

Section 75 of the Northern Ireland Act 1998



EQUALITY COMMISSION FOR NORTHERN IRELAND

Monitoring Guidance for Use by Public Authorities

July 2007

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Abbreviations

CHS	Continuous Household Survey
CRE	Commission for Racial Equality
DCA	Department for Constitutional Affairs
DDA	Disability Discrimination Act 1995
DPA	Data Protection Act 1998
DfES	Department for Education and Skills
DRC	Disability Rights Commission
ECNI	Equality Commission for Northern Ireland
EQIA	Equality Impact Assessment
FETO	Fair Employment and Treatment Order
FRS	Family Resources Survey
LFS	Labour Force Survey
NHS	National Health Service
NISRA	Northern Ireland Statistics and Research Agency
OFMDFM	Office of the First Minister and Deputy First Minister



Foreword

Section 75 of the Northern Ireland Act 1998 was intended to make a difference. Its purpose was to change the culture of policy-formulation and decision-making throughout the public service. Its reach extends to all who have a role in the process of developing or implementing policy. It extends to all areas of policy from the high level to the intensely practical. All this had a purpose – to ensure that equality of opportunity and good relations were central to the process of government and public service. A related purpose was to ensure that it worked; that it was effective.

As part of the realisation of the latter purpose the legislation provided for the continuing process of monitoring the impact of policies to determine whether they had any adverse consequences. That mandatory process underlines the practical focus of Section 75; it is there to make a difference. It also underlines the intention to put this to the test by diligently evaluating the impacts of all policies. That brings us to this guidance whose purpose is to assist and direct those with the relevant responsibilities in their discharge of that important dimension of the Section 75 provision.

The Commission's analysis of public authority compliance with the legislation has identified weaknesses in relation to monitoring. There is a certain reticence among some public authorities to engage in the process, whether from a lack of knowledge of the practical mechanics involved or from a lack of awareness of the need to understand who is benefiting from public services and, perhaps more to the point, who is not. To continue with such an approach will serve only to reduce the impact of the legislation and to diminish the effectiveness of the role of the public service in society. The process of preparing this guidance has reinforced the sense of the critical contribution that effective monitoring can make – a sense that has also been reflected through the formal review of the effectiveness of Section 75 very recently completed by the Commission.



This guidance is intended for all who have a role in policy-making. It will have a particular relevance and a daily application in the work of those specifically charged with this responsibility. But it is not for them alone. This is for the Board chair or member, the Chief Executive, the senior manager – each in their separate ways – because the full implementation of the responsibilities imposed by section 75 belongs no less to them than to those for whom it is the daily round.

This is not a bureaucratic burden. It will, of course, require some effort and some resources, especially if the process is at an early stage, but it is an investment worth the effort. The knowledge that the impact of policy decisions is systematically evaluated will be at once a reassurance where all is well and a check on inappropriate practices where the contrary is the case. Fundamental to this entire process, also, is the fact that those for whom policy decisions are intended to have a beneficial effect will know that public authorities are measuring that effect and identifying any adverse consequences. For them, too, it is a reassurance and a potential remedy.

A document of this character is not the work of a single hand and over the past year the Commission has had the benefit of the advice of a Project Advisory Group. Valuable insights and experiences have also been contributed by representatives of public authorities and by those with practical experience of monitoring the impact of policies who gave generously of their time. The Commission is grateful to them and to Tony Dignan who undertook important research as part of the project and who drafted the guidance on our behalf.

As I said at the outset, the guidance is directed towards a more complete implementation of the legislative requirement and, in its turn, to the promotion of equality of opportunity. It is a worthy purpose and I commend this document to all concerned in the confidence that it will bear positive fruit



Bob Collins
Chief Commissioner
Equality Commission for Northern Ireland

Summary

Section 75 Monitoring Guidance

The purpose and scope of the guidance document is to provide practical assistance and advice to public authorities in monitoring for the purposes of section 75 of the Northern Ireland Act 1998 (the Act). Monitoring is more than data collection, it is also about analysing information that is relevant to, and necessary for, promoting equality of opportunity. Monitoring is an ongoing process, the objective of which is to highlight possible inequalities and why these might be occurring. The guidance is provided on a non-statutory basis and covers in detail the following key issues.

Why Monitor?

- **Section 75 requirements.** Schedule 9 of the Act requires public authorities to prepare an equality scheme showing how they propose fulfilling the duties imposed by section 75, including monitoring any adverse impact of policies adopted by the authority on the promotion of equality of opportunity.
- **Promoting equality of opportunity.** An effective monitoring system will enhance a public authority's capacity to perform its section 75 duties efficiently and effectively, enabling it to make better decisions about what actions would best improve equality of opportunity.
- **Organisational benefits.** The development of equality monitoring arrangements that are appropriate to the size and nature of an organisation can, with careful shaping, meet both the demands of section 75 activities and broader strategic aims of organisational development and improvement. For example, demonstrating that general services are accessible to all sections in the community or developing aspects of services to better meet the needs of specific users.



What to monitor?

- **Prioritise.** Focus on what really matters with a view to better promoting equality of opportunity; don't try to monitor everything just for the sake of it.
- **Categories.** Some authorities are already monitoring across all nine categories covered by section 75. It is, however, recognised that a quantitative approach will not suit all nine categories in all situations.
- **Identify the gaps in data availability.** Make best use of what the authority has already got. Filling the gaps may need a mixed approach.
- **A staged approach.** Depending on the organisations current level of development, a staged approach may be appropriate. This beds the monitoring in, helping the authority to build capacity, establish trust with stakeholders, refine the approach and build the evidence base.
- **Data protection.** The Data Protection Act (DPA) does not prevent the authority from collecting personal data for equality monitoring purposes. Rather, it provides a framework for the processing of such data, which must have regard to the Principles of the DPA.

Implementation

- **Commitment from the top.** This is important in driving the process forward. Demonstrating top level commitment to monitoring both to the authority's staff and the public is important in ensuring processes are carried out satisfactorily.
- **Roles and responsibilities.** Be clear on who's doing what. At least at the initial stages of developing an approach, it may be useful to have a 'champion' to drive monitoring forward.
- **Plan.** The authority will need to start from a 'route map' to help it identify what to monitor, the questions that need to be addressed, the data required to answer those questions, and what the authority will do with the data once it has been collected.

Data Collection

- **Consider the options.** There is no 'one-size-fits-all' approach to satisfying data requirements for equality monitoring. Rather, there exists a spectrum of data collection possibilities that vary across the diverse range of service provision contexts in which public authorities are engaged. Within that spectrum, however, there are options available for selecting an approach.
- **Self-classification.** The use of self-classification at the point of service delivery provides the starting point in considering options for data collection. Considered across the full range of section 75 categories, a person's status is best described by how they perceive themselves.
- **Point-of-use monitoring.** It is recognised that self-classification at the point of use will not always be feasible in practice. In practice, the more akin a service provision scenario is to the recruitment process in employment, the more feasible, and appropriate, will be self-classification at the point of use.
- **Monitoring is voluntary.** Whether the authority is collecting data for monitoring employment or services, individuals should be informed that they do not have to provide the information.
- **Privacy.** Asking people to provide sensitive personal data is an intrusion on privacy. Where this is necessary to meet the authority's data requirements, look for ways to keep it to a minimum e.g. don't ask the same person repeatedly for the same information.

Data Storage and Analysis

- **Quality.** Quality is important. Monitoring data must be fit for purpose and data quality needs to be assessed.
- **Response rates.** If in doubt about what the authority can expect to achieve, and the issues that need to be addressed, pilot the approach.

Interpretation and Use

- **Harmonising** definitions and classifications with appropriate benchmark datasets will aid the interpretation and use of the monitoring data. This is also relevant to consider on a sectoral basis, both to help in benchmarking performance and to facilitate changes in the organisation of public authorities and services provided within sectors.

Outline of Section 75 Monitoring Guidance

	Section	Topics
2	Why monitor	<ul style="list-style-type: none"> • Clarify the role and purpose of the monitoring
3	What to monitor	<ul style="list-style-type: none"> • Prioritise functions and policies on which the monitoring effort should be focused • Determine data requirements and data availability - gap analysis • Identify options for gathering information that is necessary • Select the way forward
4	Implementation	<ul style="list-style-type: none"> • Plan the monitoring, addressing issues around timescales, roles and responsibilities, training, resources, Data Protection Act requirements
5	Data Collection: Employment	<ul style="list-style-type: none"> • The categories to be monitored • Definitions and classifications • Monitoring applicants and appointees • Workforce monitoring
6	Data Collection: Services	<ul style="list-style-type: none"> • Options for data collection include direct, indirect and qualitative methods • Criteria for choosing between the available options
7	Data Storage and Analysis	<ul style="list-style-type: none"> • Assess the quality and utility of data collected
8	Interpretation and Use	<ul style="list-style-type: none"> • Examine data to see if there is evidence of potential differential effects in relation to one or more of the section 75 categories.

1 Introduction

Purpose and Scope

- 1.1 This document has been prepared to provide practical assistance and guidance to public authorities in monitoring for the purposes of section 75 of the Northern Ireland Act 1998 (the Act). The guidance is provided on a non-statutory basis.
- 1.2 Section 75 places a statutory duty on public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:
 - Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation.
 - Between men and women generally.
 - Between persons with a disability and persons without.
 - Between persons with dependants and persons without.
- 1.3 The Act also requires public authorities to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
- 1.4 As section 75 encompasses nine categories, monitoring clearly poses a considerable challenge. This guidance document has been prepared to help public authorities in meeting that challenge, with the following objectives:
 - To assist the work of public authorities in relation to mainstreaming equality and in undertaking Equality Impact Assessments (EQIAs) of policies.
 - To assist public authorities to manage monitoring of the outcomes from EQIA exercises and in the production of information for section 75 policy screening purposes.



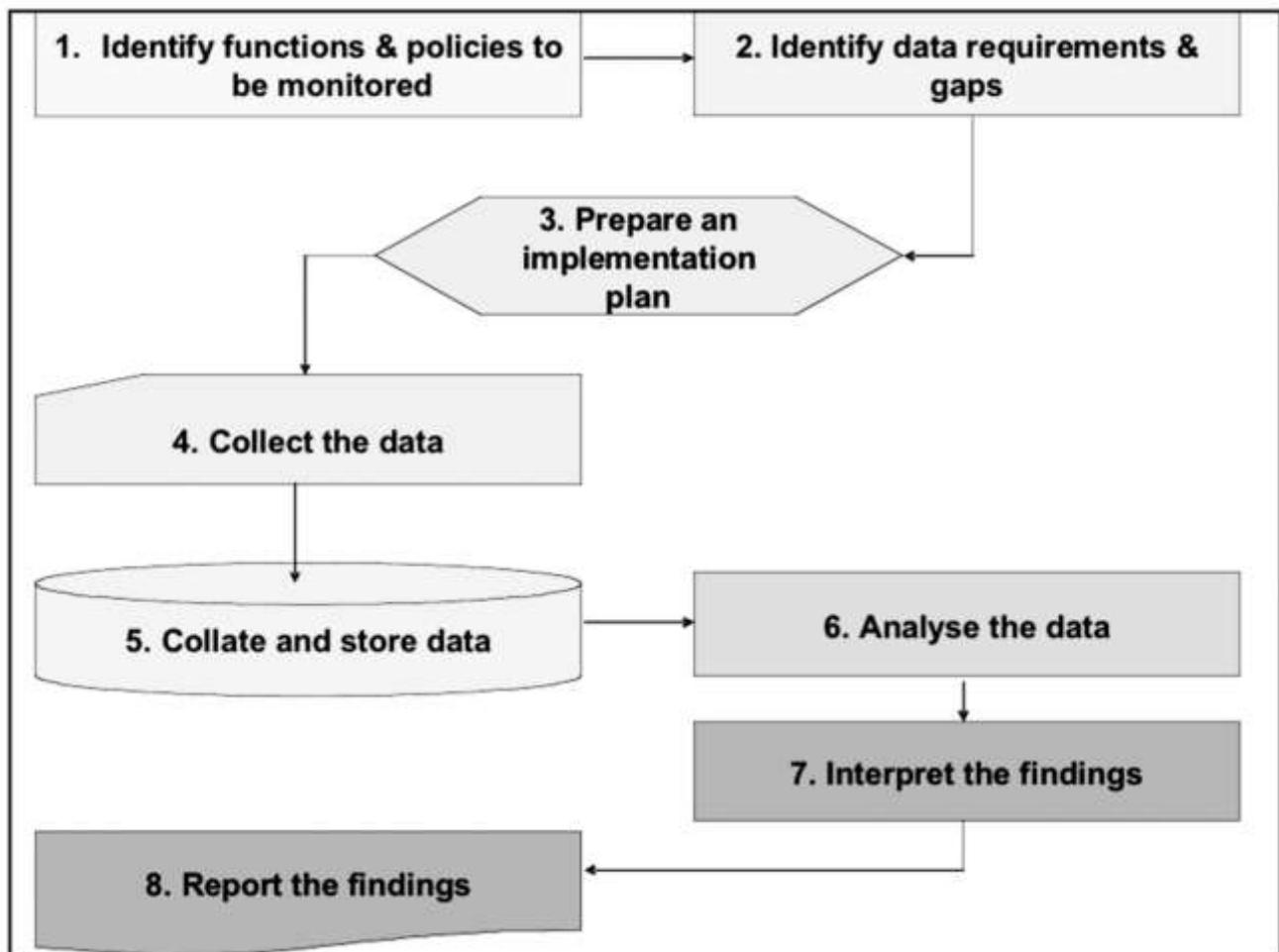
Equality Monitoring

- 1.5 Equality monitoring is the process of collecting, storing and analysing information that is relevant to, and necessary for, the purpose of promoting equality of opportunity between different categories of persons.
- 1.6 Both in employment and service delivery, monitoring enables the authority to identify or keep under review the existence or absence of equality of opportunity or treatment between different categories of persons. The basic purpose is to highlight possible inequalities, help to investigate why these might be occurring and whether action needs to be taken to remove any unfairness or disadvantage.
- 1.7 Equality monitoring is not solely about the collection of data. Nor should it be seen as an end in itself. Rather, monitoring provides a basis for positive action to promote equality of opportunity.
- 1.8 It is recognised that there is no 'one-size-fits-all' approach to equality monitoring for section 75 purposes. Over 250 public authorities have now been designated for section 75 purposes. The designated authorities are diverse and vary across a number of dimensions, including size of the organisation, geographic area served, functions and operational characteristics, and the composition of client or user groups.
- 1.9 This guidance document has been prepared to provide a framework within which public authorities can best make decisions about how to implement equality monitoring in performing their section 75 duties.
- 1.10 This guidance is advisory rather than prescriptive, and is aimed at helping public authorities meet their obligations under Section 75. Public authorities should use the guidance as an aid to meeting their section 75 duties.

Structure of the Guidance

1.11 The monitoring process typically involves a number of aspects as illustrated in the chart below.

Figure 1.1 The Monitoring Process



1.12 This Guidance has been structured around the monitoring process, as follows:

- Sections 1-2 cover strategic issues related to why the monitoring is necessary and what is to be monitored. The identification of functions and policies as well as data requirements and gaps are addressed in these sections of the guidance.
- Section 3 outlines the issues to be addressed in planning for the implementation of section 75 monitoring arrangements.
- Sections 4-7 focus on the remaining elements in the monitoring process, including data collection in employment and services,



data storage, analysis and the use and interpretation of data. These sections are of a more technical nature.

- A number of Appendices have also been prepared, to provide greater detail on specific topics.
- In particular, Appendix A provides a discussion of definitions and classifications in respect of each of the nine section 75 categories.

2 Why Monitor?

Designing an effective monitoring process requires clarity on the role and purpose of equality monitoring for section 75 purposes. This section begins by setting out the legal requirements. It then turns to the role that monitoring serves in performing the statutory duties, especially in mainstreaming equality within the organisation. The section highlights the importance of demonstrating relevance from the perspective of employees and service-users and the business case for monitoring.

Section 75 Requirements

- 2.1 Public authorities are required to prepare an equality scheme setting out how they propose fulfilling their section 75 duties¹, with reference to their functions carried out in Northern Ireland. In their equality schemes, public authorities must set out their arrangements for assessing and consulting on the likely impact of their policies on the promotion of equality of opportunity².
- 2.2 Authorities must also state their proposed arrangements for monitoring any adverse impact of policies adopted or proposed to be adopted³. This refers to all policies of the authority⁴.
- 2.3 The Act therefore places a clear onus on public authorities to put in place systems to collect relevant information and to make use of that information for assessing and monitoring the impact of their policies on the promotion of equality of opportunity.

¹ Schedule 9, part (4) (1).

² Schedule 9, part (4) (2) (b).

³ Schedule 9, part (4) (2) (c).

⁴ Guide to the Statutory Duties, p. 67.

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- 2.4 In devising an appropriate monitoring system, the authority will need to consider, in the first instance, the role and purpose of monitoring in performing the authority's section 75 duties. What are the equality issues associated with the functions that the authority perform? What are the questions that the authority's monitoring data will help it to answer? In short, what does equality of opportunity mean for the organisation?
- 2.5 The specific answers to these questions will vary from one authority to another, depending on the functions that they perform. But these are important questions to answer. First, the issues that need to be addressed will naturally shape the data that are required and the use and interpretation of the information gathered (see Appendix D for indicative data requirements associated with a range of service provision scenarios).
- 2.6 Second, in communicating with the groups to be monitored, the authority will need to explain the relevance of the monitoring. For example, if the authority needs to ask service-users or employees to self-identify their section 75 status, it has to give them a reason for asking⁵.
- 2.7 Finally, monitoring will obviously entail a resource cost. It will therefore be useful to take stock of the benefits to be obtained from equality monitoring. Alternatively, what is the business case for monitoring?

