Lesbian Bisexual Heterosexual Pansexual
Asexual Queer Self define Prefer not to say

If you prefer to self define, please write in here: _____

ETHNIC MONITORING CATEGORIES

What is your ethnicity? Please tick one box

Asian or Asian British

Indian Pakistani Bangladeshi Chinese Other Asian

Any other Asian background, please write in: _____

Black, African, Caribbean or Black British

African Caribbean Other Black

If other Black background, please write in: _____

Mixed or Multiple ethnic groups

White and Black Caribbean White and Black African White and Asian
Other Mixed or Multiple ethnic background

If other Mixed or Multiple ethnic background, please write in: _____

White

English Welsh Scottish Northern Irish British
Irish Gypsy or Irish Traveller Roma Other White

If other White background, please write in: _____

Other ethnic group

Arab Other ethnic group

If other ethnic group, please write in: _____

SOCIO ECONOMIC DISADVANTAGE MONITORING QUESTIONS

St Helens Council is committed to reducing socio-economic disadvantage by improving long term economic resilience and addressing long-standing issues such as poverty and unemployment.

Socio-Economic Disadvantage is included as a voluntary area of assessment within the Council's Equality Impact Assessment tool to help ensure that the socio-economic impact of policies and decisions on the community is considered.

This guidance document includes a set of questions from the Social Mobility Commission's Socio-Economic Framework for Monitoring that can be used in employment and service delivery to monitor socio-economic background. Monitoring by socio-economic background helps provide data to identify:

- potential disadvantage, or disproportionate outcome for people by socio-economic background
- potential actions to reduce the impact of Socio-Economic disadvantage, and
- potential actions to improve social mobility and socio-economic diversity of people accessing employment, services, and support that the council provides.

Socio-economic disadvantage can be monitored in a number of ways, including:

- The [indices of multiple deprivation](#) which measures deprivation across 6 measure - employment, education and skills, health, crime, barriers to housing, living environment, in the lower super output areas within which people live.
- Liverpool City Regions [Cost of Living Index Dashboard](#)
- Child Poverty Data
- Council Tax Benefit Recipients
- Free School Meals Recipients
- Fuel Poverty - Affordable Warmth Clients, Users of Winter Warm Spaces
- Food Poverty - Foodbanks, Community Pantries
- Unemployment Rates

Social Mobility Commission Socio Economic Framework for Monitoring

Monitoring socio economic background helps to identify what needs to be done to improve the socio-economic diversity and inclusion of people accessing employment, services, and support that the council provides.

The Social Mobility Commission Socio Economic Framework for Monitoring includes four Socio Economic monitoring questions.

Remember, Data Protection Regulations require a privacy notice to be added to all data collection and monitoring form. See Appendix 1 for further details.

NB It is advisable to select and use only one Socio Economic question within your monitoring process. Please select the question that is most relevant to process you are monitoring.

Question 1. What was the occupation of your main household earner when you were aged about 14? Please tick one box

- Modern professional & traditional professional occupations such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer, accountant, solicitor, medical practitioner, scientist, civil / mechanical engineer.
- Senior, middle, or junior managers or administrators such as: finance manager, chief executive, large business owner, office manager, retail manager, bank manager, restaurant manager, warehouse manager.
- Clerical and intermediate occupations such as: secretary, personal assistant, call centre agent, clerical worker, nursery nurse.
- Small business owners who employed less than 25 people such as: corner shop owners, small plumbing companies, retail shop owner, single restaurant or cafe owner, taxi owner, garage owner.
- Technical and craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.
- Routine, semi-routine manual, and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant, HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.
- Long-term unemployed (claimed Jobseeker's Allowance or earlier unemployment benefit for more than a year)
- Other such as: retired, this question does not apply to me, I don't know.
- I prefer not to say.

Question 2: Which type of school did you attend for the most time between the ages of 11 and 16? Please tick one box

- A state-run or state-funded school
- Independent or fee-paying school
- Independent or fee-paying school, where I received a means tested bursary covering 90% or more of the total cost of attending throughout my time there.
- Attended school outside the UK.
- I don't know.
- I prefer not to say.

Question 3: If you finished school after 1980, were you eligible for free school meals at any point during your school years? Please tick one box

- Yes
- No
- Not applicable (finished school before 1980 or went to school overseas)
- I don't know.
- I prefer not to say.

