East Lothian Council is committed to mainstreaming equal opportunities into the work we do. This strong commitment is outlined in the Council Plan and backed up in a number of ways, including the budget process.

The budget development process is complex and takes place over a number of months. During this process elected members and managers consider the services they provide, new service requirements and any other considerations before developing a draft budget. All managers are issued with guidance (attached) regarding the need to undertake Equality Impact Assessments in relation to financial decisions and training and support are also available. The Council’s budget is available here  [http://www.eastlothian.gov.uk/downloads/file/2764/2012-2015_budget](http://www.eastlothian.gov.uk/downloads/file/2764/2012-2015_budget)

You can see from this document that issues and redesign of services (detailed through other plans and strategies) feature in the budget e.g. the effect of the homelessness 2012 target and the promotion of direct payments giving people more control over their care packages.

The Equality Impact Assessment process is a key way in which equality is considered as part of both mainstream and specialist services. Through this process, we assess all new services, strategies etc and have also considered equalities in relation to a number of existing policies. These are published on the council website via the following link [http://www.eastlothian.gov.uk/downloads/751/equality_diversity_andCitizenship](http://www.eastlothian.gov.uk/downloads/751/equality_diversity_andCitizenship)

Examples of how mainstream services are considering equal opportunities and meeting the needs of our communities include:

- Programme of equalities training sessions for customer services employees on equalities issues including mental health, LGBT equality, homelessness, third party harassment and gypsy traveller awareness
- Expansion of activities for children with additional support needs to participate in the Summer Activity programme – both specific activity sessions and including children with ASN within mainstream provision
- Development of a new partnership to work towards ending violence against women which includes public and voluntary sector organisations including the funding of a partnership co-ordinator
- Retention of the welfare rights service to help support people affected by welfare changes

East Lothian Council’s Equalities Monitoring in Council Services Guide provides clear guidance on how to monitor equalities effectively in service areas. Training is also provided on how to monitor equalities effectively.

“How Good is Our Council?” is intended to be used across East Lothian Council to assist services and the Council as a whole to evaluate how well it is doing in a rigorous, robust, systematic and consistent way. It provides a framework with which all services will be able to identify their strengths and areas of development, thereby allowing learning and improvement to take place throughout the Council. The framework picks up on both qualitative and quantitative information and encourages service areas to collect examples from practice to demonstrate and evidence their
self evaluation. Issues related to Equality and Inclusion are included in a number of aspects of the self evaluation process. Key questions include:

**Key area 2: Impact on service users**
How well do we meet the needs of our stakeholders?

- Qualitative and quantitative data that demonstrate the extent to which service users are: treated equally and fairly, satisfied with the quality of services provided, involved and engaged in development and delivery of services.

**Key area 5: Delivery of key services**
How good is our delivery of key processes?

- Inclusion and fairness in service delivery in regard to the aspects of: Opportunity, Agency, Process
  Compliance with equalities legislation

Rebecca Spillane
Equalities Officer
East Lothian Council
12 October 2012
Contents

Section 1 Understanding Equalities Monitoring

- Introduction
- Purpose of the Guide
- What is Equalities Monitoring?
- What are the benefits of Equalities Monitoring?

Section 2 Undertaking Monitoring

- Stages of Equalities Monitoring
- Methods of Monitoring
- Data Protection

Section 3 Using the Monitoring Information to Improve Services

- Where equalities monitoring information can be used
- Quality Improvement

Section 4 Frequently asked questions

Appendices

- East Lothian Council Monitoring Form
- Detailed Guidance on each Equalities Strand
- Legislative background
Section 1: Understanding Equalities Monitoring

Introduction

When we talk about equalities monitoring, we mean gathering and analysing information on the personal characteristics of our service users. East Lothian Council is committed to developing high quality services that meet the needs of all individuals and communities across the County. To do this, we need to understand the profile of our community, who is and who isn’t using our services and what people think of them.

Equalities monitoring allows you to establish:

- The nature or extent of inequality
- The areas where action is most needed to encounter inequality and
- Whether or not measures aimed at reducing inequality are succeeding

Purpose of this Monitoring Guide

The purpose of this document is to support employees as they ‘get started’ with equalities monitoring. It provides information about the reasons for collecting and analysing information and how this will help us to achieve our commitments to equal opportunities.

By developing this pack we are not asking you to necessarily collect additional information about your service users. We are asking that this information be collected in the same consistent manner. This will make it easier for service users to give you the information. It will also help you to compare the information you gather with other council departments or services.

‘Monitoring is more than just data collection’ Commission for Racial Equality 2006
Gathering information about our service users

Why is equalities monitoring important?

