

## **Using equality information and data to hold public bodies to account**

This guide will help you to understand equality information and data and how to hold public bodies to account. It includes:

- What equality data and information should help you to understand
- What to do if there are information and data gaps
- When to contribute your own evidence
- The things you should consider when reviewing a public body's published information and data
- How else you might use published equality data and information
- What differences matter when analysing data
- How you might compare different public bodies performances
- How you might challenge a public body's findings
- How you might challenge a public body's conclusions

### **What should equality information and data help you to understand?**

The equality information and data published by a public body should enable you to understand:

- How the public body's policies and practice are affecting people with different Equality Act protected characteristics
- The evidence it has used and the analysis it has carried out to show how it is meeting the three aims of the Equality Duty
- The evidence which informed the public body's equality objective(s)
- What the public body intends to do to meet the duty
- How the public body compares to others and is performing over time

### **What should I do about information and data gaps?**

There is likely to be lots of information and data from public bodies on race, gender, age and, increasingly, disability. You may find there is less information and data about:

- The different types of impairments that disabled people have
- Sexual orientation
- Gender reassignment
- Young people
- Religion or belief
- One particular racial group – Gypsies, Travellers and Roma

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The lack of information, data or evidence in some areas reflects historical patterns of data collection. For example the 2011 Census did not ask questions about sexual orientation or gender reassignment, therefore a public body will not be able to rely on the Census data to account for these populations in their area. On these issues, public bodies should be encouraged to look for other evidence, in particular from local VCOS and national agencies such as Press for Change and Stonewall.

Lack of evidence about a group or an issue does not mean it is less deserving of attention or action. The EHRC advises public bodies that an issue affecting only a small number of people very seriously may be more of a priority than one which affects a large group less significantly. See:

[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/ehrc\\_psed\\_objectives\\_web.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/ehrc_psed_objectives_web.pdf)

You can ask a public body how it intends to improve its data collection on particular issues so that data and information gaps can be filled and [disaggregated data](#) can be considered and made available.

You can also encourage a public body to use proxy measures, where useful and appropriate. For example, indicators such as parental income, teenage pregnancy rates and free school meals are often used as indicators of inequality for younger people or single mothers. Ward level indices of multiple deprivation may be combined with demographic data to demonstrate that a group of people may experience disadvantage in employment.

[Click here](#) for ideas about additional data you might request.

### **When should I contribute evidence and data?**

EHRC guidance encourages public bodies to work with employees, service users and equality organisations particularly when they have gaps in information and data. See: [http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/equality\\_analysis\\_guidance.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/equality_analysis_guidance.pdf)

Public bodies should also look at relevant information that you can offer them to understand the potential effect that policies and practices may have upon people with different relevant protected characteristics. So the Equality Duty is an opportunity for you to work with public bodies to share evidence, data and analysis. This could be particularly important on topics where there is limited quantitative data and where qualitative evidence, such as case studies or your social policy evidence, is the best available source of information about discrimination, equality and good relations.

You might contribute evidence when public bodies:

- Are preparing or reviewing equality objectives (deadline was April 6<sup>th</sup> 2012 and at least every four years after that)
- Are publishing equality information (deadline was 31<sup>st</sup> January 2012 or 6<sup>th</sup> April 2012 for schools, and at least annually after that)
- Are designing or introducing new strategies, policies or practices
- Are reviewing existing strategies, policies and practices
- Are considering policies where equality issues might arise because of demographic, economic or social policy changes.

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You might also contribute evidence when:

- You have identified that people who share a relevant protected characteristic have different needs or that their participation in an activity is disproportionately low
- You have identified prejudice and lack of understanding about a protected characteristic
- Where multiple identity issues (e.g. problems facing older LGBT people in getting access to appropriate social care) are not being addressed appropriately.

You may be able to be more effective at influencing a public body if you work with other organisations in your area to pool information to identify common equality issues, such as prejudice among staff or poor information about services. [Click here](#) for ideas and tools about doing this.

Coventry Women's Voices contributed evidence, as well as reminding their City Council of its obligations under the Equality Duty, when they lobbied for a 'nil policy' on Sex Entertainment Venues (lap-dancing clubs, strip clubs and so on). It was important to be able to make these arguments, particularly when some councillors and officers were focussed on the danger of legal challenge from club owners if licences were not granted.