Question 4: Did either of your parents attend university and gain a degree by the time you were 18? Please tick one box

- No, neither of my parents attended university.
- Yes, one or both of my parents attended university.
- Do not know / not sure.
- I prefer not to say

ANALYSING DIVERSITY DATA

Diversity data analysis for equality monitoring comes in three main forms:

Equality Monitoring Diversity Profiles

Basic information that tells us how many people from a given group (e.g. 'Male' or 'White British') are in a sample.

Example

Disciplinary Procedures																							
Period		Gender		Disability		Ethnic Categories														Total Cases			
From	To	Male	Female	Yes	No	A - British	A - Irish	A - Other White Background	B - White & Black Caribbean	B - White & Black African	B - White & Asian	B - Any Other Mixed Background	C - Indian	C - Pakistani	C - Bangladeshi	C - Any Other Asian Background	D - Caribbean	D - African	D - Any Other Black Background	E - Chinese	E - Any Other	Not Specified	
1/4/2005	30/6/2005	15	8	1	22	22	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	23
1/7/2005	30/9/2005	10	7	0	17	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	17
1/10/2005	31/12/2005	9	8	0	17	16	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	17
1/1/2006	31/3/2006	7	4	0	11	10	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11
Total																						68	

Crosstabulation

This form of analysis simply links information from the Diversity Profile to a particular question or set of questions being monitored.

Example

			q34 Are you male or female?		Total
			Male	Female	
q2r Shopping facilities	No	Count	472	702	1174
		% within q2r Shopping facilities	40.2%	59.8%	100.0%
	Yes	Count	59	107	166
		% within q2r Shopping facilities	35.5%	64.5%	100.0%
Total		Count	531	809	1340
		% within q2r Shopping facilities	39.6%	60.4%	100.0%

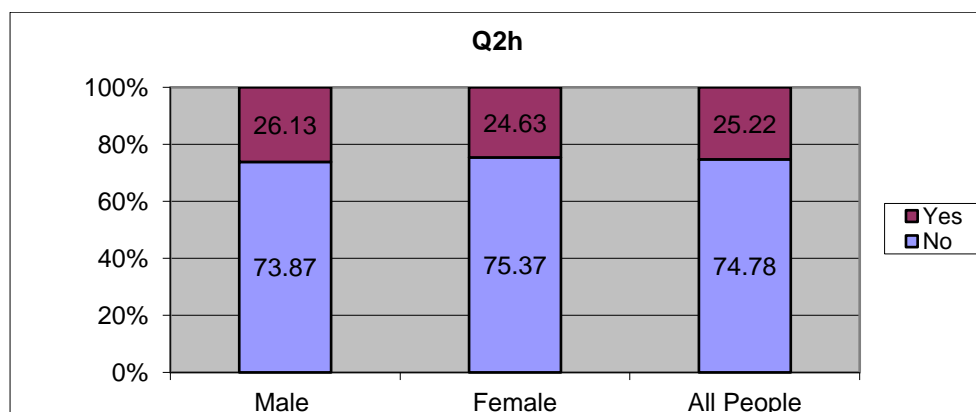
This data tells us that 40.2% of people who answered 'No' were Male. **It does not tell us what percentage of Men answered 'No'.**

Disaggregated Data

This type of information allows us to measure how different groups are differently affected, or how different groups have different perceptions. Disaggregated data allows us to compare general outcomes with outcomes for different protected characteristics. In tabulated form it would be laid out like this:

	% No	% Yes
Male	73.87	26.13
Female	75.37	24.63
All People	74.78	25.22

It allows us to create easy comparison maps like this one:



Interpretation of Equality Data

To interpret your data, you will want to know:

- What data to use as a comparison or 'benchmark'; and
- Whether any differences between identifiable groups represent 'real' or 'significant' differences which you will need to investigate (and are not the result of chance).

What benchmarks should we use?

Census Data: to identify if representation is proportional in comparison to the borough population.

Internal benchmarks: Your own internal data will often give you a more important benchmark than the census data. In service delivery, internal benchmarks are important when you are assessing different results for people from different groups, once they have entered the system. The issue then becomes one of equal or unequal treatment (quality), not representation (access).

Are the differences between groups 'real'?

- "Statistical significance testing" is the best way of assessing differences between different groups. These identify how likely it is that differences could be down to chance.
- Where there are low sample numbers a variation of +/- 10% should be used as indication of a 'real' difference.
- Finally, you should remember that real differences (in patterns of access, quality, or outcomes) between different groups are not, in themselves, evidence of discrimination. What they do mean is that you need to study these results further to find out why there are differences, and to tackle any barriers you find.