The aim of the council overall is to provide high quality and inclusive services. To do this effectively, it is essential to understand which individuals and groups within the community are using your services, what they think about the service and what their needs are for the future.

There could be many reasons why residents that need a service don’t use it, for example:

- They don’t know it exists
- They don’t think it’s a service that they need
- They don’t like the way we provide it
- They’ve tried it and didn’t like it

It’s not enough for us to just put our efforts into providing services to the people who already know about them and use them. If we are to put equalities into action, we have to make sure that everyone who wants to access our service is able to do so.

It is important that we actively find out who is and isn’t using services and then look into the reasons why and whether we can take action to address non-usage.

Equalities monitoring is important on business grounds - to exclude potential customers because we’re not providing a service that meets their needs, or because we’re restricting awareness of the service by failing to promote it widely enough, is far from good business sense. It is important to consider ways of reaching under-represented groups and making sure that our services are relevant to their needs, and provided fairly.
What Equalities monitoring can reveal

Equalities monitoring can:

- Show the numbers of particular groups using the service and what outcomes they experience
- Show under use if a service by an equality group
- Show overuse of a service by equality group.
- Gain the evidence needed to make changes to policies or practices
- Reveal discrimination
- Demonstrate that services are not discriminatory
- Measure the effectiveness of service changes
- Identify the need for new or changed services
- Use resources effectively
- Improve our reputation for fair and high quality services

‘Ethnic monitoring has wider benefits too. It will help you to use your resources more effectively. For example, if you identify groups at particular risk of developing certain health conditions, you can use this knowledge to prescribe preventive steps or to catch the disease at its early stages. This will not only benefit the people concerned but also make large savings in later treatment costs.’ NHS Equality Officer
Section 2: Undertaking Equalities Monitoring

Equality Monitoring - 8 key steps

1. Do I need to undertake equalities monitoring
2. What do I need to know?
3. How am I going to monitor?
4. Collecting the data
5. Analysing the data
6. Data Protection
7. Storing the data
8. Make a plan

1. Deciding on whether you need to undertake equalities monitoring

Equalities monitoring can be a legal requirement or a necessary requirement of funding grants, or reporting requirements to national bodies such as the Scottish Government.

Equalities monitoring should generally be undertaken when the policy or function affects a large number of people (proportionality) and the potential for the policy or function to cause inequalities (relevance).

Equalities monitoring should only be undertaken where there is a possibility of gathering useful information that can be analysed and interpreted. People should not be asked equalities questions unless that information is used to improve services or reveal possible discrimination.

Not all monitoring needs to be in great detail. There needs to be a balance between the work involved in collecting the data and what you specifically want the data for.

2. What do we need to know?

Think about the service you are providing and what information will help you to understand more about the uptake and quality of the service you are delivering.

The main aspects to consider are:

- Levels of participation
- Levels of service use
- Levels of customer satisfaction
- Levels and numbers of complaints
- Language preference

‘Only collect information your organisation will use’ (Disability Rights Commission)
3. How to undertake equalities monitoring?

There are four main ways of monitoring methods

a) Ongoing monitoring

This measures people’s experience of using a service over a period of time. This method can be used to track the experience of an individual at different part of a process e.g. from application for a service through to receipt of the service.

This type of monitoring can be used to establish whether:

- There is a difference in outcomes of applications for different equalities groups
- There is a difference in the perception of service delivery for different groups
- All groups are accessing the service equally
- Any action that has been taken to improve the service is working.

b) Episodic monitoring

This type of monitoring happens when contact with a service is limited, short term or occasional e.g. processing a housing application. This is useful to establish if:

- There are particular equalities groups that are using the service more than others
- All groups are accessing the service equally
- There are differences in the outcomes of the applications for different equalities groups
- There is a difference in the perception of the service by different groups.

c) Satisfaction or complaints

This kind of monitoring can be carried out by adapting customer surveys and records of service complaints to include equalities monitoring questions. This will help you to assess whether satisfaction varies between equalities groups and if so why?

Using this method manager may want to find out if:

- There are differences in the satisfaction levels or complaint rates for
different equalities groups
  o There are particular areas of their service that cause a problem for different equalities groups
  o Whether or not different equalities groups have different expectations of their service
  o There is an underlying cause or barrier that means that different equalities groups are receiving a better service than others

d) Usage

This type of monitoring is used to draw up profiles of service use and needs for different groups. This can help you to develop service delivery methods that meet the needs of different groups.