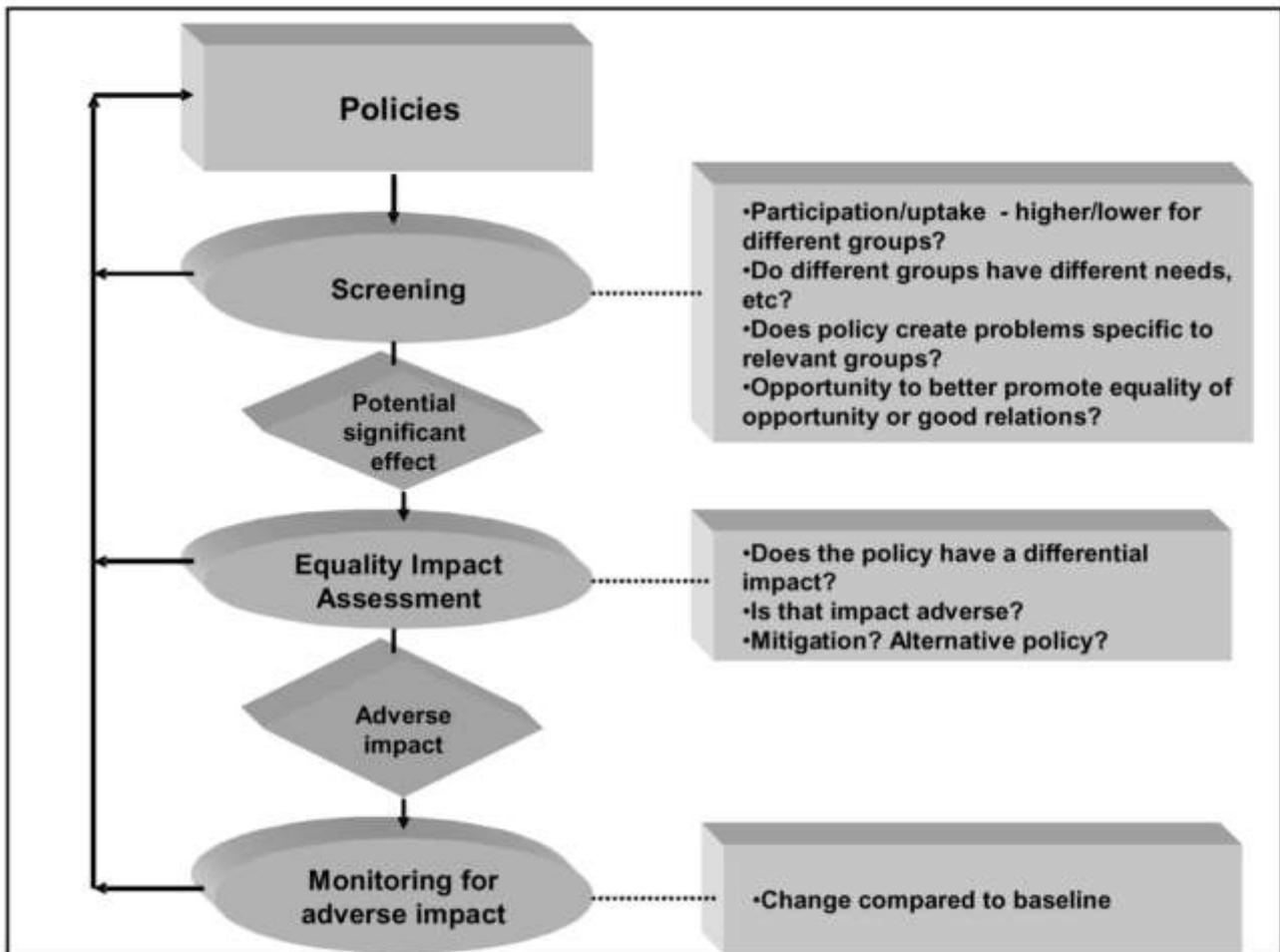
Mainstreaming the Statutory Duties

- 2.8 Section 75 provides three tools for integrating equality considerations into all stages of policy development and review, as follows:
- Screening.
 - Equality impact assessment (EQIA).
 - Monitoring for adverse impact.

⁵ In that event, you would also need to satisfy the fair processing requirements of the Data Protection Act 1998 – see Section 2.

2.9 As illustrated in Figure 1.2 below, the section 75 processes for screening, equality impact assessment and monitoring for adverse impact comprise different stages in the section 75 policy review cycle, where the central focus is on promoting equality of opportunity and good relations across all policies and functions on a continuous basis⁶.

Figure 1.2 The Section 75 Policy Review Cycle



2.10 The screening procedure enables organisations to ‘sift’ their policies to identify those that have the most significant impact on equality of opportunity and how these should be prioritised for EQIA. Screening helps to ensure that the resources required for an EQIA can be most efficiently and effectively deployed.

⁶ These procedures are described in detail in the ECNI’s *Guide to the Statutory Duties and Practical Guidance on Equality Impact Assessment*.

2.11 Policies should be screened in relation to the following four questions:

- **Participation/uptake.** Is there any indication or evidence of higher or lower participation or uptake by different groups?
- **Needs.** Is there any indication or evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?
- **Problems.** Have previous consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?
- **Opportunity.** Is there an opportunity to better promote equality of opportunity or good relations by altering the policy or working with others in government or in the larger community?

2.12 In considering the arrangements that need to be put in place to meet the information requirements of the section 75 policy review cycle, it is useful to focus on the four screening questions, for the following reasons:

- The screening questions provide an indication of the kinds of data that are required for identifying possible inequalities or potential differential effects of policies.
- Answering the screening questions requires evidence, which can be pulled through to the EQIA stage, to facilitate a closer investigation of whether and why a policy may be having an adverse impact and what can be done to remove any unfairness or disadvantage.
- The screening stage is at the front-end of the policy cycle. It would therefore be sensible to establish the baseline situation with respect to the section 75 categories at the screening stage, as a basis for assessing the effects of policy changes.

Benefits

2.13 The main benefit from an effective monitoring system is that it will enhance a public authority's capacity to perform its section 75 duties efficiently and effectively:

- Without an effective system for monitoring, the authority will not know how well its equality scheme is working.
- Monitoring provides an evidence base that can help the authority demonstrate that it has given due regard to equality.
- Monitoring can enable the authority to make better decisions about what actions would best improve equality of opportunity.

2.14 In addition, monitoring can help the public authority to:

- Identify barriers to good performance and actions for improving equality of opportunity and good relations.
- Review progress and adjust actions as appropriate.
- Set targets for improving outcomes.
- Benchmark against other comparable authorities.

2.15 The establishment of monitoring arrangements for addressing the four screening questions should have the added benefits of producing a more efficient and effective approach to equality impact assessment of those policies that are 'screened in' and constructing a baseline for monitoring adverse impact, where this is identified.

2.16 The development of equality monitoring arrangements that are appropriate to the size and nature of the organisation can, with careful shaping, meet both the demands of section 75 activities and broader strategic aims of organisational development.

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- 2.17 Broader monitoring of the workforce will provide data useful in promoting fairness and equality in the management and development of a more diverse and creative workforce. This may in turn help the authority to identify barriers that are preventing the authority from making use of available talent. It can also assist the authority in projecting an image of a fair employer and provide an evidence base to help protect the authority against complaints of discrimination.
- 2.18 Appropriate equality monitoring arrangements for services will provide data useful to developing and improving customer results, in terms of accessibility and equity of services, as well as helping to identify niche customer markets for service development e.g. migrant workers, people with disabilities.
- 2.19 For both effectiveness and efficiency reasons, organisations providing services to the public will typically seek information on patterns of utilisation by different segments of the population. This helps to better understand what people want from the services that the authority provides. In these circumstances, there is a mutually complementary relationship between the 'business case' for collecting such information and section 75 monitoring requirements. Marrying a public authority's 'business'/performance monitoring with the routine collection of section 75 data for equality monitoring will give an impetus to the mainstreaming of the statutory duty to promote equality of opportunity.
- 2.20 Finally, a focus on measuring participation, inclusion and diversity as well as the effects of policies can provide valuable data to demonstrate the impact the organisation is having on wider society. This will in turn serve to complement Government initiatives such as Lifetime Opportunities.

3 What to Monitor?

Monitoring efforts should be driven by and firmly linked to an authority's Equality Scheme and EQIA process. This section outlines the basis for prioritising functions and policies on which the monitoring effort should be focused. It also considers the steps to undertake a gap analysis, comparing data requirements for monitoring with the data that are currently available, which is necessary to establish appropriate monitoring arrangements. Various options for filling gaps are set out and as these may involve the collection of sensitive personal data important issues of privacy and data protection are also addressed, with further guidance in Appendix B.

Policies and Functions

- 3.1 Section 75 applies to all of an authority's functions, powers and duties performed in Northern Ireland and the policies, both written and unwritten, according to which those functions are carried out⁷. This includes both the functions that the authority carries out as an employer and in providing services.
- 3.2 The authority will therefore need to take a wide-ranging approach in establishing appropriate monitoring arrangements. The key factor to consider is the risk of failing to identify opportunities to better promote equal opportunity. In determining the extent and frequency of monitoring across functions and policies, this risk can be managed by prioritising, in the first instance, those policy areas that have been identified:
- In the authority's equality scheme as having most relevance to promoting equality of opportunity.
 - Through the EQIA process, as having the highest risk of adverse impact and/or present the opportunity to better promote equality of opportunity.

⁷ See *The Guide to the Statutory Duties*, pages 49-51.

3.3 The authority should also consider functions and policies where change is anticipated⁸, so that it is in a position to address the screening questions at an early stage in the policy review and development process.

Equality Categories

3.4 Section 75 identifies nine specific categories. All categories must be given consideration in terms of impacts, mitigation and alternative measures to better promote equality of opportunity. Hence, in developing monitoring arrangements, the authority will need to consider how to gather evidence in relation to each of the nine categories.

3.5 The best way of determining a person's sexual orientation, religious belief, political opinion, marital status, and so on, is to ask the person directly to classify themselves. For that reason, self-classification is the preferred method for collecting information on an individual's personal characteristics for the purpose of monitoring equality of opportunity.

3.6 It is, however, recognised that the use of self-classification raises significant issues around individuals' right to privacy, especially in situations where the information is requested directly; for example, through the use of a monitoring form for completion by service-users, job applicants, etc. Also, there are acknowledged concerns about the sensitivities associated with particular categories, notably sexual orientation and political opinion.

3.7 Authorities will need to give due consideration to these factors in deciding on a data collection methodology. The use of self-classification is well-established in the employment sphere, less so in the provision of services. From a practical perspective, account will need to be taken of the possibilities for data collection in particular service provision contexts. Alternative methods for gathering data by self-classification are further discussed in Section 6 of the guidance.

⁸ *The Guide to the Statutory Duties* sets out factors to be considered in prioritising policies for EQIA (page 64). These factors can also serve in prioritising monitoring for new or anticipated policies, as these will have to be screened in any event.

Definitions and Classifications

3.8 The Act does not specify a particular set of classifications for use in gathering evidence on the section 75 categories. In general terms, the factors to be considered in defining and classifying equality categories are as follows:

- **Relevance.** Is the definition relevant to the equality monitoring issues that the authority needs to address?
- **Comparability.** Can the classification be compared with an appropriate benchmark dataset? Whether participation/uptake is 'higher' or 'lower' in any given context can only really be answered relative to some measure of 'expected' participation/uptake.
- **Acceptability.** Is the question to be posed likely to be widely acceptable to those from whom data are to be requested?
- **Choice of options.** Do the classification options provide respondents with sufficient choice in terms of how they might be likely to perceive themselves?
- **Detail.** Does the classification provide sufficient detail for monitoring purposes?

3.9 Appendix A contains detailed guidance on definitions and classifications for each of the nine equality categories with reference to the above criteria. In a number of the equality categories, notably marital status, disability, racial group and religious belief, the guidance sets out options for consideration by public authorities in deciding on the most appropriate classification for their purposes. This is to reflect:

- The wide range of service provision scenarios in which authorities operate.
- The requirements of and existing practices in relation to anti-discrimination legislation, such as FETO and the DDA.

3.10 In considering the guidance set out in Appendix A, the authority will see that, for categories such as marital status, ethnic group and religious belief, the authority will need to decide on the level of detail to be used in collecting data. If in doubt, our recommendation is that the authority should use the more detailed set of classifications when asking people to self-identify their section 75 status, for the following reasons:

- A more detailed list offers greater choice, which may mean that people are more likely to find the question acceptable.
- Broad headings may hide important differences between groups.
- Greater flexibility in combining data into broader categories for statistical analysis and reporting, and also in undertaking impact analysis.

3.11 In sectors such as health and local government, it will also be useful to adopt a harmonised approach based on a common set of classifications to be used on a sector-wide basis.

Data Requirements

Key Issues

3.12 The information that the authority needs to collect for equality monitoring purposes will be shaped in the first instance by the priority areas identified in the authority's risk assessment of policies and functions. Within that context, a number of key issues need to be addressed at the outset in establishing equality monitoring arrangements. These are as follows:

- What questions does the authority want to answer?
- What data will the authority need to gather in order to answer these questions?
- What data are already available to or within the organisation?
- What data does the authority not have available?
- What are the options for collecting data, where gaps exist?

3.13 Appendix C provides examples of data requirements across a range of illustrative service provision scenarios.

Snap-shot or Linked Data?

3.14 In specifying the data that the authority needs to gather it should take into account how it wants to use and interpret the data. In particular, the authority needs to be clear on whether it will be using the data to:

- Provide 'snap-shot' profiles. For example, the section 75 characteristics of service-users⁹ and/or whether levels of satisfaction vary according to participants' section 75 attributes¹⁰.
- Link participants' attributes to information collected via administrative systems on outcomes from participation in, or uptake of a service or function.

3.15 The distinction between snap-shot data and information that can be linked to outcomes recorded on administrative systems is important to consider at an early stage:

- Information that can be linked will require some form of **tracking of participation** through different stages of delivery of a function or programme. In their capacity as employers, authorities will already be collecting such data in meeting their FETO monitoring obligations.
- **Snap-shot data** are collected to illustrate the position at a point in time. When the data are collected and compiled at regular intervals they can be used to track trends in the population or amongst those who use a service.

⁹ That is, the percentage of service users who are male /female, with/without a disability, from a minority ethnic group, etc.

¹⁰ Are there significant differences in satisfaction levels between those with and without a disability, etc?

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- 3.16 The two types of data differ in a number of important respects. First, if data are to be linked to outcomes, this is likely to require 'point-of-use' data collection; that is, where service-users are asked to classify themselves according to some or all of the section 75 categories. A wider array of options is available for collecting snap-shot data, including user and/or population surveys in addition to point-of-use monitoring.
- 3.17 Second, it is not possible to strictly anonymise linked data. While data collected for equality monitoring purposes can be stored separately from administrative systems, it would be necessary for the equality data to have a personal identifier to facilitate tracking and linking back to relevant outcomes. By contrast, snap-shot data are capable of being anonymised for the purposes of statistical analysis.
- 3.18 When data can be linked to an identified individual (either by name or a personal identifier) they become personal data and are subject to the requirements of the Data Protection Act 1998 (see below). Anonymised data are outside the scope of the Data Protection Act. Though, anonymising personal data is in itself processing and care must be taken to ensure compliance with the DPA.
- 3.19 When specifying the data that the authority will need to gather, the authority should also consider whether it will need to address multiple identity issues; for example, the proportion of those accessing services who are both married and with dependent children.
- 3.20 Where multiple identity issues need to be addressed, the authority will need to consider collecting monitoring data from individual participants.

The Gap Analysis

- 3.21 Once the authority has specified information requirements for equality monitoring purposes, the next step is to identify the information that is already available to the organisation. The current availability of information should then be compared with the specification of data requirements, to identify the gaps that need to be filled.

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- 3.22 In assessing the current availability of information, the authority will want to make best use of what it already has. Personal data such as age and sex are often collected as a matter of routine in performing various functions, including both service delivery and human resources. Data items such as postcodes should also be noted in taking stock of current data availability, as these may serve as useful proxy indicators for monitoring purposes (further discussed in Section 6).
- 3.23 It will also be important to consider the quality of data that are available, in respect of completeness and relevance to the section 75 classifications that the authority wishes to use. The assessment of data quality is addressed in Section 7.
- 3.24 A final point in assessing data availability is to determine whether the information is actually available for equality monitoring purposes. In particular, the authority will need to consider the requirements of the Data Protection Act 1998 (see Appendix B and later in this Section); individuals supplying personal data should be told for what purposes it will be used.

Filling the Gaps

- 3.25 When the authority has compared current data availability with equality monitoring data requirements, the next step is to identify the data options for filling the gaps.
- 3.26 In human resource monitoring, the use of a self-completed monitoring form will generally be the most appropriate (see Section 5). In service functions, a range of possibilities exist for collecting monitoring data, both quantitative and qualitative. These are discussed in Section 6 below.

Gap analysis: Identifying data requirements

- Divide the functions of the organisation into manageable, discrete categories. For example, for a council these might include human resources, leisure, environment and services.
- Map out the information that is already collected from existing systems and which is relevant to data requirements. This includes administrative data (including complaints) and bespoke surveys (population and user), as well as data collected by other authorities and that are shared with the organisation.
- Identify the existing information that is actually available for equality monitoring purposes, having regard to data protection/privacy issues.
- Assess the quality (e.g. completeness, classifications) and accessibility of the information that is actually available – is this fit for the purpose of equality monitoring?
- Work out where the gaps are, having regard to what is actually available and fit for purpose. In the first instance, prioritise the gaps in relation to risk assessment of policies to be monitored (e.g. refer to equality scheme, EQIAs).
- Identify the options for filling the gaps, including modifications to existing systems; adaptation of user and/or population surveys; introduction of new point-of-use monitoring arrangements; secondary data sources.
- Appraise the options - what is necessary for the authority's purposes? Costs of modifying existing systems and/or introducing new arrangements? Training requirements?
- Decide on the way forward.

Role of the Monitoring

3.27 In deciding on the arrangements that need to be put in place to meet the authority's data requirements, the authority will need to take into account the role that the monitoring will play within each of the priority areas identified by the organisation. For any given policy or function, that role will depend on whether the data are to help the authority for screening or monitoring for adverse impact.

Screening

3.28 In those areas where the monitoring is being implemented to ensure the ready availability of evidence for screening existing or new policies, the minimum requirement is that the information collected should be sufficient to provide indication or warning of risks to the promotion of equality of opportunity.

3.29 In meeting that requirement, a **mixed approach to data collection** may prove to be the most cost-effective. Such an approach could include one or more of the following:

- **Existing administrative data sources.** For example, information on age and gender is often sought from service-users.
- **Direct data collection**, that is, asking people to self-classify, whether at the point of use or through a survey of users or the population.
- **Indirect or proxy indicators** for the composition of groups affected by a service, such as postcodes as a proxy for religion and/or political opinion.
- **Qualitative data**, such as targeted consultations and regular focus groups.

3.30 For any given policy or function, the arrangements that the authority put in place for screening purposes should be proportional to the risk of failing to identify opportunities to better promote equal opportunity.

Monitoring for Adverse Impact

- 3.31 With specific reference to Stage 7 of the EQIA process¹¹, monitoring for adverse impact necessarily occurs in a situation where risks to the promotion of equal opportunity have been specifically identified. This places greater demands on the robustness of the data to be collected.
- 3.32 While the range of data sources and methods in the mixed approach described above are also available in monitoring for adverse impact, direct data collection via self-classification is likely to be the preferred option. This is because self-classification is the most accurate way of determining a person's section 75 characteristics.
- 3.33 The information collected should enable the authority to identify changes that may have occurred over a two-year period, when compared with the baseline, to identify if the relevant policy results in greater adverse impact than predicted or if opportunities arise which would allow for greater equality of opportunity to be promoted.
- 3.34 Of course, there may be circumstances where the role of the monitoring evolves over time. For example, the screening data may signal the risk of an adverse impact in a particular policy area. If this is confirmed through the EQIA process, the data collection arrangements would need to be modified appropriately.
- 3.35 In discussing data collection methods in Section 6, the role of the monitoring is one of the criteria for appraising the most appropriate data collection method.

¹¹ Guide to the Statutory Duties, Annex 1, para 7.2, relating to stage 7 of the EQIA process.