### **What could you consider when reviewing the published equality information?**

When reviewing the equality information and data published by a public body, you could consider whether:

- The information and data provided is sufficient to demonstrate that the public body has paid due regard to the three aims of the Equality Duty for all of the protected characteristics.
- The public body has identified the most relevant and significant discrimination, equality of opportunity, and good relations issues in relation to its functions and services, and drawn on this evidence when making decisions.
- The public body has overlooked any major and significant issues relating to discrimination, equality or good relations.
- The conclusions the public body has drawn appear reasonable, based on the evidence they have considered.
- The equality objective(s) the public body has chosen take account of the key issues affecting all protected characteristics and will help to eliminate discrimination, advance equality of opportunity, and foster good relations.
- The equality objective(s) chosen will, if achieved, make a real and meaningful difference to addressing disadvantage experienced by people with particular protected characteristics.
- You will be able to measure the progress the public body makes over time in achieving the three aims of the Equality Duty.
- The public body's performance is better or worse in comparison to similar organisations.

Another part of this support package contains ideas for questions you might ask when reviewing specific information about a public body's [equality performance](#).

## **How else might you use published equality data and information?**

You could also use public bodies' published equality information to:

- Check if the body is dealing with the issues you have raised with them
- Raise awareness of issues for people with particular protected characteristics, for example, through the media
- Assess the effect of funding decisions at a community level and identify gaps in funding and services
- Find out whether people with particular protected characteristics are accessing services equally and are as likely to benefit from them as much as others
- Establish if some people with particular protected characteristics are more likely to experience enforcement action e.g. removal of taxi licenses or stop and search
- Monitor the public body's supplier diversity, e.g. the number of ethnic minority run businesses that receive contracts
- Establish if contractors are meeting procurement requirements on equality reporting, where these have been set
- Get improvements in data gathering, analysis and evidence building particularly if there are data and evidence gaps
- See how the public body is advertising jobs and the success rates during recruitment and selection for people with different protected characteristics.

## **When analysing data what differences matter?**

Differences in opportunities almost always suggest a problem of some kind. For example, if suitably qualified disabled people have fewer opportunities than others to get a job with a public body, this is clearly a problem. It is also a problem if disabled people have fewer opportunities than non-disabled people to get the skills and qualifications that help people to get such jobs.

Differences in outcomes often indicate differences in opportunities, but do not always do so. In some cases, a range of other factors, not linked to opportunities, may affect outcomes. You may have relevant expertise that allows you to form a view on that, and that will help the public body identify whether action is needed and, if so, what. For example, there is likely to be a problem if some ethnic groups are doing less well than others at GCSEs. However, recent migrants may do less well at some subjects primarily because they are still learning English. You should be alert to the existence of other factors when looking at outcome measures.

Differences in take up of services or satisfaction with services can indicate a problem, particularly if a service is intended to benefit everyone equally and everyone is paying for it through their taxes. For example, older LGBT people may use social care services less because they fear discrimination; or Muslim women may make less use of ante-natal care than other women due to lack of suitably targeted information about such services. A public body should consider addressing these issues. However, if a service or activity is legitimately targeted at people with particular protected characteristics, then disproportionate service use by those people would usually be a good sign. So, for example, if a service is targeted primarily at vulnerable older

people, it would be a cause for concern if the service were being used equally by people of all ages, because the service would then be failing to meet the objective of concentrating help on a vulnerable older people.

## **Data by protected characteristic**

To enable public bodies to have due regard to the Equality Duty, it is good practice for public bodies to access or collect data about relevant protected characteristics, for example: the overall population in their area, their employees, service users, people applying for services such as to schools or for licenses, people subject to enforcement action and those subject to harassment or violence. Some public bodies will have well developed data systems, others will not. Sometimes nationally collected data can be used and at other times local public bodies may collect it themselves. It is likely that the data collected will be incomplete with the exception of gender, age and, possibly, race. Even when collected, there may still be under-reporting on sexual orientation, religion or belief, disability and transgender status.

In making sense of data it is important to know how many people the data is about as well as things like percentages. For example, if a public body says that the number of disabled people using a particular service has doubled in the last year, the significance of this would be very different if the number had doubled from 2 to 4 than if it had doubled from 200 to 400.

Data that provides only high level information on the protected characteristics does not tell the whole story and public bodies should be asked for and encouraged to collect and report on disaggregated data.

## **What is disaggregated data?**

This is data that is broken down in such a way that it provides meaningful information that can help you to find out how the actions and policies of public bodies are affecting people with different protected characteristics and others within those groups. If data is not broken down in this way it can hide inequality and unfair treatment. For example, for some issues it may not be helpful just to see data reported by BAME and White as this says nothing about what may be significant differences within these characteristics such as differences between Pakistanis and Indians, or White British and White Irish. Similarly, there may be differences between the experiences of Muslims and Hindus or lesbians and gay men, young and older people.