For example:
A community centre may monitor those using the service/ facilities to establish if there are

- Differences in the frequency of service usage by different equalities groups or,
- Differences in the ways that different equalities groups use services

You should be clear about whether you need the information for monitoring or to meet individual needs, or both. For example, you might ask everyone who is admitted to hospital about their religion, because you want to know whether you need to change your policies or make further provision for this. Your inpatient services can then give equal weight to patients' different religious needs. On the other hand, you might ask for the information only because you want to be able to make arrangements for a particular individual’s religious needs. Only the first would really be described as monitoring. (Commission for Race Equality, 2006)
4. Collecting the Data

4.1 Providing an explanation

People are often concerned about providing personal information. When requesting equalities information you should always provide an explanation about why the information is being collected and what it will be used for. It is very important to stress that this information will be confidential and will not adversely affect the service the person will receive. The information provided in done so voluntarily and so if an individual does not want to answer a particular question, they don’t have to.

Providing a contact name and address for further information is also good practice.

By telling us about yourself, you can help us to improve the Rent Collection Service we provide. The information you give us will be used in strictest confidence and only general summaries of results will be published. For more information about how we will use this information, please contact equalities@eastlothian.gov.uk

4.2 Publicity

If you are introducing equalities monitoring to a service you should let people know that this will happen. More targeted publicity, aimed particularly at those groups that you wish to monitor, should be considered as good publicity can help to improve response rates. Any changes that you make as a result of analysing your equalities monitoring should also be promoted widely to show people that this could make a positive difference.

Good Practice Example: encouraging people to fill in ethnic monitoring forms

Hackney Community College wanted to encourage more students to complete the voluntary ethnic monitoring section of enrolment forms. In 2003, almost one third of students did not declare their ethnic origin on the form. To encourage students to complete the form the college produced leaflets explaining:

- what information was needed and why;
- how it would be used; and
- how the use of such information would benefit the students.

Training was also provided to staff on how to ask questions on ethnicity and other personal information. By 2005, the number of students declaring their ethnicity had increased by 20 per cent.
6. Data Protection and Equalities Information

Data Protection

The Data Protection Act 1998 protects the rights of people about whom you collect and process data. As part of our work toward equality outcomes we will be increasingly asking for data from people using our services. The box below is a copy of a ‘fair processing notice’, which must be made available to all people who we collect information from.

This can be copied into a covering letter, be used as part of an email or be added to a poster – as long you make sure people have access to this notice we are following the terms of Data Protection legislation. Make sure the contact details relate to an officer involved in the data collection exercise.

East Lothian Council is a public authority that provides services across East Lothian. As a public authority we have a number of legal duties placed upon us to ensure that we eliminate unlawful discrimination and promote equal opportunities. To help us meet these duties we are collecting information to tell us who uses our services to help us plan activity for improving our services. Under the Data Protection Act the information you give us is voluntary and East Lothian Council will keep your personal details safe and secure with strict limits on who has access to the information and you may ask us to stop processing this data at any time. By filling in the form and returning it, you are consenting to your data being processed and looked after in this way. If you have any questions or queries about this please contact (name and contact details of officer).

7. Storing the data

The data should be stored in a safe and secure place, with restricted access to the information. This means that either a new database/spreadsheet is created, which is password protected, or, if an existing database/spreadsheet is being used that the fields can be hidden and password protected to ensure that access to the data is limited. In addition, there should be a limit on how long the data is stored for. For example if you have collected monitoring information for a 3-year project, it would be reasonable to destroy the data after 3 years.

Only certain officers should have access to the information that has been stored. This is to make sure that the data is kept safe and is only used for certain purposes.
8. Make a plan

Once you have decided to carry out equalities monitoring and you have chosen the method you wish to use, you should then make a plan to carry out the monitoring. The plan should details:

- What information you are going to ask
- What are you going to compare this information to or do you plan to use it to establish a baseline figure
- How and when the information will be analysed
- How the results will be distributed
- Who will be responsible for taking action
Section 3: Using the Information you have collected

The information collected should be analysed consistently and in line with the type of service being provided e.g. short-term projects may need to be analysed weekly but on going services may find it more useful to analyse information annually or bi-annually.

The information you collect should be used to inform other work that helps us to understand the impact of our services on members of the community. It should also help us to identify priorities for future council work and help us to set targets to work towards.

When analysing the information you may want to consider:

Is the service targeted at a particular community? For example, if your service is specifically for young disabled people, it does not tell you much that most of your clients fall into this group. In this case, you would probably want to do more work on checking that people who fall into other equalities groups e.g. minority ethnic communities are proportionately represented.

What information can I compare my findings with? If this is the first time you have collected equalities information you may need to look for comparators in other service areas or other local authorities who operate a similar service. You can also compare your figures to Census figures or local population information. You can also begin to build a baseline of information for you to use in future monitoring exercises.

**For example**
The 2001 Census identified that approximately 46% of the East Lothian population are male. You find that only 20% of your service users are men and you are not aware of any reasons why this should be the case. This gives you the evidence base you need to find out more about why more men are not using your service.