EQUALITY MONITORING DIVERSITY TARGET SETTING

Setting targets is closely connected with action taking. Equality targets are the focus around which you can plan your improvement actions. Equality targets should be challenging and realistic, both about what you can do and about how long it will take before you see results.

What kind of targets can we set?

Equality targets are generally set in the form of an outcome. Such as a target to achieve a percentage representation for people who share a protected characteristic.

'Outcome' targets have two main forms:

- Representation (of different groups); and
- Parity of treatment.

Representation targets

Representation targets are about:

- The numbers or percentages of different groups using your services, and
- The numbers or percentages of different groups applying for services.

The following are possible examples.

- 'To increase the representation of Asian foster carers from 0% to 3% in five years.'
- 'That the distribution of people with physical and sensory disabilities using our services should match their distribution within the local population within 6 years, and with evidence of satisfactory progress from year to year.'
- 'To support the development of at least one LGBTQ community group in the Borough within 5 years.'

'Parity' targets

Parity targets are about how procedures and decisions affect different groups. The following are possible examples.

- 'Next year, the proportion of ethnic minority applicants for housing-improvement grants who are successful should be at least 90% of the proportion of white applicants who are successful.'
- 'The proportion of people with learning disabilities employed within the borough should rise by 50% in 3 years.'
- 'The proportion of Social Service users whose cultural needs were taken into consideration on assessment should increase to 100% in two years.'
- 'Overall levels of satisfaction with our service should be the same for all sexual orientation groups.'

Representation targets are likely to be more affected by internal or external constraints than equality targets. For example, you could achieve equality in cultural needs assessment immediately, but you could not possibly achieve equal exclusion rates among pupils from different ethnic groups until a whole range of other conditions, for example relating to cultural awareness or staff training, had been met. However, as already noted, you should set targets that challenge constraints as well as take account of them.

Deviation targets

In equality monitoring, there may be an 'optimum scope' target, rather than a single figure target. For example, a gender target of 50% for male and female may be impossible to achieve. Setting a deviation target to indicate an optimum scope within which we are confident equity has been maintained is a more realistic approach. A deviation target of 2%, to account for an optimum scope between 48% and 52% turnout enables a target to be achieved and sustained. To be effective, deviation targets must be proportional and relative to the circumstance.

INTEGRATING EQUALITY MONITORING AND POSITIVE ACTION INTO REPORTS AND PLANS

To ensure Equality Monitoring becomes an effective method of demonstrating that council services and employment opportunities are accessible, safe, and inclusive for a diverse community, the outcomes of equality monitoring must be reviewed and reported on regularly as part of service, programme, or project management.

Where this happens managers have more chance of identifying evidence of disadvantage, different need, and disproportionate outcomes for people who share different protected characteristics and using this management data to develop positive actions to remove the disadvantage, meet different needs, and improve representation.

Step 1 – Consider why you want to act - This is an important first step as you will need some evidence on why action may be needed. It is likely that this evidence will be available from your own monitoring data or existing data or research. If there is no evidence that any groups are experiencing barriers, you should not use positive action.

Step 2 – Consider what actions you want to take - If you are satisfied that you have a good reason for taking positive action, you should think about what type of action you want to take and how this will address the barriers you have identified. When thinking about possible actions, you should consider whether they are proportionate to addressing the problem you have identified. You should also understand [the difference between positive action and positive discrimination](#) (which is unlawful) before making decisions, to ensure that any actions you take are lawful.

For example, in general, under the Equality Act 2010 reserving training opportunities for people who share underrepresented protected characteristic is classed as lawful positive action, but reserving jobs for people solely because they have an underrepresented protected characteristics would be classed as unlawful positive discrimination.

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Step 3 – Consider how you will act - You will need a proposed timeline for delivering the actions you want to take forward and decide how you will measure progress. As part of this, you should think about how long you will need to take the actions and factor in appropriate times to review how well they are working. You should also consider how you will consult others on any changes and communicate with service users, residents, or staff.

Where positive actions have been identified then they must be included in the relevant business plan - whether this is a project plan, service plan or another delivery plan - to ensure they are completed. Managers must also identify the officer responsible for completing the Positive Action, the target date for completion and whether there are any resource implications.