More public bodies are beginning to understand the need to consider information on the White category of service users so that they understand the diverse range of groups that may, collectively, be considered as White, which could include Gypsies and Travellers, migrant workers or newcomers from Eastern Europe. This group contains people with very different life experiences and backgrounds, and may have different needs from public services.

Voluntary and community organisations that focus on a single group or community may be mainly interested in knowing how a public body is having 'due regard' to eliminating discrimination, advancing equality and fostering good relations for this group. However, it is also important to remember that people have more than one

protected characteristic and you may want to see how a public body is taking account of a range of variables, for example, the experience of young disabled women may differ significantly from that of young disabled men.

Ideally, where a public body has published data to demonstrate compliance with the Equality Duty across its functions, data should be disaggregated for each function, service and/or department of the public body. This will help when you are looking at access to particular services, levels of usage, satisfaction rates, service experience and outcomes. For example, if a hospital only provides overall service figures by protected characteristic this can hide significant differences in the way services are being provided between different departments or services such as A and E, maternity or out patients.

A public body should not publish sensitive personal data that identifies individuals. While it is important that public bodies consider such data in some cases, to comply with the Equality Duty, they should not publish it if it would allow an individual person to be identified. This applies to information about, for example, a person's racial or ethnic origin, religious beliefs or other beliefs of a similar nature, or physical or mental health.

### **'Unknown' and 'Other' categories of data**

If data includes the 'unknown' or 'other' categories, it is good practice for a public body to treat these as separate groups when analysing data. Combining these categories makes it difficult to tell who has identified themselves as 'other' and those who have not identified themselves at all.

Where there are a large number of 'unknowns' you could encourage a public body to take steps to reduce these so that better quality data can be provided on the populations being served. A large 'other' category may mean that the public body is asking the wrong questions by not reflecting the wide range of diverse communities and groups, both in England generally and within individual communities. You could encourage them to look again at how they are collecting data in order to address this and reduce the number of 'other' responses.

### **Tracking trends over time**

In order to establish how well a public body is doing over time in achieving the Equality Duty's aims it is important that data is published each year, to enable benchmarking, comparisons and trends to emerge year on year. It is a legal requirement for public bodies subject to the specific duties to publish equality data at least once a year so a clear pattern of trends should emerge. Annual reporting also provides public bodies with the opportunity to improve the quality of their data, reduce the 'unknown' and 'other' categories, and better reflect their user base.

Good year on year trend data will be disaggregated for each of the protected characteristics to ensure it does not hide differences between different groups. For example:

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- Overall educational attainment rates for pupils may appear to have improved over time, however, the achievement levels of Bangladeshi girls may have decreased between one year and the next.
- While hospital discharge rates may appear equal for all patients year on year, there may be significant delays for older patients in comparison to younger patients.
- While reported hate crime figures overall may be decreasing it may be that reported homophobic hate crime is actually rising.
- While success rates between disabled and other applicants to a university may appear equal overall, it may be that disabled applicants are more successful at securing arts places than science places, or that people with physical disabilities are more likely to get a place than people with visual impairments.

### **How might I compare the equality performance of a public body?**

In order to make sound judgements about a public body's equality performance it is likely that you will need to compare your public body's performance with that of another organisation, as well as with other local, regional or national data.

In general, for meaningful comparisons to be made you should try to compare like with like, that is compare one public body to another with the same remit, which is of a similar size and resources, and which has a similar population, service user or pupil base. This prevents arguments that your comparison is not valid and asking the public body to match such performance is unrealistic. Having said this, if you identify examples of good practice and performance from a smaller, less well resourced public body with a similar demographic, it would be difficult for a larger, better resourced body to argue that they could not be expected to match such performance or practice.

You can review the other organisations' published equality data and information including data sets, evidence from engagement, their equality objective(s) and other analysis and compare this to your local public body. If you find that the comparator public body has produced more detailed data or information, you can inform your public body of this good practice and ask them if it is possible for them to match the standards of the comparator body.

You could also compare the other organisations' policies, decisions, plans, criteria, spend, service usage, service experience and outcomes with your public body's as this could help you to make a judgement as to how well your public body is performing or what it might do differently. If you find that your public body is performing less well than the other organisation, you can inform your public body that this is the case, and ask them if they will improve performance so that it meets that of the comparator organisation. If you can show the public body *how* they can improve their performance that will be an especially useful intervention.