Data Protection and Privacy

- 3.36 The data collection arrangements that the authority put in place must be consistent with the Data Protection Act 1998 (DPA), which provides for the processing of information relating to living individuals, including the obtaining, holding, use or disclosure of such information. Appendix B lists the eight Principles of the DPA and reproduces good practice notes from the Information Commissioner's office.
- 3.37 The provision of information for section 75 purposes is *voluntary*. Whether the authority is collecting personal data for monitoring employment or services, individuals should be informed that they do not have to provide the information. This must be stated in any preamble to an equality monitoring form.
- 3.38 The DPA requires that personal data are processed fairly and lawfully. Personal information relating to religious belief, political opinion, racial or ethnic group, physical or mental health or condition, and sexual orientation are defined as sensitive in the DPA. Any processing of personal information, whether sensitive or not, must comply with the Data Protection Act.
- 3.39 The DPA does not prevent public authorities from collecting personal data for the purpose of equality monitoring in relation to section 75. As it is designed to protect individuals' privacy, the DPA facilitates equality monitoring because it sets out a framework for processing personal data, including sensitive personal data, so long as the Principles of the DPA are respected.
- 3.40 A public authority will need to demonstrate that the processing of personal data is necessary in any particular case, that is, required and not merely desirable. This emphasises the importance of undertaking a gap analysis and making best use of the information that the authority already have.

3.41 Consideration of whether the processing is necessary also reiterates the importance of having a clear rationale for asking individuals to disclose sensitive personal data. For example, suppose that an organisation can demonstrate, through existing secondary research evidence, that there are no significant differentials in participation and uptake within and across the section 75 categories. In such a circumstance, it may not be necessary to intrude on people's privacy by posing sensitive personal questions directly to clients and service-users. Such considerations should emerge from the risk assessment for prioritising policy areas, and associated functions, for equality monitoring.

3.42 Public authorities must also ensure that the processing is fair. The fair processing requirements of the DPA require that, when collecting personal data, public authorities should seek to ensure, so far as this is practicable, that those providing the information are told¹²:

- Who is collecting the data.
- Why the data are being collected, that is, the purpose or purposes for which the data are intended to be processed.
- Any further information which is necessary, taking into account the specific circumstances in which the data are to be processed, to enable processing in respect of the data subject to be fair.

3.43 Further information that should be given would include assurances regarding the confidentiality of the information being provided. Intended disclosures also come under the heading of any further information. Individuals should not be misled as to the purposes of the processing. If the processing is solely for section 75 purposes, this should be made clear. If it is for dual purposes, any fair processing notice should reflect this.

¹² For more detailed information on fair processing, see Information Commissioner's Office *Legal Guidance* on the Data Protection Act, para 3.17.

- 3.44 Consent is not required if there is an alternative condition for processing under Schedule 2 and, for sensitive personal data, schedule 3 of the Data Protection Act. In the case of section 75 monitoring, such an alternative exists, that is, where the processing is necessary for the exercise of any functions conferred on any person by or under any enactment. This is both a schedule 2 and schedule 3 condition. Though, a public authority cannot compel an individual to provide the information.
- 3.45 When collected for section 75 purposes, an individual's sensitive personal data cannot be disclosed under the Freedom of Information Act. An authority could, however, be required to disclose aggregate monitoring statistics, so long as the statistics do not identify any particular individual.
- 3.46 Anonymous data are unlikely to be subject to the Data Protection Act; for example, information that is:
- Gathered through a user survey or a staff survey which is suitably anonymised so that it cannot be traced to individuals.
 - Comprised of aggregate tables, such as frequency counts and percentages, so long as no individual's identify is disclosed.

Summary of Key Points

- 3.47 In establishing monitoring arrangements, it will be necessary to first go through the process of:
- Prioritising polices on which the monitoring effort should be targeted.
 - Scoping of data availability.
 - The gap analysis.
- 3.48 There will generally be options for filling gaps in data availability. Costs will be a factor to consider in choosing the most appropriate way forward for meeting the authority's data requirements.



- 3.49 Implementing equality monitoring arrangements may best be done with a phased approach, depending on the nature of the gaps to be filled and the steps that need to be taken in meeting data requirements for equality monitoring.
- 3.50 In a phased approach, it will be useful to identify ‘quick wins’, particularly where data collection for equality monitoring can be readily grafted onto existing mainstream arrangements for performance monitoring. This can have the added benefit of providing an opportunity to build capacity – in data collection, use and interpretation – and to establish or ‘bed in’ the monitoring effort.
- 3.51 Finally, if the authority’s monitoring arrangements include the processing of personal data, the authority will need to ensure that it meets the requirements of the Data Protection Act.

4 Implementation

Equality monitoring needs to be well planned in advance of implementation. This section highlights the issues to be considered, including preparatory steps, communication, training and implementation planning. The benefits of a co-ordinated approach are also identified, particularly in those sectors most directly affected by the Review of Public Administration.

Key Issues

- 4.1 The implementation of equality monitoring arrangements requires careful preparation and planning. In deciding on an implementation plan, the following key issues will need to be addressed:
- **Policy context.** What is to be monitored and why? What are the priority areas?
 - **Data collection.** What information needs to be collected? Who is to collect the information, when, how and from whom?
 - **Data storage.** How will the data be stored once it has been collected? Responsibility will need to be clearly assigned. In the case of personal data, the authority should ensure that it satisfies the seventh principle of the Data Protection Act, regarding the security of systems, confidentiality of the data and who will have access to the data.
 - **Analysis.** What questions does the authority want the monitoring data to answer? At what level of detail? Appropriate benchmark datasets should be established against which monitoring data can be compared. Again, roles and responsibilities need to be clearly defined.
 - **Reporting.** Who will be responsible for preparing reports? Who will the reports go to, in what format, and for what purpose? Who will have responsibility for acting on the reports?

- **Resources.** What resources are currently required? What resources are available? What resources will be required in the foreseeable future?

Preparation

4.2 Where the approach to monitoring is based on self-classification, and especially point-of-use monitoring, the authority will need to address the following issues:

- **Organisational support.** How will the authority gain the understanding, commitment and trust of managers, employees, trade unions (or other staff associations) and ‘frontline’ staff (those who deal with the public)? This will require consultation and staff training.
- **Community support.** How will the authority win the understanding, commitment and trust of people who use services? This is likely to require communication with representatives of affected groups or relevant agencies.
- **Classifications.** What classifications will the authority use? This guidance includes a set of suggested classifications for monitoring purposes. It must, however, be appreciated that no classification system is perfect. For example, some people may not find a category with which they can identify. Write-in responses provide a means of managing this risk. If in doubt the authority should consult with representatives of affected groups or relevant agencies.
- **The questionnaire.** What questions will the authority ask? In addition to deciding on a set of questions, the authority will also need to explain why the information is being collected and ensure that the fair processing requirements of the DPA are met. Persons supplying information should know that this is entirely voluntary.
- **Pilot.** Will the authority run a pilot data collection exercise? The authority will find this useful in gauging likely response rates, and identifying concerns that need to be allayed.

- **Vulnerable groups.** What policies and guidelines will the authority need to develop for monitoring children and vulnerable groups?
- **Data protection.** What modifications will need to be made to current data protection policies? In the context of workforce monitoring, the authority should refer to the Information Commissioner's Office *Guidance on Employment Practices*.
- **Help and advice.** Where can the authority get this? For example, the NHS has developed a number of aids to ethnic monitoring, including FAQs for staff and patients as well as training materials¹³.

Communication

- 4.3 Communication with affected groups, whether locally or regionally, is likely to be useful in laying the ground for a good response rate when collecting monitoring data directly from service-users.
- 4.4 The issues to be covered include:
- The role and purpose of the monitoring.
 - Why it is being introduced.
 - The proposed classifications.
 - What will happen to the equality monitoring data once it is collected?
 - Ensuring confidentiality of the equality monitoring data.
 - The use that will be made of the information collected.

¹³ See, for example, the NHS Wales website:
<http://www.wales.nhs.uk/sites3/page.cfm?orgid=256&pid=12616>.

- 4.5 The last point is particularly important when communicating with groups representing smaller minority communities. The *Equality Monitoring Research Project* reported a degree of distrust of quantitative monitoring reflecting a view that, where a community is small in numbers, monitoring would simply act to highlight this. In such circumstances, the authority should seek to reassure affected groups that the monitoring data would be firmly focused on helping to enhance equality of opportunity, develop good practice and bring about improvements.

Training

- 4.6 Training and information is an important ingredient in a successful monitoring strategy. This is particularly true when monitoring at the point of use and gathering information via self-classification. Staff should understand its purpose and the broader context, including what they may have to do and why.
- 4.7 At the very minimum, staff will need to be able to deal with queries in respect of DPA fair processing requirements.
- 4.8 The key issues that will need to be covered by training are likely to include:
- The purpose of the monitoring – what is it and why is it being introduced.
 - Relevance to their particular service area.
 - Dealing with questions from the public.
 - The process of gathering information.
 - How the information will be used.

Implementation Planning

- 4.9 A clear implementation plan will be needed to facilitate the successful introduction of an equality monitoring process. In addition to the key issues outlined above, this will need to address the following:

- **Timescales.** The staging of the approach to gathering information, analysis and reporting.
- **Roles and responsibilities.** Who is going to do what and when?
- **Training.** Which staff will require training? Who is going to provide it? How will it be funded? How will future appointees receive training?
- **Information systems.** Do existing or planned systems need to be modified?
- **Update and review.** Systems put in place need to be updated and reviewed, to ensure accuracy and relevance of the information being collected.

4.10 Senior management will need to be signed up to the implementation plan. Implementation may proceed more smoothly where the monitoring has a ‘champion’ within relevant service areas. However, the authority will need to be careful that the monitoring does not become dependent on the ‘champion’ role, as it may then be vulnerable to changes in personnel.

Co-ordination

4.11 While each public authority designated for the purposes of section 75 must produce its own equality scheme, a harmonised approach across sectors is likely to be of benefit, with particular reference to:

- **Definitions and classifications.** While the details may vary according to local and sectoral circumstances, the suggested classifications in this guidance provide a framework for achieving consistency in the approach.
- **Comparator datasets.** This includes the use of population surveys such as the LFS, FRS and CHS (see Appendix E). In addition, in sectors such as local government and health and social services, there is an opportunity to build comparator datasets from the accumulation of monitoring data by individual authorities.

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- **Data collection methods.** A consistent approach will facilitate comparisons across public authorities within the same sectors.

4.12 A harmonised approach will be of considerable benefit in those sectors most directly affected by the Review of Public Administration (RPA). This is particularly the case where the configuration of public authorities is set to change. In sectors such as local government and health and social services, it will be important to manage the transition to the new arrangements. The risk of not adopting a harmonised approach is that information accumulated under the current arrangements is lost and new systems have to be devised from scratch. Adopting a harmonised approach therefore provides an opportunity for those public authorities most directly affected by the RPA.

4.13 Finally, we would emphasise the importance of networking, both across and within sectors. This provides an opportunity for sharing experiences and lessons from the implementation of monitoring arrangements. Smaller public bodies stand to benefit from a pooling of expertise and knowledge.

5 Data Collection: Employment

This Section discusses data collection for employment monitoring under the headings data requirements, current legislative framework, the categories to be monitored, definitions and classifications, monitoring applicants and appointees, workforce monitoring and data requirements.

5.1 In the employment context:

- **The quantitative data requirements are well specified**, that is, the characteristics of applicants and current employees.
- **The data collection possibilities are well-defined.** The requirements can readily be communicated to the existing workforce and job applicants, and data can be provided on a private and confidential basis.
- **Equality monitoring is already well established.** Systematic monitoring of the workforce by religion and gender was introduced as a legal requirement on foot of the Fair Employment Act 1989.
- **Equality monitoring data are already collected by means of self-classification.**

5.2 It is therefore useful to briefly reflect on the current legislative framework. This affects current data availability, and section 75 monitoring needs to be placed within the context of existing arrangements.

Current Legislative Framework

5.3 Northern Ireland's equality law currently covers religious belief, political opinion, sex, marital status, disability, race, sexual orientation and age. There are some significant and discrete differences between the equality and anti-discrimination legislative provisions in Northern Ireland.

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- 5.4 Under fair employment legislation, specified public authorities have a legal duty to monitor the community composition and gender of their workforce. For advice on the requirements of the Fair Employment (Monitoring) Regulations (NI) 1999, the authority should refer to the Commission's publication *A Step by Step Guide to Monitoring*.
- 5.5 While the legislation covering disability, race, sex, age and sexual orientation does not include statutory monitoring, regular monitoring is recommended in the associated Codes of Practice and Commission guidance.
- 5.6 Reflecting the legislative framework, the majority of public authorities already collect some information on the characteristics of applicants for employment and their workforce, typically age, gender, disability, racial group, religion/community background and marital status. This will clearly serve to facilitate section 75 monitoring in two important respects:
- The availability of data.
 - Arrangements already in place for collecting, storing and analysing monitoring data.
- 5.7 It is, however, important to appreciate the difference between section 75 and anti-discrimination legislation. Section 75 serves as a vehicle for mainstreaming equality of opportunity considerations into an authority's policies and practices. The focus is on *groups* of people and whether policy and practice is sensitive to differences in needs and experiences, as well as opportunities for access to employment, progression, etc.
- 5.8 Anti-discrimination legislation gives rights to *individuals*, which they may choose to exercise at a tribunal or a court of law.
- 5.9 This difference affects both the use and interpretation of monitoring data and the level of detail that the authority will require for section 75 monitoring, which may differ from what is necessary for other legislative purposes.
- 5.10 For example, in monitoring for disability, the authority will want to assess whether disabled people as a group have the same opportunities compared to non-disabled people. This could include collecting statistical evidence to compare the share of disabled people in the authority's workforce with an appropriate benchmark dataset.

- 5.11 As the DRC points out in its guidance on the Disability Equality Duty for authorities in Great Britain, a greater level of detail is required to ensure that, for example, an employer meets their responsibilities under the DDA towards an individual person with a disability.
- 5.12 Nonetheless, the collection and analysis of data for section 75 purposes should be complementary to the objectives of other equality legislation. For example, monitoring for section 75 purposes may provide evidence that the authority is a fair employer, providing equal opportunities to all regardless of their characteristics.

Categories to be Monitored

- 5.13 The Commission acknowledges the sensitivities surrounding the collection of monitoring information in relation to sexual orientation. In compiling the evidence base for this guidance, the issue of monitoring sexual orientation was examined in the *Equality Monitoring Research Project*¹⁴. The following findings from the research are of particular note in monitoring sexual orientation:
- The increasing number of survey and monitoring scenarios in which sexual orientation data have been collected. The lesson is that the introduction of sexual orientation monitoring in employment may be less daunting than authorities might expect.
 - The collection of sexual orientation data is best done through self-completion of a monitoring form in private, with appropriate assurances regarding the confidentiality and security of the data provided. This is a scenario that is well-suited to the employment context.
- 5.14 The research evidence would also suggest that there may be a degree of under-reporting by lesbian, gay and bisexual (LGB) persons. Authorities may therefore anticipate a period of ‘bedding-in’ of sexual orientation monitoring. In that regard, employers should strive to create a workplace culture in which employees are not fearful of disclosing their sexual orientation.

¹⁴ Dignan, 2005, paras 4.49-4.53. See also pp 188-193.

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- 5.15 As with any equality monitoring, people from whom information on sexual orientation is sought need to be told why they are being asked. In that regard, it can be noted that the Commission's research evidence indicates that a majority of the NI population (53%) agreed that gay, lesbian and bisexual people are generally treated unfairly when compared with other groups in Northern Ireland¹⁵.
- 5.16 Political opinion is also acknowledged to be a sensitive topic. In addition, it is difficult to specify a single question approach that could be accommodated within an equality monitoring form. As outlined in the discussion of classifications in Appendix A, this category may best be approached by using methods other than self-classification. When defined in terms of the unionist/nationalist divide, community background and/or location are useful proxy indicators. Though, with this approach, it is important that proxy indicators are not used to classify individuals. Rather, they should serve to indicate treatment of a group of persons e.g. all applicants for employment within a specified time period.

Classifications

- 5.17 Appendix A presents suggested definitions and classifications for the section 75 categories. In some categories, there are options for use in a monitoring questionnaire. The options reflect various considerations, including existing legislative requirements and associated practice.
- 5.18 When choosing a set of classifications for section 75 purposes the authority should bear in mind the third principle of the DPA: "Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed". The following points can be noted.

¹⁵ Equality Commission, 2005c, p. 42.

Religious belief

- 5.19 The Fair Employment and Treatment Order (FETO) regulations require the collection of information by community background. For any employment-related function or policy that comes within the scope of FETO, such as recruitment, selection and promotion, the community background classification is the *only* permissible classification for monitoring by religious belief. Furthermore, authorities are only permitted to re-monitor community background where the Commission directs that this should be done.
- 5.20 Authorities will have greater discretion in deciding how to monitor by religious belief in relation to other aspects of employment monitoring, such as a staff attitudes survey, so long as *the function or policy is not encompassed by FETO*.

Racial Group

- 5.21 The ethnic group classification is unlikely to capture information on, for example, migrant workers from other parts of the European Union. Authorities will need to consider including nationality or country of birth in addition to ethnic group.

Marital status

- 5.22 Authorities will need to consider how detailed the information they collect needs to be. The authority will also need to capture the new civil partnership status. In general, the minimum requirement is to be able to distinguish those who are married/in a civil partnership from those who are not.

Age

- 5.23 Presently, information on persons making an application for employment is sought on the main application form. This may need to be asked in the authority's equality monitoring form. Date of birth is preferable to the use of age bands.

Applicants and Appointees

- 5.24 The collection of personal data from job applicants for section 75 purposes is best done by means of an equal opportunities monitoring questionnaire attached to the main application form. Once the equality data are collected, they can be stored separately from the main body of the application form, with access suitably restricted. For most public authorities, this can be done by modifying existing systems. The Information Commissioner's Office *Employment Practices Code* points to the use of an appropriate level of staff to handle such data.
- 5.25 The provision of information for section 75 purposes is voluntary and applicants should be informed that *they do not have to provide the information*.
- 5.26 Currently, the main application form will usually ask for date of birth. Age may also be included in the equal opportunities form and it can be noted that the Commission's draft consultation document on good practice for employers in relation to the new age discrimination regulations recommends that employers consider placing questions about date of birth/age within a diversity/equal opportunities monitoring form to be retained by human resources/personnel (ECNI, 2006b, page 44).
- 5.27 In monitoring sexual orientation, the authority could initially include an option such as 'I do not wish to answer this question'. This will allow the authority to monitor response rates. Over time, as the monitoring beds in, it may become less necessary to give this option, and this should be kept under review.
- 5.28 Information on the characteristics of applicants is relevant because the authority will then be able to compare the profile of those applying to the organisation with a relevant comparator dataset (see Appendix C). For example, is the authority attracting applications from people with a disability in proportion to the potential supply of labour?

5.29 Outcomes from the recruitment process are also of interest, including both intermediate outcomes such as short-listing, and final outcomes such as appointments. This means that the monitoring will need to incorporate some form of tracking, typically through the assignment of a unique identifier or reference number to the equality monitoring form for linking back to recruitment outcome data. Access to the equality monitoring personal data for that purpose will also need to be suitably restricted.