Equality Impact Assessments (EQIA's)
EQIAs need to be undertaken on all new and existing Council policies and functions. Monitoring information is essential to the Impact Assessment process to help identify whether there is:

a) A differential impact on any particular group – which means one or more groups are affected differently by the policy or function; and

b) An adverse impact on the groups that are affected differently

For more information on EQIA please visit [http://pear/intranet/0,1165,6266,00.html](http://pear/intranet/0,1165,6266,00.html) or email [equalities@eastlothian.gov.uk](mailto:equalities@eastlothian.gov.uk)
**Business planning**
Business plans need to be based on robust evidence to ensure that resources are being targeted efficiently and effectively. The results of any monitoring, EQIAs or self-evaluation work should be reflected in business plans and steps to address any adverse impacts should be outlined. Business plans should include improvement plans containing actions based on the results of monitoring exercises to ensure that equality becomes part of the mainstream.

**Reporting equality monitoring results**
The results of monitoring activity should inform reports to Cabinet, Council and PPRP’s.

---

**Example: Using pupil attainment monitoring to set targets**
A local education authority (LEA) in London has monitored pupils’ attainment by ethnic group for a number of years. Analysis of each year’s ethnic monitoring data shows that Black Caribbean and Turkish children have significantly lower levels of attainment in English and Math at age 11. It set an overall target to improve attainment levels for all pupils to 80% of 11-yearolds reaching the expected level in English within two years, and 70% of 11-yearolds reaching the expected level in Math over the same period.
Section 4  Frequently asked questions?

I have been doing equalities monitoring for some time and the results reveal no significant disparities. Is there any point in doing this?

Where no significant disparities are identified, the data can be used to show that the service is being provided on an equal basis. By continuing to monitor you can ensure that this remains the case.

Does the Council have a standard Equal Opportunities Monitoring Form?

Yes. A copy of this form can be found in appendix 2 of this booklet. If you would like an electronic copy of the form, please email equalities@eastlothian.gov.uk

How do I deal with ‘unknown’ and ‘other’ ethnic origins?

People whose ethnic background you do not know should be classified in a separate ‘unknown’ category. They should not be put into an ‘other’ category as this will make it impossible to tell apart those people who have not classified themselves and those who have classified themselves as one of the ‘other’ categories.

Does the Council monitor its own workforce?

Yes. Each year Personnel Services produces the ‘Equalities in Employment Report’. This is presented to the Joint Consultative Committee and includes an action plan for the year ahead. A copy of the report can be seen on http://pear/intranet/0,1165,6266,00.html

I have a low response rate to the monitoring I undertake. What can I do?

Monitoring is more effective if there is a high response rate. If the response rates are low, you may need to improve awareness and understanding amongst respondents for the need for equalities monitoring. You could try updating the questions you ask or the order in which you ask them. You can also try to undertake some qualitative research to uncover other information about user satisfaction.

How will people feel about equalities monitoring?

People can sometimes be worried about this. Generally the main concerns are:

- Why do you need the information?
- Who will see this information?
- What will you do with the information?

It is important that these concerns are addressed, to encourage people to give you the information you need to plan and improve your services.
Appendix 1 Sample East Lothian Full Equalities Monitoring Form

This form contains questions related to all strands of Equality and Diversity. Remember that you need to consider the relevance of each question to the type of monitoring you are undertaking. You do not need to ask all of the questions, all of the time.

<table>
<thead>
<tr>
<th>Age</th>
<th>0-16</th>
<th>25-34</th>
<th>44-54</th>
<th>60+</th>
<th>Prefer not to say</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>Male</td>
<td>Female</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marital Status</td>
<td>Single</td>
<td>Married</td>
<td>Civil Partner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic origin</td>
<td>White:</td>
<td>Black, Black Scottish or Black British</td>
<td>Scottish</td>
<td>Caribbean</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other British</td>
<td>Caribbean</td>
<td>Irish</td>
<td>African</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other white background</td>
<td>Any other Black Background</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asian, Asian Scottish</td>
<td>Mixed Background</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Or Asian British</td>
<td>Any mixed background</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indian</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pakistani</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bangladeshi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chinese</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any other Asian background</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Ethnic Background</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Please tell us</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>Lesbian</td>
<td>Gay</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bisexual</td>
<td>Heterosexual</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you consider yourself to be a disabled person i.e do you have physical or mental impairment which has a substantial long term adverse effect on your ability to carry out day to day activities?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Please tell us if this is a:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Visual impairment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Wheelchair user</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Hearing impairment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Physical Impairment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Learning difficulty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religion &amp; Belief</td>
<td>Buddhist</td>
<td>Sikh</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Muslim</td>
<td>Other Christian</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Roman Catholic</td>
<td>Church of Scotland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jewish</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hindu</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language Preference</td>
<td>Please tell us your preferred language e.g. English, Polish, Urdu</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Appendix 2 Detailed Guidance on Monitoring Categories**