Positive Action	Lead person	Timescale	Resource implications

When you include Positive Actions within your Annual Service or Business Plans, link them to the Council's Equality Cross Cutting Theme.

This completes an Equality Monitoring and Positive Action cycle. However, managers will continue to use Equality Monitoring to demonstrate the impact of Positive Action on outcomes and performance targets.

APPENDIX 1 DATA PROTECTION PRIVACY NOTICE

A privacy notice must be added to all data collection and monitoring form.

All Privacy Notices must be concise, easy to understand, use clear English and included:

- the contact details of the Data Protection Officer (dataprotection@sthelens.gov.uk)
- the legal basis for processing
- [the conditions for processing special category data](#)
- where consent is the basis for processing, the right to withdraw this at any time.
- any recipients, or category of recipients of the personal data.
- the retention period or criteria used to determine the retention period.
- the existence of the relevant data subject's rights.
- the right for individuals to complain to the Information Commissioner's Office (ICO) regarding inappropriate handling.
- the categories of personal data, where obtained from a third party.
- if received from a third party, the source the personal data originates from and whether it came from publicly accessible sources.
- whether the provision of personal data is part of a statutory / contractual requirement / obligation, and the possible consequences of failing to provide the personal data.
- details of any transfers outside of the European Union and safeguards.
- the existence of automated decision-making including profiling and information about how decisions are made, the significance and the consequences.

See the Council's [Data Protection Policy](#) and [Data Protection Codes Of Practice](#) for further details

DATA PROTECTION PRIVACY NOTICE EXAMPLE (template privacy notice for a consultation)

The identity of the data controller and contact details of our Data Protection Officer.

The data controller is St Helens Borough Council. The Council's Data Protection Officer can be contacted at dataprotection@sthelens.gov.uk or by writing to the following address: Data Protection Officer, St Helens Council, PO Box 512, St Helens, WA10 9JX

Why we are collecting your personal data.

Your personal data is being collected as an essential part of the consultation process and for statistical purposes. It will be used to identify issues and outcomes relevant to people who share different protected characteristics, which will help the Council to put actions in place to promote equality of opportunity, eliminate discrimination, harassment, and victimisation, and foster good relations between persons who share a protected characteristic and persons who do not share it.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

We are collecting [special category](#) personal data which is necessary for the purposes of aggregating responses by people who share different protected characteristics to identify if there are any common themes or issues arising for different groups. By 'special category personal data', we mean information about a living individual's:

- racial or ethnic origin
- religious or philosophical beliefs
- sexual orientation
- health (including physical and sensory disabilities, neurodiversity, learning disabilities, and mental health)

Our legal basis for processing your personal data.

The collection of your personal data, including your special category data (race, religion, disability, sexual orientation) is lawful under Article 9 2 (g) of the UK GDPR states that special category data can be processed when there is a substantial public interest, based in law. The basis in law is the Equality Act 2010. Article 9 4 (a) of the UK GDPR refers to specific conditions when processing information under the basis of substantial public interest. The specific condition is set out in the Data Protection Act 2018 Schedule 1 Part 2 8, defined as Equality of opportunity or treatment. The processing of a specified category of personal data is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

With whom we will be sharing your personal data

St Helens Borough Council may appoint a ‘data processor’, acting on behalf of the Council and under our instruction, to help analyse the responses to this consultation. Where we do share your special category personal data, we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 2 years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, telephone 0303 123 1113, or post: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Please contact us at the following address if you wish to exercise the rights listed above, (except the right to lodge a complaint with the ICO): dataprotection@sthelens.gov.uk or Data Protection Officer, St Helens Borough Council, Town Hall, Victoria Square, St Helens, Merseyside, WA10 1HP

Your personal data will not be sent overseas. (NB Statements about whether or not personal information is sent overseas is dependent on whether “survey” providers have processors inside or outside of the UK. When designing your Privacy Notice tailor this statement on the facts. Always consultation with the Council’s Information Governance, Compliance and Complaints (IGCC) Team at the point of appointing a data processor.)

Your personal data will not be used for any automated decision making.

Your personal data will be stored in a secure council IT system.

If we use a third-party system to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure Council IT system as soon as possible, and it will be stored there for two years before it is deleted. (NB Statements about whether or not personal data is stored inside or outside of the UK, is dependent on the facts related to your data storage arrangements. When designing your Privacy Notice tailor this statement on the facts. Always consultation with the IGCC Team at the point of appointing a data processor.)