Workforce Monitoring

- 5.30 The monitoring of job applicants provides equality information on those who are selected to fill vacant positions. But this is generally not going to be sufficient to provide a complete picture of the authority's workforce.
- 5.31 Administrative systems will usually contain information on a person's age. Reflecting the requirements of the Fair Employment legislation, public authorities generally also have good information for their current employees with respect to community background and gender.
- 5.32 For the remaining section 75 equality categories, it is generally necessary to undertake a staff survey to establish the baseline position at the time that the monitoring is first introduced.
- 5.33 It will also be important to ensure that the ground is carefully prepared. Maximising response rates is important and the authority should explain to all staff why the authority needs to collect the information and what will be done with it. The authority should also keep managers, trade unions and any staff associations fully informed, and consult with them throughout the process. This includes the categories to be monitored and the choice of a classification system. Individuals will be reassured if they know that the processing meets the requirements of the Data Protection Act.
- 5.34 Some categories are subject to change over time, such as disability, marital status and whether a person has dependants or not. This can be managed in two ways:
- Asking employees to let the authority know if their circumstances change.
 - Periodic up-date surveys.

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- 5.35 The latter option is likely to be the more robust approach, particularly in larger organisations, to maintain the accuracy of the monitoring data for the workforce as a whole. In that regard, it should be noted that the fourth principle of the DPA stipulates that ‘personal data shall be accurate and, where necessary, kept up to date’.
- 5.36 Workforce surveys could be conducted on a ‘snap-shot’ basis, to provide an up-to-date profile of current employees. It is possible to collect snap-shot data on an anonymous basis. But this would be likely to unduly limit the potential contribution of workforce data in screening and undertaking EQIAs. This is because anonymous data could not then be linked to administrative data relevant to the assessment of policy and practice issues such as appraisals, pay, training, flexible working, and so on.
- 5.37 The timing of update surveys is likely to vary from one organisation to another, depending on the rate of staff turnover. A judgement will need to be made on the most appropriate choice of interval.
- 5.38 Where data are not collected on an anonymous basis, confidentiality must be guaranteed. Reports compiled from non-anonymised data must ensure that individuals cannot be identified.
- 5.39 The authority should also take into account the Employment Practices Code issued by the Information Commissioner’s Office in respect of data protection, which includes key points and possible actions for equal opportunities monitoring.

6 Data Collection: Services

Methods used for collecting information about the section 75 status of service users can be divided into three broad groups: Direct methods, Indirect methods and Qualitative methods. This section provides guidance on the use and applicability of each of the above methods. It should be noted the main focus is on direct methods and the section concludes by outlining criteria for choosing between the available options.

Direct Methods

6.1 The direct methods that can be used to collect information on the section 75 characteristics of service-users comprise:

- Routine administrative data collection.
- Equality monitoring forms or questionnaires.
- User surveys.

Administrative Data

6.2 The term 'routine administrative data' refers to the items of information that are requested from service users on a 'need to know' basis because of their direct relevance to service delivery. For example, in order to determine entitlement to a State pension, it is necessary to know a person's age and sex.

6.3 Administrative data collected for service delivery purposes will generally not include all of the section 75 categories. Where sensitive personal data¹⁶ are collected for administrative purposes, the data may not actually be available for further processing for equality monitoring purposes.

6.4 One option for filling the resulting gaps is to gather data via an equality monitoring form or a user/exit survey.

¹⁶ See para 2.36 for a list of the sensitive personal data categories in the Data Protection Act.

User/Exit Surveys

- 6.5 User or exit surveys collect information on the section 75 characteristics of a sample of those using and/or benefiting from a service; for example, by adding section 75 profile questions to a customer satisfaction survey.
- 6.6 The use of such surveys for collecting section 75 data provides an opportunity to integrate equality monitoring into mainstream performance monitoring.
- 6.7 Where the data are collected on an anonymised basis, as is often the case, user or exit surveys serve to provide snap-shot profiles, but such data could not then be linked into administrative data for tracking outcomes.

Equality Monitoring Forms

Purpose

- 6.8 Equality monitoring forms entail the collection of information for the specific purpose of equal opportunities monitoring. This may be done, for example, by means of a short questionnaire attached to an application form, whereby individuals are asked to self-classify themselves according to some or all of the nine categories.

Data Protection

- 6.9 The use of a monitoring form must adhere to the fair processing requirements of the DPA in the collection, storage and analysis of the data. When personal data are collected from individuals by means of a monitoring form, they must be explicitly informed that the information will be used for the purpose of equal opportunities monitoring. They must be told how their data will be processed and any intended disclosures. They should also be told that the monitoring is voluntary.
- 6.10 Individuals supplying such data would also need to be assured that the information they supply will not in any way be taken into account in assessing their eligibility for, or entitlement to, the services supplied by the authority requesting the information.

6.11 Equality monitoring forms can also be used in situations where the authority deals directly with organisations, rather than individuals. For example, an organisation applying for or receiving grant-aid may be asked to provide information on who benefits from, or is expected to benefit from, their activities. If the information is supplied in anonymised form, as is typically the case, the DPA does not apply. This approach does have its own difficulties, as discussed below.

Administration

6.12 Equality monitoring forms for collecting data via self-classification at the point of use can be administered in a number of ways, including:

- **Assisted self-completion.** This is where a service user completes a monitoring form along with other forms that may be relevant, where the process is assisted or facilitated by the service provider.
- **Private self-completion.** The service user completes a monitoring form in private, along with other forms (e.g. application for enrolment) that may be relevant, but without face-to-face interaction with the service provider.
- **Postal self-completion.** The service user is issued with a monitoring form to be completed and returned by post. Again, the service user can complete the form in private, but the monitoring is separate from completion of other forms to do with the service being provided (e.g. a complaint).

When to Ask

6.13 In principle, each of the foregoing methods can be employed at the initial point of contact with the service-user or at some later stage, such as when the interaction has been completed. Where contact is ongoing, the initial point of contact is best, in terms of efficiency of the data collection effort, particularly if there are multiple stages in the delivery of the service; for example, the application, selection and graduation/qualification stages in education and training. In other circumstances, it may only be possible to follow-up after the event e.g. an emergency incident such as a fire.

Categories

- 6.14 Self-completion in private is a major factor facilitating the inclusion of the most sensitive categories, including sexual orientation and political opinion. Where staff are more directly involved in the data collection, the element of privacy is much reduced.
- 6.15 The categories of sexual orientation and political opinion should only be included on a monitoring form in situations where respondents can self-complete in private.

Example - Categories included on equality monitoring forms: Existing practice

In the case studies undertaken for the *Equality Monitoring Research Project*, a number of service provision scenarios were reported in which authorities asked about all nine categories. These occurred in situations where the respondent could self-complete in private. In the absence of private self-completion, monitoring forms typically included seven categories, invariably omitting political opinion and sexual orientation. *Source: Dignan, 2005. See especially pages 93-102.*

Managing the Quality

- 6.16 Quality is important and will need to be managed. The following factors should be borne in mind when using equality monitoring forms:
- **Response rates**¹⁷. Assisted self-completion would appear to provide the highest response rate, where the service provider can encourage and support the process. Postal self-completion would appear to provide the lowest response rate.
 - **Staff training.** Assisted self-completion requires staff training in administering the data collection process.
 - **Relevance and rationale.** People are more likely to respond where the reasons for collecting the information are explained and can be shown to be relevant to what the authority does.

¹⁷ That is, the number providing information as a percentage of those from whom information is requested.

Indirect Methods

6.17 Indirect methods fall under two main headings; other-classification and proxy indicators.

Other-classification

6.18 Other-classification occurs where someone other than the individual concerned makes a judgement regarding how the individual should be classified within one or more section 75 categories. For example, the residual method in fair employment monitoring where this is used to infer an employee's community background.

6.19 In monitoring service delivery, other-classification may be the only method available. For example, where the client is a child or cannot make the choice due to illness or mental disability.

6.20 In general, however, other-classification will have limited applicability in the collection of personal data relating to individuals for section 75 purposes. This is both for data protection/privacy reasons and also because sensitive categories such as sexual orientation and political opinion do not lend themselves to the use of other-classification.

Proxy indicators

6.21 A proxy indicator relies on a statistical relationship or link between a section 75 category and some other attribute. For example, the postcodes method as a proxy indicator for religion relies on the fact that there is a degree of geographical segregation between the two main communities in Northern Ireland; location and religion are correlated, albeit imperfectly. Postcodes can also be of benefit in monitoring for political opinion, where this is defined in terms of the unionist:nationalist divide.

6.22 Whereas other-classification involves making judgements about individuals, a proxy indicator approach can be applied to anonymised or grouped data e.g. a table showing counts of participants at an appropriate geographical scale.

6.23 While they need to be used carefully, and with due cognisance of the limitations, proxy indicators such as postcodes will be of use in some circumstances, notably when screening policy and programme areas to highlight possible inequalities where no other data are available.

Qualitative Methods

6.24 Qualitative methods include case studies, semi/unstructured in depth interviews, focus groups and targeted consultations¹⁸. They provide a means of exploring people's needs and experiences in relation to a policy or programme. The objective is to identify factors that, from the perspective of identifying opportunities to better promote equality of opportunity, can help the authority to better understand issues such as:

- The nature of participation in a policy or programme area; for example, difficulties in accessing a facility or service.
- Whether different groups have different needs in relation to a policy or programme area.
- Whether policy creates problems specific to relevant groups.

6.25 Qualitative methods can be contrasted with quantitative methods, such as an equality monitoring questionnaire, which aim to provide information in the form of numbers and frequencies that can be analysed statistically; for example, the proportions of those using a service by gender.

6.26 Qualitative methods need to be well-designed to achieve their objectives. The simple fact of holding a focus group does not guarantee that the findings can be generalised. Also, they do not aim for statistical reliability. For example, qualitative methods cannot be used to say that participation is 'significantly higher' for one group than for another.

¹⁸ A useful overview on qualitative methods, with advantages and disadvantages of each, can be found at http://www.ehr.nsf.gov/EHR/REC/pubs/NSF97-153/CHAP_3.HTM. Further guidance on consultation methods and practice can be found in Appendix 2 of the Commission's Practical Guidance on Equality Impact Assessment.

- 6.27 If well-designed, qualitative methods can be used to identify *circumstances* that are likely to, or may be expected to, result in participation being higher/lower for one group than for another.
- 6.28 Quantitative and qualitative methods can often be complementary. For example, the authority could use a monitoring questionnaire to gather information for profiling participation in a particular service. If the analysis suggests that the level of participation by some group is significantly less than expected, the authority might use one or more qualitative methods to try and find out why this was the case.
- 6.29 Similarly, differences between groups in their experience of a service and how it does or does not meet their needs can be explored using qualitative methods. A consultative approach may also be of benefit in seeking to identify whether a policy creates problems that are specific to relevant groups and whether there exists opportunities for promoting equality of opportunity by changing the policy or working in partnership with other organisations.
- 6.30 Qualitative *data*, such as opinions, levels of satisfaction, and so on, can readily be collected and analysed using a quantitative *method*. Public authorities often collect information on subjective items such as levels of satisfaction and/or perceptions of problems with the use of a service. By also collecting information on the characteristics of respondents, the responses can be used for equality monitoring purposes.
- 6.31 In general, a quantitative approach is preferable in profiling patterns of utilisation of a service. This will usually provide the authority with a firmer evidence base in assessing whether participation/uptake is higher or lower for one group than for another. A quantitative approach will also allow for identifying trends over time.
- 6.32 A quantitative approach, however, is not always feasible. This might be because an equality category is too sensitive to include in a monitoring questionnaire in some circumstances; for example, political opinion or sexual orientation. In that case, qualitative methods such as a regular consultative fora, may be an appropriate substitute.

6.33 Also, a quantitative approach may be constrained in relation to some groups where their representation in the population is relatively small in number. Even large-scale population surveys often result in sample sizes for minority ethnic groups that are too low for statistical analysis. Where this happens, a qualitative data collection method may be an appropriate complement.

Choice of a Method

6.34 Considered across the full range of section 75 categories, a person's status is best described by how they perceive themselves. The use of self-classification therefore provides the starting point in deciding on the method, or mix of methods, to be used for data collection. As illustrated above, there are options for how self-classification can be used as a data collection strategy. The following factors, which are discussed in detail in Appendix E, will need to be taken into account in choosing a method for data collection:

- Data collection possibilities.
- Whether data collection needs to be kept separate from decision-makers.
- Whether data collection is from businesses or organisations rather than individuals.
- Context in which service is provided.
- Nature of the target group/beneficiaries.
- Expected response rates.
- Role and purpose of the monitoring.
- The information that is necessary to collect.
- Costs and benefits.

6.35 The relevant options will need to be considered and a balanced view reached on the way forward. Authorities will have to make a judgment on what is necessary to meet their requirements, including the extent and frequency of the monitoring. When personal data are sought, data protection and privacy are an over-arching consideration in deciding on a data collection method. The DPA does not prevent collection of personal data for equality monitoring purposes. Rather, it provides a framework for the processing of such data, which must have regard to the principles of the DPA.

7 Data Storage and Analysis

Systems and methods for data storage have an important role to play in enhancing the efficiency and effectiveness of equality monitoring. Data quality is clearly an important issue in the usefulness of data for screening and equality impact assessment. This section provides guidance on the related issues of data storage, linking data to individuals, data sharing, assessing quality and, utility and analysis.

Data Storage

7.1 Where personal data are collected using an equality monitoring form, the raw data may be in paper form or they may be collected using existing IT systems. In any event, the data are likely to be stored on a computerised database. The following should be noted for data entry and storage purposes:

- Keep a record of monitoring forms issued. In assessing data quality and utility, the authority will want to know what percentage of those who were asked to furnish information actually did so.
- Coding screens for specific equality categories should include boxes for dealing with missing responses, for example, 'refused to answer'. Again, this is to help the authority in assessing data quality and utility.
- Depending on how the question is asked, the authority may need to make provision for write-in responses for some categories. For example, the authority could use a drop-down screen for allocating write-in responses.

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- 7.2 Public authorities will need to consider whether the equality monitoring data should be stored separately or as part of the main database for the relevant function. In its capacity as an employer, the authority will already have procedures in place for dealing with equality monitoring data. In the case of personal data, the authority will need to ensure the use of appropriate access and permission procedures. The security and confidentiality of personal monitoring data must be preserved. To comply with the seventh principle of the Data Protection Act, appropriate technical and organisational measures are required to ensure that no unauthorised disclosures occur.
- 7.3 In designing new systems, the authority should seek to build in a set of fields for equality monitoring data. In order not to pre-empt the shape of any future monitoring arrangements, it is advisable to include fields for those equality categories for which data are not currently being collected.

Linking

- 7.4 It is often the case that participation in the functions performed by an authority takes the form of a series of stages, from initial entry (which could be an application) to final outcome (e.g. an applicant is successful or not). Or people may have a long-standing or ongoing relationship with the authority and the authority may be interested in how they are affected by processes and decisions during that period, for example, the authority's employees.
- 7.5 Tracking persons through different stages of a process, and subsequent linking of outcomes to the profile of those entering the process, is well-established in the monitoring of the recruitment process in employment. By assigning applications a unique reference number that is common to both the equality monitoring questionnaire and the main application form, it is then possible to link individuals' equality data to the outcome data.
- 7.6 Having linked data will let the authority keep track of how policies and procedures affect people from different groups. Outcomes can be linked to the equality monitoring data with a view to profiling the section 75 status of persons in terms of relevant outcome indicators.

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- 7.7 Having linked data also means that the data collection effort can be focused on the initial point of entry. This can enhance the efficiency and effectiveness of the data collection effort, so that information does not need to be sought at each stage of participation. In general, authorities should avoid asking people repeatedly for the same information, particularly from a data protection/privacy perspective.
- 7.8 The ‘tracking’ of participants will not be feasible in all service areas; for example, the occasional or periodic use of facilities. Nor will it necessarily be the most effective or efficient method for data collection in a particular service area. The equality issues to be monitored may require the collection of information on non-users as well as users; for example, take-up of social security benefits or use/non-use of facilities. This is to reiterate the fundamental point that the approach to data collection and processing needs to be shaped by the equality issues to be assessed in a given service area.
- 7.9 The use of tracking raises data protection issues which would need to be addressed. Where tracking is employed, personal data cannot strictly be anonymised. Appropriate controls would need to be in place regarding access to sensitive personal data.
- 7.10 The authority will also need to keep under review whether it needs to keep the data linked to the individual or to include it anonymously in analyses. For example, the authority could make data on unsuccessful applicants anonymous by removing the link to named individuals, after a set period of time.

Data Sharing

- 7.11 Data can be shared in anonymised form, for example, as tables of frequency counts or percentages. In that circumstance, the main requirement is to ensure that no individual can be identified. This can be managed through the use of thresholds below which data will not be provided, such as a minimum number of frequencies in cells within a table. Or, where individual identifiers have been stripped out, ensuring that the information cannot be combined so as to identify an individual.

- 7.12 Sharing of personal data is a more complex area. Useful guidance, including a tool-kit and illustrative case studies, can be found on the DCA web-site at <http://www.dca.gov.uk/foi/sharing/toolkit/index.htm>.
- 7.13 The guidance published by the Department for Constitutional Affairs (DCA) states that, in sharing personal data, the authority must be certain that it has a lawful basis for the data sharing/processing in question, whether by virtue of legislation, the common law or under Crown prerogative. The DPA does not in itself provide a power to share data. The Act requires data to be processed fairly and lawfully (the first data protection principle) but does not specify the means by which processing is to be regarded as 'lawful'.

Quality and Utility of Data

- 7.14 In general terms, the quality and utility of information collected on the characteristics of persons will be affected by:
- **Base numbers for profiling.** This is determined by the number of persons available for monitoring and the average response rate (the number providing a response as a percentage of all those from whom information is requested).
 - **Representativeness of the monitoring returns.** The reliability of the data will be reduced if those making returns differ in important respects from those for whom returns are not available. This is the problem of non-response bias.
 - **Non-disclosure.** This is where a respondent provides information on some categories but not for others.
- 7.15 The lower the response rate, the greater will be the risk of non-response bias. Where the response to a monitoring questionnaire falls below 100 per cent, the authority will need to consider two questions in assessing the quality and hence the utility of the data:
- Are there biases in the propensity to supply monitoring returns?
 - Is the number of returns sufficient for analysis of equality issues?

- 7.16 The extent to which these issues affect the quality and utility of the data collected will vary with the response rate achieved; there is less risk of non-response bias with a 90% response rate as compared with, say, a 50%.
- 7.17 The response rate issue can be more critical than the number of returns in terms of the utility of the monitoring data. If there are significant biases in the monitoring returns, to the point that they do not provide a reliable representative profile of all applicants, then it really does not matter how many people fill in the monitoring forms.
- 7.18 In any event, if the numbers responding in any one year are too low for the calculation of relevant statistics, it is still possible to pool data over two or more years to obtain a more robust profile.
- 7.19 Appendix F provides further guidance on the more technical aspects of assessing data quality.

Analysis

- 7.20 In analysing the data collected by the authority, it will be important to identify differences within and between equality categories. The different types of quantitative analysis that the authority may wish to conduct for that purpose can include:
- Profile of persons participating in programmes and/or using services.
 - Outcomes achieved by persons participating in programmes e.g. qualifications in a labour market training programme.
 - Results achieved by users of services e.g. whether a planning application was approved or refused.
 - Profile of persons making a complaint about the provision of or access to programmes and service.