**Age**
You should try and chose age bands that make the most sense for your service area. E.g. if you are monitoring services for young people you will need more detailed age categories for those under 18.
There are two ways to collect this information. You can either:

- ask for a date of birth
- provide age categories

**Disability**
There are a number of areas where you can consider when gathering information about disability.

Firstly, in addition you can ask whether a person considers themselves to be disabled as defined by the law. A sample question could be:

---

**Sample Question**

The Disability Discrimination Act considers a person to be 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 DDA?

---

You may also wish to collect information on the type of impairment that individuals have. If you wish you can ask about impairments that reflect the particular concerns of your organisation e.g. learning difficulties. Remember, the needs of a wheelchair user will be different from those of someone with a hearing impairment.
Finally, you may wish to establish the impact of a person’s impairment on their everyday life. This focuses on the social model of disability – i.e. what barriers does the individual experience, rather than focusing on their medical condition. The suggested barriers can be varied to suit your own service area.

Sample question

Please state the type of impairment which applies to you. If more than one applies, please tick as many as apply to you. If none are appropriate, please mark ‘other’ and specify the type of impairment.

**Physical impairment** - such as difficulty using your arms or mobility issues which mean using a wheelchair or crutches.

**Sensory Impairment** – such as being blind/ having a serious visual impairment/ being deaf/ having a serious hearing impairment.

**Mental health condition** - such as depression or schizophrenia
Learning disability or difficulty

**Long Standing illness or health condition** – such as cancer, HIV, epilepsy or chronic heart disease.

Gender & Transgender

To explore the gender equality within your services you need to identify male and female service users. Some organisations also include information about caring responsibilities e.g. child care, elderly care or care for a family member.

Transgender is a very sensitive area and equality organisations have a differing view on whether it is something that should be monitored. Particular care must be taken when reporting this information as there is a danger of contravening the Gender recognition Act if people are identified.
One suggestion for asking people if they are transgender is to give it as an alternative to a male/female question. This is inappropriate: most trans people do not consider themselves to be a ‘third sex’ and are likely to take offence at this suggestion. Therefore, under a separate ‘transgender’ heading the following question should be asked (in addition to the gender question).

**Sample Question**

Is your gender identity the same as the gender you were assigned at birth?

Yes/No

**Relationship Status**

‘Marital status’ can be included as this is included in the Sex Discrimination Act. This should be extended to include Civil Partnerships. E.g the question could ask if someone is:

- Single
- Married
- Civil Partner

**Faith**

The faith categories suggested are based on the 2001 Census. They donot pick up on all faiths, religion or beliefs but they do offer a basis for comparison locally and nationally.

The 2001 Census question included the following categories:

- No religion
- Christian
- Buddhist
- Muslim
- Hindu
- Jewish
- Sikh
- Other (please write in)
**Sexual orientation**
The recommended categories are:

- Bisexual
- Gay
- Heterosexual
- Lesbian

**Ethnicity**
The question that we have included in the equalities monitoring form are those that were used in the 2001 Census categories. The Equality and Human Rights Commission advises that these categories should be used as they offer a means of comparison at local and national level.

The Census categories are currently being reviewed and tested in advance of the 2011 Census.

<table>
<thead>
<tr>
<th>A. White</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Scottish</td>
</tr>
<tr>
<td></td>
<td>Other British</td>
</tr>
<tr>
<td></td>
<td>Irish</td>
</tr>
<tr>
<td></td>
<td>Any other white background (please write in)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Mixed Background</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Any Mixed background, (please write in)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Asian, Asian Scottish or Asian British</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indian</td>
</tr>
<tr>
<td></td>
<td>Pakistani</td>
</tr>
<tr>
<td></td>
<td>Bangladeshi</td>
</tr>
<tr>
<td></td>
<td>Chinese</td>
</tr>
<tr>
<td></td>
<td>Any other Asian background (please write in)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D Black, Black Scottish or Black British</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Caribbean</td>
</tr>
<tr>
<td></td>
<td>African</td>
</tr>
<tr>
<td></td>
<td>Any other black background (please write in)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. Other ethnic background</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Any other ethnic background (please write in)</td>
</tr>
</tbody>
</table>
Appendix 2 Relevant equal opportunities legislation

Age

In 2006, the Employment Directive on Age came into force, making it illegal for employers to discriminate unjustifiably against employees on grounds of age. At present there is no legislation to protect against discrimination on the grounds of age in the provision of goods and services.