7.21 Depending on the classifications used for the monitoring, the authority may want to combine the data in different ways when analysing it. For example, religious denominations could be collapsed into Catholic, Protestant, None and Other. This may be appropriate where the numbers would otherwise be too small for statistical analysis and presentation of results in tables and charts.

8 Interpretation and Use

Equality monitoring does not stop at the collection and storage of data. The effective use and interpretation of equality monitoring data is a key component of the mainstreaming of equality considerations into the everyday work of public authorities. This Section provides guidance to help public authorities to interpret the data to see if there is evidence of potential differential effects in relation to one or more of the equality categories and use the data to enhance the overall effectiveness of the authority's equality scheme.

Introduction

8.1 In order to interpret data, public authorities will want to know:

- What data to use as a comparison or benchmark e.g. to establish the *expected* patterns of participation in or uptake of services.
- The significance of differences that may be observed between groups e.g. patterns of participation in a service when compared with some benchmark dataset.
- When monitoring for adverse impact as part of the EQIA process, the significance of changes that may be observed for relevant groups.

Benchmark Datasets

8.2 Benchmark datasets fall into two broad categories, external and internal.

8.3 An external benchmark is one that is sourced from outside the organisation. There are two main types of external benchmarks:

- Population.
- Sectoral.

Population Datasets

- 8.4 The 2001 Census of Population is the main external benchmark dataset in preparing expected or target group profiles in the analysis of monitoring data for participation in and uptake of services and employment. A number of other large-scale population surveys can also serve to provide target group profiles for comparison with actual participation/uptake profiles (these are briefly described in Appendix C). These include the Family Resources Survey (FRS), the Labour Force Survey (LFS) and the Continuous Household Survey (CHS).
- 8.5 The surveys listed above are conducted on a continuous basis and can provide more up-to-date information than the Census, which is undertaken every 10 years. Also, they typically contain a wider range of indicators than the Census. For example, income data are not collected through the Census, but the Family Resources Survey can be used to compile a profile of people on low incomes.
- 8.6 In using population surveys such as the FRS, LFS or CHS as a benchmark dataset, the authority should bear in mind that the statistics sourced from such surveys will be subject to margins of error, as they are based on samples of the population. The margins of error will tend to expand with the level of detail required; for example, a survey-based estimate for the incidence of persons with a disability in the age range 18-24 will have a wider margin of error than an estimate for the incidence amongst the adult population.
- 8.7 Also, for sample size reasons, small area statistics are generally not going to be available from population surveys such as the LFS, CHS or FRS. This is one of the major strengths of the Census.
- 8.8 Benchmark datasets of the type listed above are typically published some time after the data have been collected. Also, the Census is only undertaken every 10 years. The authority's monitoring data may therefore reflect ongoing changes in the composition of the population, which are not yet reflected in population surveys. For example, the recent migration of in-migrants from Eastern Europe. This should, however, be viewed in a positive light, as the authority will then have more up-to-date information on the changing pattern of need within the service area.

8.9 The choice of a benchmark dataset for constructing target group profiles should reflect a number of considerations, such as:

- **Who does the authority want to include?** This includes the population that is covered by policies and programmes, and also the geographical scale at which the authority wants to make comparisons. For example, the FRS is to be preferred over the LFS if the authority are interested in the incidence of DDA disability amongst the adult population, as the LFS focuses on the working-age population (men aged 16-59, women aged 16-64).
- **What areas does the authority want to include?** The authority may need data that relates to a specific geographic area such as a Trust. Alternatively, the authority may want to profile by type of area; for example, the 30 per cent most deprived on the NI Measures of Deprivation¹⁹. The more detailed the geographical area of reference, the more likely the authority will use the Census of Population.
- **What definitions and classifications have the authority used?** So far as possible, the definitions and classifications outlined in Appendix A are based on those used in external datasets.
- **What other information does the authority want?** It may be necessary to compare participation/uptake data with a sub-set of the population, to reflect the targeting in policy or programme objectives. For example, if the authority wants to compare participation/uptake with the population living in low income households, the authority would use the FRS.

¹⁹ See Aspinall, 2005, for a discussion of this approach to selecting a comparator with specific reference to the health sector.



Sectoral Datasets

- 8.10 A sectoral dataset can be constructed where authorities within the same sector (e.g. health trusts, local government Councils) combine or pool their data in order to create a benchmark against which participating authorities can compare their own data. The data could be based on pooled monitoring data or derived from a common approach to user surveys.
- 8.11 Constructing a sectoral benchmark would require a harmonised approach to definitions and classifications. We would encourage co-operation between authorities in constructing appropriate harmonised benchmarks. In addition, a common approach within sectors affected by the RPA would facilitate the efficient and effective implementation of equality monitoring arrangements within newly created authorities.
- 8.12 We would also note that sectoral benchmark datasets can incorporate performance measures linked to equality categories. For example, levels of satisfaction with local government services by equality categories for which data are available. In the use of such comparators, the authority would need to take into account geographic and demographic differences.

Internal

- 8.13 An internal benchmark is one that is sourced from within the organisation. Authorities will already be familiar with the use of internal benchmarks in employment monitoring.
- 8.14 In services monitoring, internal benchmarks can be used to assess whether policies and programmes have different effects on, or outcomes for, different equality categories. For example, in a training programme, are participants with a disability equally likely to progress to employment when compared with participants without a disability?

Interpretation

- 8.15 The interpretation of quantitative data collected for equality monitoring purposes will generally focus on two main questions:

- **Participation/uptake.** Is there any indication or evidence of higher or lower participation or uptake by different groups?
- **Outcomes.** Do the outcomes from a policy, programme or process differ within or across the equality categories?

Participation/uptake

- 8.16 The profile of participation/uptake is an important starting point in equality monitoring. Where participation by one or more groups is less than expected, this may be an indication of difficulties in accessing services or employment and meeting the needs of the relevant population. The quantitative monitoring data alone will not tell the authority *why* this is occurring; rather, they signal issues to be further examined.
- 8.17 The basic procedure is to compare the profile of users/participants in a particular section 75 category (e.g. men and women) with an expected profile based on some benchmark dataset, such as the Census of Population. This is to try and determine whether participation is 'higher or lower' than expected for some group. For example, are men more/less likely to participate than women? Are people with dependants more/less likely to participate than those without?
- 8.18 The analysis of participation/uptake in the fashion described above is not always straightforward. In particular, it is necessary to give careful thought as to the appropriate comparator population that should be used in constructing the *expected* profile against which to compare the actual out-turn.
- 8.19 Careful attention to the expected profile is important in helping the authority distinguish differences that matter from those that are to be expected anyway. For example, if service is geared towards young people in the 18-24 age range, this should be reflected in defining an expected profile, as the wider adult population will differ in important respects such as the incidence of those with and without a disability, dependents, marital status, and so on. *Further guidance on this issue can be found in Appendix F.*

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- 8.20 The next stage in the analysis is to assess differences that may be observed between the *expected profile* and the *actual profile* of participants.
- 8.21 The authority should start with simple analyses; for example, comparing the percentage of service-users who are women with the expected percentage from benchmark dataset. The analyses can be tabulated (and used for reporting purposes). The authority can also use charts and graphs, as an aid to visual interpretation and to help it to make an initial assessment of the differences between the benchmark population and the actual profile; for example, a comparison of proportions using bar charts. This can serve as a guide to be used alongside information drawn from other sources, such as views from programme managers with ‘front-line’ experience. The monitoring data can also help inform discussions with relevant groups. As noted in the Commission’s *Guidance on Equality Impact Assessment* (para 2.11), the authority may need to be able to draw on the expertise of social scientists to assist with the interpretation of data.
- 8.22 In some situations, differential effects arising from the implementation of a programme may be *desirable* from an equality of opportunity perspective. An example of this is where a group is considered to be under-represented in the *target group* profile. For example, the share of women in the self-employment is well below their share of the economically active population. In a scheme aimed at the self-employed, or at promoting self-employment, it would not therefore be unreasonable for a positive approach to equality to result in women being over-represented amongst the actual participants, when compared with their target group share.
- 8.23 Where differences are identified from tables or charts, the authority can consider using statistical tests to help in assessing whether the effects are significant. For example, whether the Catholic (Protestant) share of participants is significantly different when compared to the expected Catholic (Protestant) share in the target group profile.
- 8.24 Statistical tests will not always be feasible or appropriate. The factors to be considered in the use of such tests include the following:
- The quality of the monitoring data.

- Incompatibilities between the classifications and definitions used in the monitoring data, and those used in the comparator dataset.
- Whether it is possible to construct an expected profile that is sufficiently well measured to justify the application of statistical testing procedures.

8.25 To illustrate the last point, there is no large-scale dataset currently available that could provide a target group profile of people with basic skill needs. In that scenario, a target group profile could be based on proxy indicators, such as qualification levels, which are readily available from sources such as the Labour Force Survey. Where this happens, the benchmark itself is an approximation and could not strictly be used for statistical testing purposes.

8.26 The applicability and use of statistical tests is a technical issue which would be more challenging for some public authorities than others. The authority may need to get professional advice from an expert, inside or outside the organisation.

Outcomes

8.27 In the analysis of outcomes, the focus will be on success rates or positive outcome rates; for example, whether persons with a disability are more or less likely to be recruited into employment.

8.28 Outcomes are important to consider, particularly where participation takes the form of a series of stages, such as recruitment and selection, or as a pathway to progression, as in a labour market training programme. Where outcomes differ from one group to another, this could be an indication of differences in effectiveness in meeting needs, possibly signalling difficulties that are specific to relevant groups which would need to be further examined to see if there is an opportunity to better promote equality of opportunity.

8.29 In the quantitative monitoring of outcomes, differences between groups can be assessed with reference to benchmark data that are *internal* to the monitoring dataset. Thus, in analysing a recruitment process, *within* a given section 75 category (e.g. men and women) the benchmark can be determined by the overall average success rate e.g. the percentage of all applicants who are recruited.

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- 8.30 Because the data are generated internally, the definitions and classifications used for each category will be automatically harmonised. Furthermore, at the outcome stage, participants in a programme would be expected to share those characteristics that make them eligible for participation in the first instance. For that reason, compositional effects²⁰ present much less of a problem when analysing outcomes than when assessing the participation/uptake question.
- 8.31 As with participation/uptake, the starting point is to consider simple percentages, such as the percentage of women applicants who are successful at the recruitment stage. Again, the monitoring data can be tabulated and presented in charts, to help identify differences and as a basis for further discussion and reporting.
- 8.32 The analysis of outcomes can also be based on statistical tests, to help in assessing the significance of observed differences in success rates between groups. Whether such tests are appropriate will depend on a number of factors. The quality of the monitoring data will be one important consideration.
- 8.33 In addition, the base numbers for one or more sub-groups might not be large enough to allow a meaningful conclusion to be drawn regarding differences in success rates. This is more likely to happen with some section 75 categories, such as those from a minority ethnic background.
- 8.34 Some public authorities may not have the capability to undertake statistical testing. For those who cannot readily carry out statistical testing, the CRE guidance in respect of ethnic monitoring suggests the use of the four-fifths rule (the success rate of the least successful group should be at least four-fifths that of the more successful group) as a simple and straightforward means of assessing whether there are differences between groups that need to be further examined.

²⁰ For example, the mix of participants by age group would be expected to affect the profile of persons with and without dependents, etc.

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- 8.35 The four-fifths rule is clearly less rigorous than a statistical test. It is also less appropriate where success/positive outcome rates are uniformly high. The rule is *indicative rather than definitive*. It should therefore be viewed as one of the available tools for assessing differences between groups, for example, when screening a policy or programme. The four-fifths rule has no legal standing in the UK. The authority should also note that the rule should not be used in assessing differences in participation/uptake.
- 8.36 Where a statistical test would seem necessary, following either visual assessment or the four-fifths rule, the authority should consider getting professional advice from an expert, inside or outside the organisation.

Change

- 8.37 The regular collection and interpretation of monitoring data will help the authority to identify trends and whether change is occurring. The assessment of change over time is particularly important in relation to the seventh element in the procedure for an EQIA, which entails monitoring for adverse impact in the future and publication of the results of such monitoring.
- 8.38 In monitoring change over time, the authority will need to establish a baseline or starting position with which the current or latest position can be compared.
- 8.39 With quantitative monitoring data, the authority will be interested in seeing whether changes are occurring in, for example, participation by groups that are under-represented in the baseline position.
- 8.40 Again, the authority should start with simple analyses, which can be displayed in tables and/or charts; for example, the percentage points change in participation by women and men. Such analyses can serve as a useful starting point in assessing whether changes are in a positive direction. The authority will find it useful to discuss the findings with programme managers and relevant groups, to help in drawing qualitative judgements on the observed changes and emerging trends.

8.41 It is possible to use statistical tests in assessing the significance of observed changes. However, in the analysis of change, such tests are relatively demanding with respect to data quality and technical expertise. The authority would therefore need to carefully consider whether such tests are feasible or appropriate and seek expert advice if necessary.

Use of Data

8.42 The main use of equality monitoring data lies in enhancing the authority's capacity to meet the requirements of the statutory duty:

- **Screening.** The monitoring data can be used to identify where there is a differential effect on one or more of the equality categories.
- **Equality impact assessment.** The accumulation of monitoring data will help to provide an evidence base for assessing whether a policy is having an adverse impact on one or more of the section 75 groups.
- **Adverse impact.** The monitoring arrangements can serve both to provide a baseline and as a means of collecting evidence against which change can be assessed.

8.43 When using the data for these purposes, it is important to integrate the monitoring data in the tools provided for mainstreaming equality. This gives the monitoring a clear purpose and ensures that it is action-oriented.

8.44 However, the authority should bear in mind that, where differential effects are identified in the screening process, the monitoring data alone do not provide conclusive evidence as to whether that effect is adverse or otherwise. Rather, the data serve to highlight differences that require further investigation and explanation, for example, when consulting as part of the screening process or when conducting an EQIA.

Appendix A: Definitions and Classifications

Introduction

- A.1 The purpose of this appendix is to provide an illustrative set of definitions and classifications for authorities to use in their equality monitoring arrangements.
- A.2 The main considerations underlying the definitions and classifications presented below are as follows:
- **The meaning implied by the legislation.** Section 75 specifies the meaning to be attached to some categories (race and disability), but not all.
 - **Harmonisation with benchmark datasets.** Where possible, the illustrations are based on harmonised questions used in the Census of Population and/or large-scale Government surveys and the published outputs from those sources (see Appendix C below). This is to enable authorities to establish monitoring arrangements in which the data collected can be compared with an appropriate benchmark. This also facilitates a co-operative approach by authorities within the same sector.
 - **Existing practice.** The approaches currently taken by public authorities have been reviewed in the *Equality Monitoring Research Project* report.
 - **Consistency with other guidance.** In particular, the discussion on monitoring disability has benefited from the guidance recently issued by the Disability Rights Commission (DRC).
- A.3 As noted above, the definitions and classifications set out here are illustrative rather than prescriptive. For some categories, authorities may require a less detailed approach. For others, a more detailed approach may be required to meet the monitoring objectives. This consideration is particularly apt in monitoring ethnic group and religious belief. Authorities will therefore need to consider what information is necessary to collect for the purpose of implementing effective section 75 monitoring arrangements.

Age

A.4 The best way to obtain information about a person's age is to ask them to disclose their date of birth (Table A.1). This approach has three main advantages:

- It affords maximum flexibility in classifying respondents into a set of age groups or bands, for comparison with other benchmark dataset.
- Allows for the calculation of alternative versions of age in years, such as 'academic age' or rounded age, in addition to age in years/at last birthday.
- It can readily be updated and need only be asked once. This is relevant where participation is prolonged, or comprises a series of discrete stages (e.g. the recruitment process).

Table A.1 Age

Date of birth

What is your date of birth?

Day	Month	Year

OR,

Age in years

What is your age, in years?

<input type="text"/>	Years
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OR,

Age groups/bands

What is your age group? (*Please tick the box that applies*)

Insert age groups/bands as appropriate.

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- A.5 For equality monitoring purposes, age in years will usually be an adequate substitute for date of birth. Again, this will give the authority flexibility in making comparisons with a benchmark dataset. Also, analysis is likely to be more rounded if authorities collect more detailed age data, for the following reasons:
- It is often the case that participation/uptake is strongly related to age e.g. services such as education and health.
 - Age is correlated with a number of other equality categories, especially the incidence of disability, as well as marital status and whether a person has dependents or not.
- A.6 For both of the above reasons, it is often the case that account will need to be taken of the age profile of persons participating in the policy area being screened or impact assessed.
- A.7 If age groups/bands are used these should be relevant to the function being monitored, and the bands comparable with a benchmark dataset. As a starting point, consider the output tables in the Census of Population (described in Appendix C). It should be noted that the use of age groups/bands will use up more space on the questionnaire by comparison with date of birth or age in years.

Gender

- A.8 As a general rule, gender can be monitored using a male/female split. There is an issue as to whether, for section 75 purposes, the gender categories should also include an option for persons to indicate that they are transgendered ('trans' category). The small number of trans persons in the population does not in itself preclude the inclusion of a trans option. However, there is no population benchmark against which comparisons can be drawn. Further, there is insufficient research evidence as to how the category can best be incorporated into a self-identifying questionnaire.

Table A.2 Gender

What is your sex? (Please tick the box that applies)

- | | | |
|---|--------------------------|--------|
| 1 | <input type="checkbox"/> | Male |
| 2 | <input type="checkbox"/> | Female |
-

A.9 Nonetheless, the trans category is an option to be considered if a large-scale survey (self-completed and in private), such as the ORC *Civil Service Diversity Survey* is being conducted.

Marital Status

A.10 Section 75 refers to persons of different marital status. Table A.3 shows the current National Statistics harmonised classification for legal marital status. This is appropriate for comparisons with existing benchmark datasets. However, the National Statistics harmonised classification will change to take into account the coming into force of the Civil Partnership Act 2004.

Table A.3 Legal marital status

Are you ? (Please tick one box)

- | | | |
|---|--------------------------|---|
| 1 | <input type="checkbox"/> | Single, that is, never married |
| 2 | <input type="checkbox"/> | Married and living with husband/wife |
| 3 | <input type="checkbox"/> | Married and separated from husband/wife |
| 4 | <input type="checkbox"/> | Divorced |
| 5 | <input type="checkbox"/> | Widowed |
-

A.11 During preparations for the 2011 Census of Population NISRA has considered how best to incorporate the Civil Partnership Act provision into the next Census of Population question on marital status. Table A.4 sets out a revised set of classifications in the marital status question. The Commission intends to keep authorities informed of developments in relation to monitoring civil partnership.

Table A.4 Marital status with civil partnership option

What is your marital or civil partnership status? (Please tick one box)

1	<input type="checkbox"/>	Single, that is, never married or in a civil partnership
2	<input type="checkbox"/>	Married
3	<input type="checkbox"/>	Separated, but still legally married
4	<input type="checkbox"/>	Divorced
5	<input type="checkbox"/>	Widowed
6	<input type="checkbox"/>	In a civil partnership
7	<input type="checkbox"/>	Separated, but still legally in a civil partnership
8	<input type="checkbox"/>	Formerly in a civil partnership which is now legally dissolved
9	<input type="checkbox"/>	Surviving partner from a civil partnership

A.12 A further issue to consider in determining the most appropriate way to monitor marital status is the level of detail. The level of detail in Tables A.3 and/or A.4 may well be what is most relevant and appropriate for most purposes. There are many policy areas where different forms of marital status need to be taken into account e.g. the benefits system, civil legal aid.