Disability

Part III of the Disability Discrimination Amendment Act 1995 gives disabled people rights of access and placed a number of requirements service providers:

- Service providers must not treat a disabled person less favourably because they are disabled;
- Service providers have had to consider making reasonable adjustments to the way they deliver their services so that disabled people can use them.
- Service providers may have to consider making permanent physical adjustments to their premises.

The Disability Equality Duty 2005 requires public authorities to be able to demonstrate that they are taking positive steps towards disability equality and be aware of the impact of their services on disabled people.

Ethnicity

Under the Race Relations Amendment Act 2003 East Lothian Council have to show how we will monitor the impact of the policies (formal and informal decisions) we have adopted, or are proposing to adopt, on promoting race equality. Monitoring service users will enable us to conduct robust ‘impact assessments’.

Gender

The Sex Discrimination Act 1976 (SDA) and the made discrimination on grounds of sex, marital status or on grounds of gender reassignment in employment or service delivery. In order to ensure an organisation is acting fairly, information on the employment situation of women, men, transgender and married people should be collected. The SDA prohibits sex discrimination in the provision of goods, facilities and services to the public. The EOC recommends that data is collected on:

- applications for services
- those refused services
- customer retention
- complaints
**Transgender**

A transgender person is someone who has a deep conviction that their gender - whether they are a man or a woman - does not conform to the sex they were assigned at birth. Many transgender people wish to change their name and personal details and live as a member of the gender with which they identify. This may involve hormone therapy and surgery. The process is referred to as ‘gender reassignment’ or ‘transitioning’.

Since April 2005, people have been able to apply for full legal recognition for their acquired gender. The Gender Recognition Act also includes important measures to protect people’s privacy (see section below on Records and Confidentiality). However, not all transgender people wish to or can go through this legal process. All transgender people should be treated as the gender in which they live, whether or not they have applied for such legal recognition.

The Gender Duty, which came into force in April 2007, places an additional duty on public employers to take positive steps to combat unlawful discrimination and harassment of transsexual workers or potential workers. Current legal protection is limited to discrimination on grounds of intending to undergo, undergoing or having undergone gender reassignment.

**Sexual orientation**

The Equality Act 2006 prohibits sexual orientation discrimination (including harassment) in the provision of goods, facilities and services, and in the execution of public functions.

Whilst there is no obligation to monitor in relation to sexuality, employers and service providers will have to prove that they did not discriminate or harass, once the complainant has made a prima facie case.

**Religion and Belief**

The Equality Act 2006 made discrimination unlawful on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, education, and the exercise of public functions.
Understanding the impact of Financial Decisions on Equality Groups

Guidance note for elected members as part of the Budget Development process 2011-14

November 2010
3 key Steps for those tasked with agreeing East Lothian Council budget 2010:

1. Understand your obligations under the equality legislation
2. Understand how the budget proposal put before you will affect equality groups
3. Consider how individual financial proposals might relate to one another

1. What the law requires East Lothian Council to do?

Under equality legislation we are required to pay ‘due regard’ to the need to eliminate discrimination and promote equality as well as to promote good relations between groups.

The law requires that this duty to pay ‘due regard’ be demonstrated in the decision-making process, including financial decisions. Assessing the potential equality impact of proposed changes to policies procedures and practices is one of the key ways in which public authorities can show ‘due regard’.

The Equality Act 2010 will introduce a new public sector duty which extends our legal obligations to age, sexual orientation, pregnancy and maternity and religion or belief (in addition to disability, race and gender).

2. How can I demonstrate that I have paid due regard to equalities when agreeing budget savings?

2.1 If you are presented with a proposal for cost saving, you should question whether this enables you to consider fully the proposed change and its likely impact. Officers preparing budget savings proposals are asked to make an assessment of the impact of these savings on equality groups.

For example:

- Do you understand why the budget saving is being proposed and who will be impacted by the change?
- Is the budget saving identified justifiable? Remember equal treatment does not always produce equal outcomes: sometimes authorities have to take specific steps for particular groups to address an existing disadvantage or to meet differing needs.
- Are there plans to alleviate any negative impact? Are you happy that these steps will remedy any negative impacts identified?

2.2 When should I consider the impact on equality groups?

The assessment should form part of the budget proposals and you should consider it fully **before** making any decisions on the final budget. It should not be used to justify decisions that have already been taken.
3. Taking Decisions

3.1 Cumulative impact

You should think about how individual financial proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular equality groups.

For example:

A local authority takes separate decisions to limit the eligibility criteria for community care services; increase charges for respite services, scale back its accessible housing programme and cut concessionary travel. Each separate decision may have a significant effect on the lives of disabled residents and the cumulative impact of these decisions may be considerable. This combined impact would not be apparent where decisions are considered in isolation.

3.2 Can the impact assessment process stop us taking difficult, but necessary financial decisions?

The reality is that, in times of financial constraint, public authorities will have to make difficult and often unpopular decisions regarding funding and service provision. The Public Sector Equality Duties do not prevent authorities making these decisions, provided that decisions are taken in accordance with the duties.

Through the impact assessment process, potential for adverse impact or missed opportunities may be identified but despite that you may still need to proceed.

In this instance the Equality and Human Rights Commission will be looking for steps you have taken or considered to mitigate any adverse impacts. However, if the policy shows actual or potential unlawful discrimination you will only be able to meet your legal obligations under the duties by stopping, removing or changing the policy.

For example:

A university decides to close down its childcare facility in order to save money, particularly given that it is currently being underused. It identifies that doing so will have a negative impact on women and individuals from different racial groups, both staff and students.

In order to mitigate such impact, the University designs an action plan to ensure relevant information on childcare facilities in the area is disseminated to staff and students in a timely manner and to develop partnership working with its local authority and ensure sufficient and affordable childcare facilities remains accessible to its students and staff.

3.2 What happens if I don’t consider the impact of financial decisions?
If there has not been some sort of assessment of the impact of financial decisions, you risk leaving the Council open to legal challenges which are both costly and time consuming. You also risk making poor and unfair decisions that could discriminate against particular equality groups and perpetuate or worsen inequality.

4. Advice and Support


If you wish to talk through the assessment process, please contact Rebecca Spillane, Equalities Officer on 01620 827134 or email equalities@eastlothian.gov.uk

Legal cases

Cuts to welfare rights and advice services/DED/GED/RED

*Meany & Ors, R (on the application of) v Harlow District Council [2009] EWHC 559 (Admin) (09 March 2009)*

The Harlow District Council published an invitation to tender for its welfare rights and advice services for a lower budget than it had previously paid. Services had previously been provided to the Council by a non profit making company however, the Council's decision meant that the company's contract would cease. Consequently the company would need to make some staff redundant. In addition, if the Council spent less on this service, this would inevitably have a significant impact on the level of welfare rights advice and services offered in Harlow. Mrs Meaney was a resident of Harlow and a service user and she claimed that the Council had failed to comply with its legal obligations by failing to equality impact assess its decision about tendering services.

The Court made a clear statement about the importance of 'due regard'. In acknowledging that an EIA wasn’t carried out, the Court stated that there is no duty for a public authority to carry out a formal equality impact assessment but that it has to demonstrate that it has consciously directed its mind to its equality obligations before taking decision to implement a proposed policy, procedure or practice.

The Court stated that as long as the public authority paid ‘due regard’ to its statutory duties it could consider other countervailing factors in reaching decisions, such as the fact that all cuts in community services would inevitably have an impact on the disadvantaged; or that the service had been relatively protected from prior cuts unlike other aspects of discretionary services. Having due regard to equality considerations has to be a precondition. Furthermore, the Court endorsed the view that general regard to issues of equality is not the same as having specific regard, by way of a conscious approach. The Court found that in this case there was no due regard. In so deciding, the Court emphasised the importance of compliance with the
race equality duty not as a rear guard action after a decision has been made, but as an essential preliminary to any such decision being made.
Understanding the impact of Financial Decisions on Equality Groups

3 Key steps as part of the Budget Development process 2011-14

November 2010
3 key Steps for those tasked with identifying budget savings:

1. Understand your obligations under the equality legislation
2. Consider how your proposed budget savings will impact on equality groups
3. Share the findings of your assessment with elected members and other decision makers.

1. What the law requires East Lothian Council to do?

Under equality legislation we are required to pay 'due regard' to the need to eliminate discrimination and promote equality as well as to promote good relations between groups.

The law requires that this duty to pay 'due regard' be demonstrated in the decision-making process, including financial decisions. Assessing the potential equality impact of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can show 'due regard'.

The Equality Act 2010 will introduce a new public sector duty which extends our legal obligations to age, sexual orientation, pregnancy and maternity and religion or belief (in addition to disability, race and gender).

2. How can I demonstrate that I have paid due regard to equalities when identifying budget savings?

2.1 Undertake an assessment of how you consider changes to your services will impact on equality groups

Your assessment should:

- Be a written record of the equality considerations you have taken into account
- Be based on evidence i.e. informed by relevant national or local research into the experiences of equality groups
- Contain sufficient analysis to enable the decision maker to understand the equality implications of a decision and the alternative options or proposals.
- Identify methods for mitigating or avoiding any adverse impact.