A.13 Nonetheless, a shorter version of the marital status question, such as that illustrated in Table A.5, may be more appropriate in cases where the additional detail is not necessary for the purpose of monitoring equality of opportunity. This is consistent with the principle that the authority should collect information that is necessary and that it will use. Where this is the case, the shorter form has the added advantage of reducing the length of the questionnaire and perhaps also the burden on the respondent.

Table A.5 Marital status with civil partnership option: Short form for monitoring

Are you married/in a civil partnership? (Please tick one box)

1	<input type="checkbox"/>	Yes
2	<input type="checkbox"/>	No

A.14 There may, however, be circumstances where the legal version of the marital status question provides less information than the authority needed. For example, if the needs and experiences of lone parents are a particular concern, the authority may want to incorporate a cohabitation option, to separately identify persons with dependants who are not living in a couple from those who are.

A.15 This is best done by adding a living arrangements question immediately after the legal marital status question or the marital status/civil partnership question (see Table A.6 overleaf). The responses to the living arrangements question can then be combined with the legal marital status responses in the fashion described in Table A.7.

A.16 The resulting classification can be considered as representing de facto marital status. Note that the output categories in Table A.7 can readily be modified to include civil partnership, by combining the living arrangements question with the marital status/civil partnership question in Table A.4 above.

Table A.6 Additional question for living arrangements

(Referring to Table A.3) Please answer the following ONLY if you ticked boxes 1, 3, 4 OR 5.

(Referring to Table A.4) Please answer the following ONLY if you ticked boxes 1, 3, 4, 5, 6, 7, 8 OR 9.

Are you living with someone as part of a couple?

1		Yes
2		No

- A.17 The two-question approach to incorporating cohabitation as a marital status sub-group is necessary because, as can be seen from Table A.7, the legal marital status and cohabitation categories are not mutually exclusive. For example, about one in five divorced persons also live in a couple. For that reason, the use of a single question approach, with cohabitation as a separate option alongside categories such as divorced or separated, can potentially lead to confusion.

Table A.7 The output categories for living arrangements

		Response to:		
		Table A.3	Table A.4	Table A.6
Persons living as part of a couple	Married	2	2	-
	Civil Partnership	-	6	-
	Cohabiting	1 or 3 or 4 or 5	1 or 3 or 4, 5, 7, 8 or 9	1
Persons not living as part of a couple	Single	1	1	2
	Separated	3	4	2
	Divorced	4	5	2
	Widowed	5	6	2

- 
- A.18 Furthermore, benchmark datasets do not use a single question approach when determining a person's living arrangements. The two-question approach outlined above is consistent with the harmonised questions and concepts developed by National Statistics. This means that the results can be compared with data sources such as the Family Resources Survey (FRS) and the Labour Force Survey (LFS).
- A.19 There are therefore a number of options for monitoring marital status. The choice of which option to use should be based on gathering the information that is needed from an equality monitoring perspective. Brevity is also a consideration, particularly when administering self-completion questionnaires at the point of use. Ultimately, brevity should be secondary to making sure that the authority gathers the information it requires. Depending on data requirements, population and user sample surveys should be able to accommodate a more detailed approach.

Disability

- A.20 Section 75 states that, for the purposes of the Act, disability has the same meaning as in the Disability Discrimination Act 1995 (DDA). In monitoring disability for section 75 purposes, there are three issues that can be addressed:
- **Incidence.** The percentage of respondents who consider themselves to be disabled.
 - **Nature.** The nature of the impairments that people report.
 - **Barriers.** What do persons with a disability identify as being the main barriers to full participation?
- A.21 There is no single 'gold-standard' approach to measuring the incidence of disability²¹. Only a court or a tribunal can say if an individual has a disability under the DDA.

²¹ See Tibble, 2004, for a useful summary guide to disability estimates and definitions. Riddel (2001) also provides a useful discussion of disability statistics.

- 
- A.22 Population surveys, such as the LFS and FRS, use a set of questions to classify respondents as being DDA-disabled or otherwise. These more detailed approaches would be very difficult to employ in the context of a monitoring form, particularly of the self-completion variety.
- A.23 However, there are a number of single-question approaches that can be used as an *approximate* indicator for monitoring incidence, including:
- The DDA question.
 - Self-reported long-standing illness/disability, following the National Statistics harmonised question.
 - Self-reported long-standing illness/disability, as in the Census of Population 2001.
- A.24 Due to the complex nature of disability, single question approaches should be regarded as providing an indication of the incidence of disability, rather than being definitive measures in their own right.
- A.25 Of the three options, the DDA question shown in Table A.8 is recommended for use by the Disability Rights Commission in its guidance to authorities in Great Britain on gathering evidence for the Disability Equality Duty. In Northern Ireland, the DDA question is often used in employment monitoring. However, while it employs the general definition as stated in the DDA, there does not exist a benchmark dataset based on the same question. Also, the DDA question would seem to be associated with a degree of under-reporting, resulting in an under-estimate of the incidence of persons with a disability, when compared with the findings from population surveys such as the LFS.

Table A.8 Measuring the incidence of disability (a) The DDA question

The Disability Discrimination Act considers a person disabled if:

- You have a longstanding physical or mental condition or disability that has lasted or is likely to last at least 12 months, and
- This condition or disability has a substantial adverse effect on your ability to carry out normal day-to-day activities.

Do you consider yourself to be disabled as set out under the Disability Discrimination Act? (Please tick 'yes' or 'no')

1	<input type="checkbox"/>	Yes
2	<input type="checkbox"/>	No

-
- A.26 By contrast, the options shown in Tables A.9 and A.10 can both be compared with benchmark datasets. For that reason, they may better serve in monitoring the provision of services for the purpose of assessing the extent to which persons with a disability are participating, or not.
- A.27 The two-part limiting long-standing illness (LLSI) question can be compared with data sources such as the Continuous Household Survey (CHS) as well as the LFS and the FRS. While this is not a definitive measure of DDA disability, the question is a key element in survey-based measures of DDA disability.
- A.28 In a review of disability estimates, Bajekal et al conclude that “the two-part LLSI question broadly captures, as intended, the perceived disabling effects of chronic ill-health (morbidity) and physical and sensory impairments”.
- A.29 Adopting the long-standing illness question in Table A.10 means that any findings can be compared with the 2001 Census of Population. While the two-stage LLSI question is preferred, the long-standing illness question does make for a shorter questionnaire.

Table A.9 Measuring the incidence of disability (b) Self-reported limiting long-standing illness

- (a) Do you have any long-standing illness, disability or infirmity? By long-standing we mean anything that has troubled you over a period of time or that is likely to affect you over a period of time? (Please tick either 'yes' or 'no')

- | | | | |
|---|--------------------------|-----|--------------------------|
| 1 | <input type="checkbox"/> | Yes | Go to (b) |
| 2 | <input type="checkbox"/> | No | [Route to next category] |

(If 'yes' to (a))

- (b) Does this illness or disability (Do any of these illnesses or disabilities) limit your activities in any way? (Please tick either 'yes' or 'no')

- | | | |
|---|--------------------------|-----|
| 1 | <input type="checkbox"/> | Yes |
| 2 | <input type="checkbox"/> | No |

Table A.10 Measuring the incidence of disability (c) Self-reported long-standing illness/disability

Do you have any long-term illness, health problem or disability which limits your daily activities or the work you can do? Include problems which are to do with old age.

- | | | |
|---|--------------------------|-----|
| 1 | <input type="checkbox"/> | Yes |
| 2 | <input type="checkbox"/> | No |

- A.30 Clearly, the incidence questions outlined above will not indicate anything about the nature of the impairments associated with self-reported disability. The DRC suggestion for gathering evidence in relation to type of impairment is shown in Table A.11, where authorities consider that it is appropriate to undertake impairment monitoring for the purposes of the disability equality duty.



Table A.11 Monitoring disability: Impairment categories

Please state the type of impairment which applies to you. People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark 'Other' and specify the type of impairment.

1	Physical impairment, such as difficulty using your arms or mobility issues which means using a wheelchair or crutches
2	Sensory impairment, such as being blind / having a serious visual impairment or being deaf / having a serious hearing impairment
3	Mental health condition, such as depression or schizophrenia
4	Learning disability/difficulty, (such as Down's syndrome or dyslexia) or cognitive impairment (such as autistic spectrum disorder)
5	Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy
6	Other (please specify)

Source: DRC, 2006.

A.31 As noted by the DRC, the number of categories has been limited to facilitate ease of completion and statistical analysis. Depending on their information requirements, public authorities may well want to obtain further detail by adding sub-categories to reflect the particular concerns of their organisation.

A.32 It is also relevant to monitor for the barriers to participation identified by people with a disability. This has the advantage of shifting the monitoring more towards a ‘social’ model of disability. For that purpose, the DRC have suggested the question shown in Table A.12. Again, it should be noted that the list is intended to be illustrative and can be modified to take account of the circumstances in which the monitoring occurs.

Table A.12 Monitoring disability: Barriers

It can help us to ensure effective involvement of everyone if we can identify anything that poses a barrier to your full participation. What are the biggest barriers for you in doing what you want to do in this organisation? Tick any that apply.

1		Access to buildings, streets, and transport vehicles
2		Written information or communication
3		Verbal or audible information/communication
4		People’s attitudes to you because of your impairment, medical condition or disability
5		Lack of reasonable adjustments
6		Policies or procedures such as the fire evacuation procedure
7		Other (please specify)

Source: DRC, 2006.

A.33 The foregoing set of questions for incidence, impairments and barriers provides a framework for monitoring disability. Clearly, it is a challenging framework and would be difficult to implement in full within the context of a point of use self-completion questionnaire. The framework would be more feasible in the context of user and population surveys.

- A.34 One or other of the incidence questions represents the minimum requirement in monitoring for equality of opportunity, in order to assess the extent to which people with a disability are using the service. The more detailed impairments and barrier questions could be introduced at a later stage, in a phased approach, once sufficient trust and confidence in the monitoring has been built up with affected groups. The impairment and barriers questions also provide pointers for topics to be addressed in undertaking qualitative data collection, such as with user/focus groups.

Example – Information needs for disability monitoring: A Staged Approach

The information needs of an organisation in relation to disability equality are likely to change over time. Organisations may want to start by collecting and using information solely on a disabled/non-disabled axis, only moving on to monitoring by impairment category and barriers when they are confident that they can use this more sophisticated level of information.

Addressing collective barriers will build trust by achieving some progress. It will also build confidence amongst those in charge of achieving progress in an organisation that it is worth collecting the information and that positive change can be achieved.

Once these more straightforward changes have been achieved then more sophisticated data collection by impairment type can be started. The organisation will have the skills and confidence to use the information, and respondents will have the trust to provide it.

Source: DRC, 2006.

- A.35 It must be recognised that, where the number of people to be monitored is small, impairment monitoring for the purposes of section 75 is unlikely to be feasible as it would not be possible to draw statistically sound conclusions. In that circumstance, impairment monitoring may also pose problems from a privacy perspective; where the numbers are small it would be more difficult to group the data in such a way that individuals' anonymity is preserved.

Dependants

A.36 The suggested form of the question for classifying persons according to whether they have dependants or not is set out in Table A.13.

Table A.13 Persons with dependants and persons without

Do you have personal responsibility for the care of ? (Tick each box that applies to your circumstances)

1	<input type="checkbox"/>	A child (or children)
2	<input type="checkbox"/>	A person with a disability
3	<input type="checkbox"/>	A dependent older person
4	<input type="checkbox"/>	None of the above

Racial Group

A.37 Section 75 states that, for the purposes of the Act, 'racial group' has the same meaning as in the Race Relations (NI) Order 1997. The Order defines a 'racial group' as "a group of persons defined by reference to colour, race, nationality or ethnic or national origins" (Article 5). The Order also explicitly defines Irish Travellers as a 'racial group'.

A.38 Ethnic group can be monitored using the comparable question from the 2001 NI Census of Population (Table A.14).

A.39 The use of the Census ethnic group question provides consistency with a benchmark dataset for comparison purposes. The Census question does not, however, provide for differences in nationality or national origins amongst those saying their ethnic background is 'white'. With the immigration of persons from other parts of Europe, this is an increasingly important phenomenon in Northern Ireland society.



Table A.14 The ethnic group question in the NI Census of Population 2001

To which of these ethnic groups do you consider you belong?
(Please select the option that is most appropriate for you)

1	<input type="checkbox"/>	White
2	<input type="checkbox"/>	Chinese
3	<input type="checkbox"/>	Irish Traveller
4	<input type="checkbox"/>	Indian
5	<input type="checkbox"/>	Pakistani
6	<input type="checkbox"/>	Bangladeshi
7	<input type="checkbox"/>	Black Caribbean
8	<input type="checkbox"/>	Black African
9	<input type="checkbox"/>	Black Other
10	<input type="checkbox"/>	Mixed ethnic group (write in)
11	<input type="checkbox"/>	Any other ethnic group (write in)

A.40 Authorities may therefore wish to consider monitoring also for nationality and/or national identity. One approach is to use the country of birth question from the NI Census of Population 2001 (Table A.15). In posing that question, you may wish to offer some illustrative examples to respondents. The mix of examples could vary according to the countries that you might expect respondents to originate from.

Table A.15 Country of birth

What is your country of birth? Please write in the present name of the country

.....

- A.41 Depending on the information requirements for existing monitoring arrangements, a public authority may wish to ask respondents to give their nationality. It should, however, be noted that there is not a benchmark dataset for nationality, as there is for country of birth.
- A.42 NISRA is currently considering the introduction of a question on national identity for the 2011 Census of Population, to reflect the need for better information on Eastern Europeans. A decision has not yet been made on how, or if, this will happen.
- A.43 The national identity question shown in Table A.16 has been extracted from the FRS questionnaire. It is similar to what is used in the NI Life & Times Survey. The question is presented here as an option for authorities to consider in seeking to obtain more detailed information than is afforded by the ethnic group question alone. It may be useful to offer some illustrative examples to respondents.

Table A.16 National identity

What do you consider your national identity to be?
Please write in e.g.[list of illustrative examples].

.....



A.44 If the authority decides to use both the ethnic group and the national identity question for monitoring racial group, National Statistics guidance is that the national identity question should be asked first.

Religious belief

A.45 There are two options for monitoring religious belief:

- Community background.
- Current stated religion.

A.46 In accordance with the Fair Employment and Treatment (NI) Order 1998, the community background question is the prescribed measure for use in employment monitoring (Table A.17). It must be used when monitoring by religious belief in relation to policies encompassed by FETO.

Table A.17 Community Background

Regardless of whether we practice religion, most of us in Northern Ireland are seen as either Catholic or Protestant. We are therefore asking you to indicate your community background by ticking the appropriate box below.

1		I am a member of the Protestant community
2		I am a member of the Roman Catholic community
3		I am a member of neither the Protestant nor Roman Catholic community

A.47 Authorities will have greater flexibility in asking about religion when monitoring participation in, and uptake of, the services that they provide. For the purposes of section 75, the current stated religion question is the more appropriate, as it better recognises the increasing diversity of Northern Ireland society. The community background question, which has been designed for the specific purpose of fair employment monitoring, only distinguishes between Catholics and Protestants.

A.48 In that context, the main issue to be addressed is the level of detail to incorporate in the religion question.

A.49 One option for the current stated religion question is illustrated in Table A.18, using the question asked in the 2001 NI Census of Population. This is based on religious denomination, with a write-in category for those who do not belong to any of the four main denominations.

Table A.18 Religious Denomination

What religion, religious denomination or body do you belong to?

1	<input type="checkbox"/>	Roman Catholic
2	<input type="checkbox"/>	Presbyterian Church in Ireland
3	<input type="checkbox"/>	Church of Ireland
4	<input type="checkbox"/>	Methodist
5	<input type="checkbox"/>	Other (please specify)
6	<input type="checkbox"/>	None

A.50 Having a write-in option alongside a relatively brief set of sub-categories means that the authority will have to code responses after the information has been collected. It may therefore be more efficient to employ an expanded version of the religious denomination question, such as that illustrated in Table A.19. In the 2001 Census, over 100 separate write-in responses were classified by NISRA to produce the following denominational groupings in addition to those listed in Table A.18:

- Other Christian (including Christian related).
- Other religions and philosophies.



Table A.19 Religious Denomination: Expanded version

What religion, religious denomination or body do you belong to?

1	<input type="checkbox"/>	Roman Catholic
2	<input type="checkbox"/>	Presbyterian Church in Ireland
3	<input type="checkbox"/>	Church of Ireland
4	<input type="checkbox"/>	Methodist
5	<input type="checkbox"/>	Other Christian (please specify)
6	<input type="checkbox"/>	Buddhist
7	<input type="checkbox"/>	Hindu
8	<input type="checkbox"/>	Jewish
9	<input type="checkbox"/>	Muslim
10	<input type="checkbox"/>	Sikh
11	<input type="checkbox"/>	Another religion (please specify)
12	<input type="checkbox"/>	None

A.51 The 2001 Census output tables do not distinguish between those who gave their religion as 'none' and those who did not state any religion. These sub-categories will be distinguished in publishing outputs from the 2011 Census.

Political opinion

- A.52 The Act does not define what is meant by ‘political opinion’. The category can be viewed in a number of different ways, including:
- Political party preferences – not everybody would consider that they prefer any one political party.
 - Voting intentions – a person can change their voting intentions from one election to the next, depending on the issues.
 - Core political beliefs – there are many possible dimensions and overlaps, including views on the role of the state, the organisation of the economy, social policy issues, the environment, etc.
 - The unionist/nationalist divide.
- A.53 Authorities will therefore need to consider what dimension of political opinion is most relevant to monitor, having regard to the functions that they perform and the dimension of political opinion with which this overlaps.
- A.54 The variety of ways in which political opinion can be viewed limits the extent to which it is possible to suggest a single-question approach suitable for use in a monitoring form, which would have to be focused on the dimension that is necessary to monitor.
- A.55 In light of the above, authorities will need to give careful consideration to the use of a direct question approach to monitoring political opinion. This would need to occur in a context where individuals could self-complete in private.
- A.56 When defined in terms of the unionist:nationalist divide, it is possible for monitoring of political opinion to be taken forward through the use of proxy indicators. As noted in the *Equality Monitoring Research Project* report, community background/religion is a reasonable proxy indicator for the unionist/nationalist divide in terms of the political opinions that a group of people (e.g. job applicants) may be perceived to hold.



A.57 Based on the distribution of votes by political party, geographical location can also act as a proxy indicator for political opinion.

A.58 Whatever the dimension of political opinion that is to be monitored, qualitative methods may well be the more appropriate source of data; for example, focus groups and consultations with relevant affected groups such as local Councillors. The Commission is preparing guidance on consulting with children.

Sexual orientation

A.59 Based on the meaning attached to sexual orientation in the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, the suggested form of a sexual orientation question is set out in Table A.20.