Though you do not need to use the Council’s Equality Impact Assessment Toolkit and Template to undertake this analysis you may find the structure and format of the template useful in completing the process. More information about the process can be found via http://www.eastlothian.gov.uk/site/scripts/documents_info.php?documentID=835
2.2 When should I consider the impact on equality groups?

The assessment should form part of your budget proposal and you should consider it fully before putting forward any budget proposals. It should not be used to justify decisions that have already been taken.

3. Informing Decisions

Can the impact assessment process stop us taking difficult, but necessary financial decisions?

Not necessarily! The reality is that, in times of financial constraint, public authorities will have to make difficult and often unpopular decisions regarding funding and service provision. The Public Sector Equality Duties do not prevent authorities making these decisions, provided that decisions are taken in accordance with the duties.

Through the impact assessment process, potential for adverse impact or missed opportunities may be identified but despite that you may still need to proceed.

In this instance the Equality and Human Rights Commission will be looking for steps you have taken or considered to mitigate any adverse impacts. However, if the policy shows actual or potential unlawful discrimination you will only be able to meet your legal obligations under the duties by stopping, removing or changing the policy.

For example:

A university decides to close down its childcare facility in order to save money, particularly given that it is currently being underused. It identifies that doing so will have a negative impact on women and individuals from different racial groups, both staff and students.

In order to mitigate such impact, the University designs an action plan to ensure relevant information on childcare facilities in the area is disseminated to staff and students in a timely manner and to develop partnership working with its local authority and ensure sufficient and affordable childcare facilities remains accessible to its students and staff.

4. Advice and Support


If you wish to talk through the assessment process, please contact Rebecca Spillane, Equalities Officer on 01620 827134 or email equalities@eastlothian.gov.uk
Understanding the impact of Financial Decisions on Equality Groups

3 Key steps as part of the Budget Development process 2011-14

November 2010
3 key Steps for those tasked with identifying budget savings:

1. Understand your obligations under the equality legislation
2. Consider how your proposed budget savings will impact on equality groups
3. Share the findings of your assessment with elected members and other decision makers.

1. What the law requires East Lothian Council to do?

Under equality legislation we are required to pay 'due regard' to the need to eliminate discrimination and promote equality as well as to promote good relations between groups.

The law requires that this duty to pay 'due regard' be demonstrated in the decision-making process, including financial decisions. Assessing the potential equality impact of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can show 'due regard'.

The Equality Act 2010 will introduce a new public sector duty which extends our legal obligations to age, sexual orientation, pregnancy and maternity and religion or belief (in addition to disability, race and gender).

2. How can I demonstrate that I have paid due regard to equalities when identifying budget savings?

2.1 Undertake an assessment of how you consider changes to your services will impact on equality groups

Your assessment should:

- Be a written record of the equality considerations you have taken into account
- Be based on evidence i.e. informed by relevant national or local research into the experiences of equality groups
- Contain sufficient analysis to enable the decision maker to understand the equality implications of a decision and the alternative options or proposals.
- Identify methods for mitigating or avoiding any adverse impact.

Though you do not need to use the Council’s Equality Impact Assessment Toolkit and Template to undertake this analysis you may find the structure and format of the template useful in completing the process. More information about the process can be found via http://www.eastlothian.gov.uk/site/scripts/documents_info.php?documentID=835
2.2 When should I consider the impact on equality groups?

The assessment should form part of your budget proposal and you should consider it fully before putting forward any budget proposals. It should not be used to justify decisions that have already been taken.

3. Informing Decisions

Can the impact assessment process stop us taking difficult, but necessary financial decisions?

Not necessarily! The reality is that, in times of financial constraint, public authorities will have to make difficult and often unpopular decisions regarding funding and service provision. The Public Sector Equality Duties do not prevent authorities making these decisions, provided that decisions are taken in accordance with the duties.

Through the impact assessment process, potential for adverse impact or missed opportunities may be identified but despite that you may still need to proceed.

In this instance the Equality and Human Rights Commission will be looking for steps you have taken or considered to mitigate any adverse impacts. However, if the policy shows actual or potential unlawful discrimination you will only be able to meet your legal obligations under the duties by stopping, removing or changing the policy.

For example:

A university decides to close down its childcare facility in order to save money, particularly given that it is currently being underused. It identifies that doing so will have a negative impact on women and individuals from different racial groups, both staff and students.

In order to mitigate such impact, the University designs an action plan to ensure relevant information on childcare facilities in the area is disseminated to staff and students in a timely manner and to develop partnership working with its local authority and ensure sufficient and affordable childcare facilities remains accessible to its students and staff.

4. Advice and Support


If you wish to talk through the assessment process, please contact Rebecca Spillane, Equalities Officer on 01620 827134 or email equalities@eastlothian.gov.uk