Table A.20 Sexual Orientation

My sexual orientation is towards someone:

1		Of the same sex (this covers gay men & lesbians)
2		A different sex (this covers heterosexual men & women)
3		Of the same sex and of the opposite sex (this covers bisexual men & women)

A.60 Sexual orientation is clearly recognised to be a sensitive topic, accompanied by uncertainty as to how people might respond to being asked to disclose their sexual orientation. In considering this issue, the *Equality Monitoring Research Project* report noted the growing number of scenarios in which individuals have been asked to state their sexual orientation²².

²² Dignan, 2005. See especially paragraphs 86-99 in Appendix A of the report, which discusses a number of scenarios in which a sexual orientation question has been posed.

A.61 The report went on to conclude that the introduction of sexual orientation monitoring is not as daunting a prospect as many authorities presently perceive it to be.

A

.62 The evidence indicates that asking a sexual orientation question is best done in circumstances where people can complete the monitoring form in private and with the assurance that the information they provide will be treated in strictest confidence. This scenario already pertains in the processing of employment applications and can be replicated in workforce surveys.

Summary Key Points

A.63 The following is a summary of the key points in relation to definitions and classifications:

Age	Preferably date of birth or age in years. If using age bands, harmonise with e.g. Census of Population output tables.
Gender	Generally, male/female.
Marital status	At a minimum, whether married/in a civil partnership or not. But consider the level of detail that is required (e.g. whether to separately identify divorced, etc) and/or whether cohabitation should be included as an option.
Disability	In measuring incidence amongst service users, two-part limitin g lon g-standin g illness

(LLSI) question is to be preferred. If the Census of Population is your benchmark dataset, long-standing illness question is appropriate.

The DDA question is typically used in employment monitoring.

Dependents	Whether has personal caring responsibility.
Racial group	Ethnic group question from NI Census of Population 2001 is standard. Authorities may consider also monitoring nationality or national identity.
Religious belief	<p>Employment monitoring: Community background must be used for any topic within scope of FETO.</p> <p>Services monitoring: Current stated religion question will generally be the most appropriate.</p>
Political opinion	Not defined in the legislation. As there are many dimensions of political opinion, authorities will need to consider what is most relevant to their monitoring arrangements. Use of a direct question only where can be self-completed in private.
Sexual orientation	Use of a direct question only where can be self-completed in private.

Appendix B: Data Protection

- B.1 The following is extracted from the Data Protection Good Practice note prepared by the Information Commissioners' Office, titled **Monitoring under Section 75 Northern Ireland Act 1998**.
- B.2 The Data Protection Act defines personal information relating to the religious beliefs, political opinions, racial or ethnic group and sexual orientation as sensitive. Any processing of personal information, whether sensitive or not, must comply with the Data Protection Act.
- B.3 The Data Protection Act does not prevent public authorities from processing personal information for the purposes of Section 75 monitoring. However, it is important that any processing is in line with the eight data protection principles (reproduced below).
- B.4 There are conditions for processing under schedule 2 and, for sensitive personal data, schedule 3 of the Data Protection Act. However, a public authority may need to demonstrate that the processing is necessary in any particular case.
- B.5 It is good practice to:
- Anonymise this information where possible, and only use information that identifies an individual where it is absolutely necessary;
 - Make any data protection statement on monitoring forms easy to understand and include the identity of the organisation that will be processing their information, what the information is going to be used for and anything else that is needed to be fair to them, such as who the information will be disclosed to;
 - Be clear to individuals about the reasons for monitoring, particularly whether they are obliged to provide information for monitoring. For example, any monitoring form included with a job application should state that the applicant does not have to provide this information;

- 
- Make sure individuals are aware of their rights under the Data Protection Act and how to get a copy of their personal information collected for monitoring;
 - Tell individuals about how any monitoring will operate;
 - Make sure that personal information collected through monitoring is accurate and kept up to date;
 - Review information regularly to check it is still needed for monitoring purposes;
 - Develop a policy and put a schedule in place for how long to keep the information, and how and when to dispose of it;
 - Assess what the appropriate security measures are for the information. Put in place a clear security policy and procedures and check they are followed and kept up to date. Inform individuals what measures are in place to protect their personal information and of any significant changes that occur;
 - Make sure that only staff who need to view this information are given access to it and are trained how to use it properly. For example, restrict access to officers with responsibility for monitoring and equality rather than providing access to all human resource officers; and
 - Make sure that the information is disposed of securely when it is no longer needed.

The Eight Principles of the Data Protection Act 1998

The first principle

“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- at least one of the conditions in Schedule 2 is met; and
- in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met”.

The second principle

“Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.”

The third principle

“Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.”

The fourth principle

“Personal data shall be accurate and, where necessary, kept up to date.”

The fifth principle

“Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.”

The sixth principle

“Personal data shall be processed in accordance with the rights of data subjects under this Act.”

The seventh principle

“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.”

The eighth principle

“Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection of the rights and freedoms of data subjects in relation to the processing of personal data.”

Source: Data Protection Act 1998. © Crown Copyright 1998.
<http://www.legislation.hms0.gov.uk/acts/acts1998/19980029.htm>



Appendix C: Secondary Data Sources

Introduction

C.1 In addition to helping with needs assessment, secondary data sources play an important role in equality monitoring as external benchmark datasets that can be used for making comparisons with a public authority's monitoring data.

Census of Population

C.2 The Census of Population aims to collect demographic and socio-economic information about the entire population, both in private households and communal establishments (e.g. nursing homes). The Census is therefore a true benchmark dataset.

C.3 The Census collects information on seven of the nine section 75 categories, the exceptions being political opinion and sexual orientation.

C.4 A particular strength of the Census is that detailed information can be made available, both for sub-groups of the population and across a variety of geographical scales.

C.5 The Census suffers two main limitations as a comparator dataset:

- As it is only undertaken every 10 years, the Census data can become increasingly dated as the time elapsed from the last Census increases.
- The relatively limited range of socio-economic information. For example, the Census does not collect information on earnings or incomes.

C.6 These limitations can at least partially be overcome by recourse to one or other of the large-scale continuous surveys that are undertaken in Northern Ireland.



Large-scale Continuous Surveys

C.7 There are three main large-scale continuous surveys:

- The Continuous Household Survey (CHS)
- The Family Resources Survey (FRS).
- The Labour Force Survey (LFS).

C.8 The **Continuous Household Survey** is based on a sample of the general population resident in private households and has been running since 1983. Typical sample sizes are about 2,800 households containing 5,000+ adults and around 2,000 children. Regularly produced data includes information such as housing characteristics, changing population trends, health and use of the Health services and smoking and drinking trends. Findings are published on an annual financial year basis.

C.9 The **Family Resources Survey** asks about the living conditions and resources of households, focusing mainly on income, receipt of social security benefits, housing costs, care/child care costs and savings/assets. The sample size in any one year is in the region of 1,900 households, containing around 3,200 adults and 1,300 children. Findings are published on an annual financial year basis. The FRS is the main source of information on people at risk of income poverty.

C.10 The main purpose of the **Labour Force Survey** is to provide information on the labour market, including employment, unemployment and economic activity rates. It also covers a range of related topics, such as income, qualifications, training and disability. Approximately 2,700 households are interviewed each quarter. Questions are asked of every adult member of the household (aged 16 and over), with a few questions relating to each child in the household. As the main focus of the survey is on labour market status and activity, the LFS will generally be most useful when seeking information on the working-age population (men aged 16-64, women aged 16-59).

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- C.11 The section 75 categories that can be profiled using the foregoing surveys include age, sex, marital status (legal and de facto), dependants, self-reported disability and religion. Information is also collected on ethnic group, while the FRS asks about national identity. The ethnic group results tend not to be published due to small sample sizes for those identifying themselves as other than White.
- C.12 Both the LFS and the FRS provide estimates of current disability according to the DDA definition, based on a suite of questions regarding health problems, type of problem and whether these limit ability to carry out normal day-to-day activities. The LFS is an appropriate source of information for the working-age population. If the authority needs an estimate of DDA disability for the adult population (all aged 16+), use the FRS rather than the LFS (see also the guidance notes in Riddell, 2005). The FRS also collects information on the incidence of DDA disability amongst children.
- C.13 The FRS and the LFS publish some results at local government District level, typically by pooling data over different surveys. None of the Surveys can be expected to provide robust information below that level of geographical detail.
- C.14 Also, in using any of the continuous surveys, be mindful of the fact that estimates from those surveys will be subject to margins of error due to sampling from the population. Sample sizes for discrete sub-groups can also be a limiting factor.

Other Surveys

- C.15 A number of other periodic surveys are conducted that can provide useful information on the section 75 characteristics of the population, including:
- **The Northern Ireland Health and Wellbeing Survey.** The survey focuses on a range of different health issues including cardiovascular disease, mental health and ill-health, physical activity, smoking and drinking. A sexual orientation question was included in one of the self-completion sections of the 2001 Health and Wellbeing Survey. Fieldwork on the most recent survey was completed in March 2006.

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- **The Northern Ireland Household Panel Study (NIHPS).** This is a household-based survey in which participants are interviewed at successive intervals (or ‘waves’) in order to build up a picture of change in their circumstances over time and the factors associated with such changes.
 - **The Northern Ireland Survey of Activity Limitation and Disability.** The survey aims to provide information on the prevalence of disability and health limitations amongst adults and children, as well as information on their experiences and circumstances. Fieldwork took place between February 2006 and February 2007. Headline results will be available in early 2007.
 - **The NI Omnibus Survey** is undertaken by the Northern Ireland Statistics and Research Agency (NISRA) on a periodic basis mainly to obtain snapshot data on attitudes to various issues of interest to Government. In addition to age, sex, religion, etc the Survey asks respondents about their political opinion, defined in terms of the unionist:nationalist divide. Sample sizes in any one run of the Omnibus Survey (circa 1,200-1,300) will tend to constrain its use as a comparator dataset for monitoring purposes.
 - **The Northern Ireland Life and Times Survey (NILTS),** a non-Governmental survey, was launched in November 1998. It aims to collect information on attitudes to a wide range of social policy issues. Of particular interest from a section 75 perspective is that the NILTS gathers information on political opinion. It also asks respondents to give their sexual orientation. The 2005 sample comprised 1,200 adults.



Appendix D: Data Requirements and Data Collection - Illustrative Service Provision Scenarios

Data requirements and collection: Illustrative Service Provision Scenarios

Provision	Utilisation	Examples	Illustrative equality issue(s)	Data requirements	Interaction		Data collection possibilities
					Nature	Depth / duration	
Routine service delivery	Universal	Bin collections	Levels of satisfaction Nature of complaints	User views	No face-to-face	Recurring, frequent	Population Survey
Provision of facilities – no user interaction	Choice-based	Infrastructure – Transport (roads), social (parks)	Access, barriers, satisfaction	User/hon-user profile, views	No face-to-face	Recurring, frequent	Surveys – users, population
Provision of facilities – w/user interaction	Choice-based	Leisure centres, public transport, public libraries	Access, barriers, satisfaction, complaints	User/hon-user profile	Face-to-face	Thin, episodic, one-off	Point-of-use is possible. Also, user & population surveys
Regulatory	Applications,	Licensing	Equal treatment	Profile, distribution of outcomes	Face-to-face	Varies – businesses as well as individuals	More difficult for businesses
Regulatory	Inspections, policing	Enforcement	Equal treatment (e.g. selection)	Profile, distribution of outcomes	Face-to-face	Varies – businesses as well as individuals	More difficult for businesses

Data requirements and collection: Illustrative Service Provision Scenarios

Provision	Utilisation	Examples	Illustrative equality issue(s)	Data requirements	Interaction		Data collection possibilities
					Nature	Depth / duration	
Provision of services	Universal provision, Needs-based	Social services, hospitals	Distribution of resources, access to services, gaps in provision	User/non-user profile	Face-to-face, but often with vulnerable groups	Personal data required Range – ongoing, episodic	Point-of-use is possible
Provision of benefits	Selective provision, Entitlement-based	Social security	Equal access, treatment Whether take-up varies	Profile of applicants & approvals, eligible non-claimants	Mostly face-to-face, also postal	Personal data required	Point-of-use is possible Also user and population surveys
Development & support	Area, group-based	Regeneration	Equal access, treatment	Profile of beneficiaries, positive outcomes	Face-to-face with groups	Ongoing – life cycle of project or programme	Point-of-use is difficult. Proxy indicators.
	Competitive selection	Grant awards	Equal access, treatment	Profile of applicants & approvals, beneficiaries, positive outcomes	Face-to-face, postal, internet	Ongoing, personal data required	Groups & businesses more problematic

Data requirements and collection: Illustrative Service Provision Scenarios

Provision	Utilisation	Examples	Illustrative equality issue(s)	Data requirements	Interaction		Data collection possibilities
					Nature	Depth / duration	
Training & development	Selective provision, target group based	Active labour market policies	Equal access, treatment (selection, outcomes)	User profile, positive outcomes	Face-to-face	Ongoing, personal data required	Point-of-use + admin, tracking
	Universal provision, eligibility-based	Further & Higher Education	Equal access, treatment (selection, outcomes)	User profile, positive outcomes	Personal application (e.g. postal)	Ongoing, personal data required	Point-of-use + admin, tracking
Procurement	Competitive tendering	Purchasing of services	Equal access, treatment (selection, outcomes)	User profile, outcomes	Bids	Varies	Typically businesses – more difficult
Human Resources	Competitive selection	All public authorities	Equal access, treatment (selection, outcomes)	Profile of applicants, outcomes (e.g. success rates)	Personal application (e.g. postal)	Ongoing, personal data required	Point-of-use + admin, tracking

Appendix E: Choice of a Data Collection Method

Introduction

E.1 Various factors, including data collection possibilities, separation of data collection from decision-makers, data collection from businesses or organisations, context in which service is provided, nature of the target group/beneficiaries, expected response rates, role and purpose of the monitoring, information necessary to collect and costs and benefits will need to be taken into account in choosing a method for data collection. The remainder of this appendix considers each of these in turn.

Data collection possibilities

E.2 The research evidence is that self-classification at the point of use, using an equality monitoring form, is most likely to be a feasible option in those service areas where an authority interacts directly with service-users and already requires the provision of personal data such as age and sex. Indicative guidance for a range of service provision scenarios can be found in Appendix D.

Service provision scenarios and self-classification

Nature of provision / uptake	Interaction	Examples	Self-classification
Choice-based	Utilisation	Leisure facilities	User surveys
Needs-based	Consultation	Health and social services	Options, including point-of-use
Entitlement	Assessment	Social Security	Options, including point-of-use
Developmental	Application	Training F&HE Grants	Point-of-use frequently employed

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- E.3 User surveys are an appropriate substitute for point-of-use monitoring in situations where there is a large volume of service users and sampling can be used to collect sufficient data for analysis purposes. In some service contexts, user surveys may be the only way of obtaining information on service users, for example, the population served by a District Council or those using the transport infrastructure.

Separation of data collection from decision-makers

- E.4 There are acknowledged practical advantages of the person dealing with the service user also having responsibility for the collection of monitoring data; for example, the quality of the data can be more proactively managed.
- E.5 However, in some service areas, it may not be appropriate for the person dealing with the service user to also have responsibility for the collection of monitoring data. For example, where entitlement to a service is being assessed by the person charged with collecting the information from an applicant. Or in the exercise of a regulatory or police power where there may be an element of discretion in decision-making.
- E.6 One possibility for managing data collection in such contexts is for the service user to be provided with a monitoring form for self-completion, with the data from the monitoring form being inputted by someone other than the decision-maker. Again, user or exit surveys provide a possible substitute for equality monitoring forms.

Organisations

- E.7 In many service provision contexts, the public authority does not have any direct contact with the final beneficiaries. Rather, it deals directly with organisations that are provided with funding to undertake activities that will benefit a particular target group, depending on the objectives of the funding programme.
- E.8 A number of approaches can be taken in this situation; specific examples are discussed in the *Equality Monitoring Research Project* report. For example, organisations applying for a grant award can be asked to indicate the main group to benefit, should the organisation



be awarded funding. When information is gathered in this fashion, only limited statistical analysis of the information supplied may be feasible, perhaps because applicant organisations do not possess the requisite information. Nonetheless, there is value in signalling inclusiveness and diversity of participation.

Businesses

E.9 The problems posed by the collection of equality monitoring data from businesses will vary according to the nature of the business entity and the questions that the authority is trying to answer. For example:

- In monitoring business support programmes, particularly where the focus is on job creation, the authority might be concerned with ensuring equality of access to the opportunities arising from the support.
- Where the function is to do with regulation and licensing, the authority might be concerned with ensuring fair treatment, that is, whether certain types of businesses (e.g. restaurants) are treated more or less favourably according to their apparent ethnicity, etc.

E.10 In the business support example, the primary interest may lie in collecting data on the composition of employment in the set of supported firms, as a basis for comparison with some benchmark dataset.

E.11 In the regulation and licensing example, the authority might be more concerned with the ownership of the business, or how that may be perceived by those making decisions. Where the focus of the monitoring is on the ownership of affected businesses, it is recognised that there are limitations on how far it is possible to go in ascribing a section 75 status to a firm, particularly larger companies and those that are, or have, subsidiaries.

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- E.12 The starting point in monitoring businesses is therefore to ensure clarity about the reasons for collecting the monitoring data and what is required to address the relevant equality issues.

Context in which service is provided

- E.13 The context in which services are provided will always matter. For example, the scope for collecting personal data will clearly be limited in an emergency response situation. Similarly, safety considerations may act to limit data collection possibilities; for example, a drunk and disorderly person presenting at a hospital emergency ward.

Nature of the target group/beneficiaries

- E.14 Many public authorities deal with disadvantaged or vulnerable groups. In such circumstances, the use of equality monitoring forms for self-completion by the service user can present difficulties. The assisted self-completion approach described above presents one option for dealing with such circumstances. Staff would need training and clear guidelines.
- E.15 Self-administered questionnaires have been shown to increase respondents' willingness to disclose information on sensitive topics (e.g. sexual health and attitudes) and will obviously eliminate interviewer effects. However, disadvantages include the inability of respondents to clarify the meaning of questions and respondent errors in following the correct routing of questions. Furthermore, this method assumes that respondents are able to read and write, which will not always be the case – especially for people with cognitive/learning difficulties. Not only can this affect the quality of the data, but it can also impact on the overall response rate by preventing some respondents from taking part.
- E.16 In dealing with such situations, authorities will also wish to take into account existing guidance prepared on a sectoral basis. For example, with specific reference to ethnic monitoring, the Department of Health (DH) has prepared guidance on data collection for mental health patients, the confused and traumatised, and those unable to understand English.

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- E.17 In some circumstances, ethnic group may be gathered from a relative or advocate. However, this approach could not be relied upon for all of the section 75 categories. There will, therefore, be situations in which complete coverage with regard to the section 75 categories is not feasible.
- E.18 The collection of monitoring data in respect of children presents particular difficulties, raising both ethical and consent issues. The guidance issued by the Department for Education and Skills (DfES) is shown in the box below. Where children themselves are asked to supply such information, it is necessary to obtain their consent. Children should be informed that that this is their choice and it should not be taken as read that parental consent implies the child's consent. The Commission is preparing guidance on consulting with children.

Example: Children- DfES Guidance on collecting ethnic monitoring data

For children aged up to 11, those with parental authority should make the decision on the ethnic background of the child. Children aged 11-15 should make this decision with the support of their parents. Young people aged 16 and over can make the decision for themselves.

However, an individual's perception of their own ethnic identity is considered sensitive personal data and ultimately it is the 'data subject', i.e., the pupil, who determines their own identity by ethnic group. For children aged 11 and above, it is the child's decision that matters and should take precedence over that of their parents.

Source: DfES,

<http://www.standards.dfes.gov.uk/ethnicminorities/collecting/763919/>

- E.19 The DfES guidance is helpful, particularly as it was prepared in consultation with the Information Commissioner. But this is with specific reference to ethnic monitoring. As section 75 covers other sensitive data categories, it should again be recognised that, where children are the subject of the monitoring, there will be incomplete coverage of the section 75 categories.



Expected response rates

- E.20 The reliability and robustness of quantitative data will be affected by a range of factors such as the method of data collection, sample sizes and response rates. The research evidence is that the data collection process needs to be managed to achieve good response rates. Section 7 provides guidance on assessing the quality and utility of data, including response rates.
- E.21 It can be difficult to predict response rates. Our advice is that, if in doubt, pilot the proposed approach so that the process, and expected outcomes, can be better anticipated.

Role and purpose of the monitoring

- E.22 As discussed in Section 3, when data are being collected for screening purposes, a mixed approach to data collection may be optimal; for example, modifying an existing user or exit survey combined with a qualitative approach for any categories for which survey data are not available. In that context, the key objective is to provide warning of risks to the promotion of equality of opportunity.
- E.23 When monitoring for adverse impact, the argument in favour of self-classification at the point of use becomes more compelling, in establishing a baseline and accumulating evidence for assessing change.

The information that is necessary to collect?

- E.24 In deciding whether it is necessary to introduce point-of-use monitoring, the authority will also need to consider whether the information gaps are sufficiently compelling as to justify the intrusion into the privacy of service users and the costs that would be incurred in the introduction of monitoring at the point of use, compared to alternative arrangements that might be made.

E.25 The following questions should be considered in addressing that question:

- How extensive are the information gaps by section 75 category? Across service areas?
- What can be done with existing data? Can the use that is made of this be improved?
- Can proxy indicators be used to highlight any possible inequalities?
- What is the empirical evidence from existing sources regarding uptake/participation? Is there any evidence that this varies within a given section 75 category? How conclusive is this evidence? Can the evidence reasonably be expected to read-across to the sector or locality?
- Are there indicators for fairness e.g. survey evidence showing users' confidence in the fairness of the authority, satisfaction with the services provided? If yes, do the survey findings show significant differences within section 75 categories?
- Do alternative possibilities for data collection exist e.g. Departmental research programmes? Data-sharing with other public authorities?

Costs and benefits

E.26 The final step in deciding on an approach is to compare the costs of the available options against the benefits.

E.27 The benefits from section 75 monitoring have been outlined in Section 2 above. The main benefit is the increased effectiveness and efficiency in carrying out the section 75 duties. While these benefits are not quantifiable, there is a minimum requirement to ensure that monitoring arrangements are in place to enable authorities to assess the impact of their policies and monitor for adverse impact



E.28 The costs of introducing monitoring at the point of use will depend on a range of factors, including the complexity or otherwise of the authority's functions, staff training and modifications to IT factors. Experience to date suggests that costs will not always be a significant barrier, notably where monitoring arrangements can be grafted on to existing data collection arrangements in a straightforward fashion. Clearly, this is not always going to be the case.

Appendix F: Analysis & Interpretation - Further Discussion

Quality and Utility of Data

- F.1 A key issue in assessing the quality and utility of data collected by means of a monitoring questionnaire is whether the data are representative of those from whom information is requested. This could, for example, be all those using a service, or a survey of users.
- F.2 Whether the monitoring returns are representative or not can be assessed in two ways:
- **Outcome indicators.** The significance or otherwise of differences in outcome indicators, such as success rates and average awards, between those making returns and those not making returns.
 - **Profile comparisons.** Comparing the profile of those making returns with those not making returns.

Use of outcome indicators

- F.3 Comparisons of outcome indicators are useful to make because, if those furnishing monitoring returns are more, or less, likely to possess characteristics associated with particular outcomes, such as success in making an application, this would tend to cast doubt on whether the monitoring data are representative of all applicants. Conversely, if outcome indicators do not differ greatly between non-respondents and those making monitoring returns, it is possible to have greater confidence in the representativeness of the monitoring data.
- F.4 Such comparisons can also be straightforward to make since they will rely on data that are generated as a consequence of the administrative requirements of the programme and may be more or less readily available. The basic data collection requirement is that individual participants can be tracked so that outcome indicators, such as success rates and average awards in a funding programme, can be computed for those making returns and those not making returns.

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- F.5 Depending on the number of returns, it may be possible to undertake statistical tests for the significance of observed differences between those making returns and those not making returns.

Profile comparisons

- F.6 Profile comparisons are a more direct way of testing for response bias. These are also much more difficult to do. For most of the relevant profile variables, the requisite data will be missing precisely because of the non-response problem. One way of tackling this issue is to make comparisons using data that may be collected for administrative purposes.
- F.7 For example, the authority may have information on the age-sex composition of those using services. It would therefore be feasible to see if the age-sex distribution for those making returns matched the age-sex distribution for those not making returns.
- F.8 In the event that differences are found, it is technically possible to weight the monitoring data so that the age-sex profile matches the administrative data. This will not necessarily remove any biases that may be due to differences in non-response that are correlated with other categories, such as religion.
- F.9 Profile comparisons also provide a means of assessing the problem of non-disclosure, or incomplete monitoring returns. This can arise where a respondent leaves some questions blank while others are completed. In that instance, some profile information may also be available from the monitoring returns themselves in respect of categories for which non-disclosure is not a problem.
- F.10 Though, it is important to bear in mind that a high non-disclosure rate for a particular category can severely constrain the utility of monitoring data collected for that category.



F.11 Apart from quantitative analyses, it is also possible to address the issue of reliability on a qualitative basis. Simply put, does the profile of applicants by equality category as indicated from the monitoring returns look ‘reasonable’ in light of what is known about the applicant pool by persons working within the authority, especially those responsible for delivering the policy or programme? This is a useful approach to take, as part of the overall assessment of reliability, because staff working on the delivery side may well be able to spot ‘unusual’ patterns in the data.

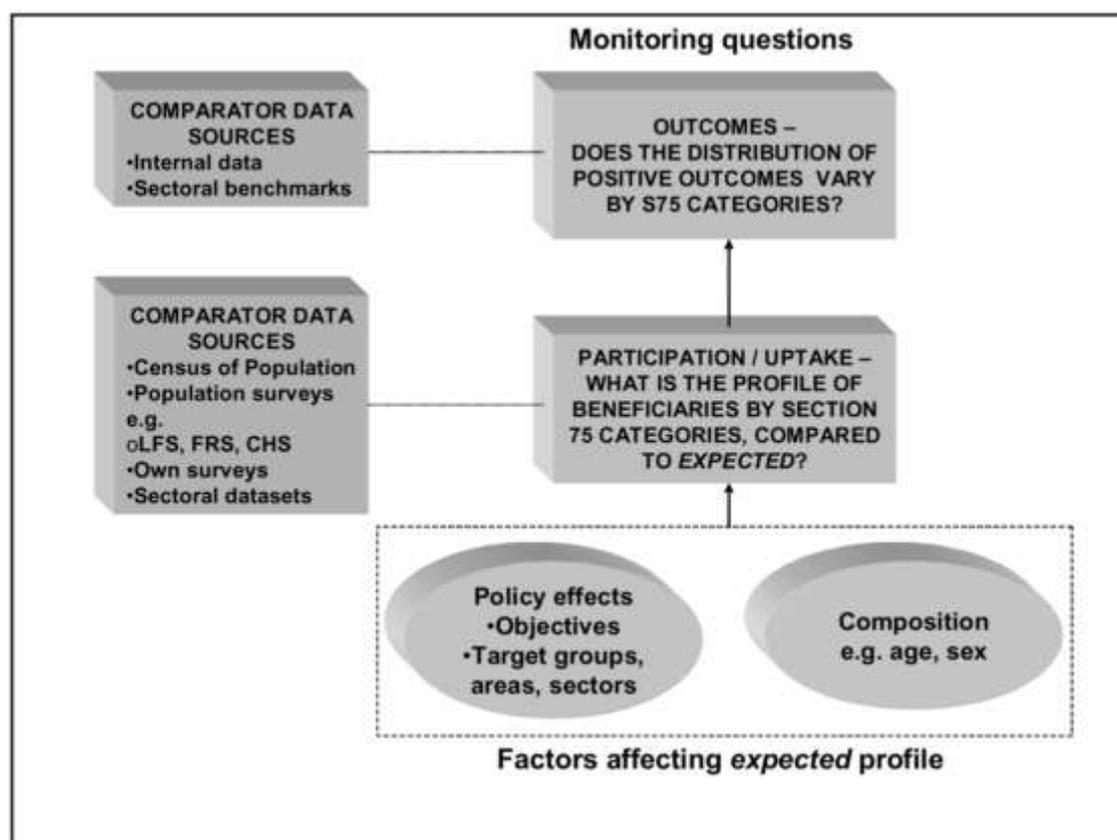
Interpretation of Data

F.12 As discussed in Section 8 of the Guidance, the interpretation of data collected for equality monitoring purposes will generally focus on two main questions:

- Participation/uptake.
- Outcomes.

F.13 This Appendix focuses on issues associated with the preparation of an expected profile of participation in a policy or programme area, which can be compared with the profile from the monitoring data. The framework for the approach is illustrated in Figure F.1A.

Figure F.1 A Framework for Interpretation of Equality Monitoring Data



- F.14 As can be seen, careful thought needs to be given as to the appropriate comparator population that should be used in constructing the expected profile against which to compare the actual out-turn. The general population will work well in relation to services that have a broad base of participation, such as use of Council leisure services.
- F.15 In other cases, it may be necessary to define a sub-group of the general population, to reflect the objectives of the policy or programme under consideration and the associated pattern of needs. Many policies and programmes seek to skew or target the resources towards particular groups, sectors and/or areas. Such targeting will almost inevitably affect the pattern of participation by different groups. For example, a programme that is targeted at helping lone parents would be expected to feature a higher proportion of women than men and persons with dependants than those without.



F.16 Other factors may also need to be taken into account in defining the comparator population. The type of activity supported by a policy or programme may influence the expected pattern of participation. For example, a scheme that is directed towards a particular sector of the economy or type of economic activity may skew participation within one or more section 75 groups.

F.17 The age and sex composition of participants is another factor to consider. In analysing the profile of applications for employment, the economically active population will be the more relevant comparator than the population of all ages. In the provision of services, age is often an important predictor of the pattern of needs (education and health are two obvious examples). But age is also linked with a number of section 75 categories such as marital status and disability. Such effects would need to be taken into account in constructing an expected profile of participation.

F.18 In practical terms, three further problems may arise:

- The comparator dataset might not contain information on one or more section 75 categories. For example, the Census of Population does not collect information on sexual orientation or political opinion. One way of managing this problem is to discuss the monitoring data with representatives of affected groups.
- The classifications in the authority's data differ from the comparator dataset. This problem can be managed by seeking to harmonise definitions and classifications with external datasets, where this is feasible.
- The authority cannot locate the authority's target group in the 'standard' tables published for the comparator dataset. Particularly with Government datasets, such as the Census of Population, it is often possible to request bespoke tabulations.



Appendix G: Further Resources

Data Protection

Department for Constitutional Affairs, 2003. *Public Sector Data Sharing: Guidance on the Law.* Available from the DCA web-site (<http://www.dca.gov.uk/foi/sharing/toolkit/index.htm>).

Information Commissioner's Office, 2001. *Data Protection Act – Legal Guidance.* Wilmslow, Cheshire: Information Commissioner's Office.

Information Commissioner's Office, 2005. *Data Protection – The Employment Practices Code.* Wilmslow, Cheshire: Information Commissioner's Office.

Definitions

Harmonised classifications, questions and output tables for reporting – see http://www.statistics.gov.uk/about/data/harmonisation/primary_standards.asp

Disability

Bajekal, M., Harries, T., Breman, R., and Woodfield, K., 2004. *Review of Disability Estimates and Definitions.* Report of a study carried out for DWP by NATCEN. DWP In-house Report 128. Available at <http://www.dwp.gov.uk/asd/asd5/ih2003-2004/IH128.pdf>.

Disability Rights Commission, 2005. *The Disability Equality Duty: Guidelines on Gathering and Analysing Evidence to Inform Action.* Available from the DRC web-site at <http://www.drc-gb.org/library/>.

Riddel, S., 2001. "Disability statistics". Report of Conference for Users of Equality Statistics, Scottish Executive.

Tibble, M., 2004. *User's Guide to Disability Estimates and Definitions.* Department for Work and Pensions. Available at <http://www.dwp.gov.uk/asd/asd5/ih2003-2004/IH128userguide.pdf>.

Education

For useful guidance on data collection, see the DfES web-site at <http://www.standards.dfes.gov.uk/ethnicminorities/collecting/763919/>.

Equality Commission for NI Guidance

Equality Commission for Northern Ireland, 2005a. *The Guide to the Statutory Duties: Obligations Placed on Public Authorities to Meet the Statutory Duties in Relation to Section 75 of the Northern Ireland Act 1998.* Belfast: ECNI. Available at <http://www.equalityni.org>.

Equality Commission for Northern Ireland, 2005b. *Section 75 of the Northern Ireland Act 1998: Practical Guidance on Equality Impact Assessment.* Belfast: ECNI. Available at <http://www.equalityni.org>.

Equality Commission for Northern Ireland, 2006. *A Guide for Everybody: Disability Discrimination Law.* Belfast: ECNI. Available at <http://www.equalityni.org>.

Equality Commission for Northern Ireland, 2006. *Age Discrimination in Northern Ireland: The Law and Good Practice for Employers (Consultation Draft).* Belfast: ECNI. Available at <http://www.equalityni.org>.

Ethnic Monitoring

Commission for Racial Equality, 2002. *Ethnic Monitoring: A Guide for Public Authorities (Non-statutory).* London: CRE. Available at http://www.cre.gov.uk/publs/cat_duty.html.

Good practice examples identified by the CRE can be found at <http://www.cre.gov.uk/duty/gpexamples.html>.

Cardiff City Council, 2003. *Ethnic Monitoring Scheme.* Available at <http://www.cardiff.gov.uk/>.

Useful illustration of step-by-step guidance. Within a local government context, but has wider interest.

National Statistics, 2003. *Ethnic group statistics: A guide for the collection and classification of ethnicity data.* London: National Statistics, 2003. Available at http://www.statistics.gov.uk/about/ethnic_group_statistics/downloads/ethnic_group_statistics.pdf.

Health

Aspinall, P.J., 2006. *How to Analyse Ethnic Differences in Health, Health Care, and the Workforce: A Toolkit for the NHS.* London Health Observatory. Available at <http://www.lho.org.uk/download.aspx?urlid=10625&urlt=1>.

Department of Health, 2005. *A Practical Guide to Ethnic Monitoring in the NHS and Social Care.* London: Department of Health. Available at <http://www.dh.gov.uk/assetRoot/04/11/68/43/04116843.pdf>.

Department of Health, 2001. *Collecting Ethnic Category Data: Guidance and Training Material for implementation of the new ethnic categories.* London: Department of Health. Available at <http://www.dh.gov.uk/assetRoot/04/11/92/21/04119221.pdf>.

NHS National Services Scotland and NHS Health Scotland, 2005. *Ethnic Monitoring Tool.* Edinburgh: NHS Health Scotland. Available at <http://www.isdscotland.org/isd/files/ETHNIC%20MONITORING%20TOOL.pdf>.

NHS Wales website:

<http://www.wales.nhs.uk/sites3/page.cfm?orgid=256&pid=12616>

Research - General

Dignan, T., 2005. *Equality Monitoring Research Project.* Belfast: Equality Directorate, Office of the First Minister and Deputy First Minister. Available at www.research.ofmdfmi.gov.uk/equalitymonitoring.pdf.

A report on a research project undertaken on behalf of the Equality Directorate of the Office of the First Minister and Deputy First Minister (OFMDFM) and the Equality Commission for Northern Ireland (ECNI). The purpose of the research was to inform the development

of the Commission's guidance on monitoring with respect to section 75 of the Northern Ireland Act 1998.

Dignan, T., 2005. *The Northern Ireland Community Support Framework: Research Project to Examine Ways of Assessing the Impact of the EU Programmes on the Section 75 Groups.* Report prepared for Department for Finance and Personnel. Available at <http://www.europe-dfpni.gov.uk/downloads.htm>.

Dignan, T., with Jackson, J., 2002. *An Investigation of the Issues Associated with the Use of Proxy Measures of Religion (and Other Section 75 Categories) in Relation to the Northern Ireland Criminal Justice System.* Report prepared for Research and Statistics Branch, Northern Ireland Office.

Equality Commission for Northern Ireland, 2005c. *Awareness of Equality Issues amongst the General Public in Northern Ireland.* Belfast: ECNI.

Jones, A., 1996. *Making Monitoring Work: A Guide to the Successful Implementation of Ethnic Record Keeping and Monitoring Systems for Service Delivery.* Centre for Research in Ethnic Relations, University of Warwick.

ORC International, 2001. *Civil Service Diversity Survey.* Prepared for Cabinet Office Diversity Division. Available at <http://www.civilservice.gov.uk/diversity/publications/index.asp>.

Secondary Data Sources

- The **NISRA Equality Website**, at <http://www.equality.nisra.gov.uk/>, is a compendium of datasets collated specifically for the purpose of section 75.
- The **Census of Population** – Datasets can be accessed via <http://www.nisranew.nisra.gov.uk/census/start.html>.
- The **Northern Ireland Neighbourhood Information Service (NINIS)**, at <http://www.ninis.nisra.gov.uk/>, provides access to statistical and locational information relating to small areas across Northern Ireland. Information is available across a range of themes including Population, Social and Welfare, Agriculture, Education and Crime.

- The **Central Survey Unit (CSU)** website contains information on, and selected findings from, a variety of Government population surveys (<http://www.csu.nisra.gov.uk/surveys/>). The surveys listed include the FRS, LFS, CHS, the Omnibus Survey, the Health and Social Wellbeing Survey, and the Northern Ireland Survey of Activity Limitation and Disability.
- The most recent **population estimates** by age and sex, can be located at <http://www.nisra.gov.uk/demography/default.asp>. Population estimates are available for Local Government Districts as well as Parliamentary Constituencies, Health and Social Services Boards and Education and Library Boards.
- The **Department for Social Development (DSD)** website, at http://www.dsdni.gov.uk/index/stats_and_research.htm, contains the various reports from the FRS, including the annual Households Below Average Income (HBAI) series. The site can also be used to access datasets containing information on people in receipt of benefits, both for Northern Ireland as a whole and for geographical units such as Census Output Areas.
- The website of the **Department for Enterprise, Trade and Investment (DETI)** provides access to findings from the LFS (<http://www.detini.gov.uk/cgi-bin/gethome>).
- The **NI Life and Times** survey results are available at <http://www.ark.ac.uk/nilt/>.

Sexual orientation

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