Regional and national data can help you to benchmark your public body's performance. [Click here](#) for more information about what is available. If you find that performance compares poorly, for example in terms of access to services, satisfaction or outcomes for particular protected characteristics, you can inform the public body of your findings and ask them if they will aim to match the regional or national benchmark in future.

If you find that it is not possible to compare performance due to the way data is presented e.g. it is aggregated, in a closed or inaccessible format or is presented in a way that makes comparisons impossible, you can ask your public body to provide data in a way that enables benchmarking and comparisons in future. Providing data in such a way will also help them to fulfil the public sector data transparency principles.

When comparing performance it is important to recognise where a public body has been performing poorly but is making a concerted effort to make progress. This enables you to maintain good working relations with the public body and also provides an opportunity to open discussions about other issues which may not have been deemed significant or major initially but may be the focus of attention now that the primary equality concerns are being addressed.

In some instances a public body may appear to be performing badly, but actually not be. For example, where reported homophobic hate crime incidents have risen, it may be that this is due to the public body making more effort to encourage people to recognise and record such crimes. It is important to be aware and sensitive to such factors: in such cases, apparent poor performance could actually demonstrate a positive approach to the Equality Duty.

As stated earlier, certain public bodies must publish information demonstrating their compliance with the Equality Duty annually. This should enable comparisons to be made year on year, enabling trends and progress to be measured. If you find that you are not able to measure a public body's progress year on year you should bring this to their attention, asking them how they are monitoring their compliance with the duty, and what they intend to do to enable tracking of trends and performance over time.

Although the legal requirement is for annual publication, some public bodies may publish equality information as and when they make decisions, to show how they took account of it. This is good practice and you might want to encourage it. You could remind public bodies that regular publication would be in line with the Government's wider drive for public bodies to publish all sorts of information about their services as soon as reasonably possible.

### **How might you challenge the findings of a public body?**

If you believe the data published by a public body indicates that they did not properly consider significant or major issues relating to discrimination, equality or good relations when they made key decisions, you can ask the public body to discuss their decisions or findings and the evidence that informed these. You can refer to EHRC guidance which indicates that if a public body's findings are not based on good evidence or if they have overlooked major issues they may not have complied with the Equality Duty.

If the public body you are concerned about is a local council, make sure elected councillors know about your concerns. If the public body does not want to engage you could inform your local or national media of your concerns. You could also request information under the Freedom of Information Act, or inform the EHRC of your concerns. Ultimately, if a public body has not complied with the Equality Duty it can be challenged by way of judicial review.

## **How might you challenge the equality objectives of a public body?**

Most public bodies must prepare at least one specific and measurable equality objective. While they have a lot of choice about how they do this, guidance from the EHRC and the Government Equalities Office (GEO) encourages larger public bodies to set a number of objectives, and to focus these where they are likely to have the biggest impact on promoting the aims of the Equality Duty.

If you think a public body is not focussing its objectives on the key equality issues, you can ask the public body to engage with you on this, and suggest alternative objectives to them. You can also draw their attention to the EHRC and GEO guidance.

The information provided by a local authority suggested that it was not aware of the prevalence of repossessions and rising homelessness among women, children and young people, and was therefore not planning to address it. The local Citizens Advice Bureaux contacted the local authority to raise the issue, and suggested that the authority set a target to reduce such repossessions. Following this challenge, the local authority set a specific and measurable objective to reduce such repossessions, and agreed to work in partnership with the Citizens Advice Bureaux and local homelessness organisations to monitor and improve the situation.

## **How might you challenge the conclusions of a public body?**

If you believe that the conclusions of a public body are not based upon good evidence, an appropriate assessment of how relevant an activity is to equality, or proper consideration of the three aims of the Equality Duty, you can ask the public body to discuss their conclusions, and the evidence that informed these, with you and other relevant organisations.

A race equality group requested the data and evidence from their local police force which had concluded that stop and search was so low in their area it could not disproportionately affect young Asian men. Following their request for evidence and further analysis by the race equality group, the police reconsidered their decision and added an objective to reduce the number of stops and searches of Asian men. They put in place a series of measures, including improved training of police officers, to achieve this.

You can refer to EHRC guidance which indicates that if a public body's conclusions are not based on good evidence; if they have overlooked major issues or have not considered relevance and the three aims of the Equality Duty, they may not have complied with the duty. If the public body is a local council, make sure elected councillors know about your concerns. If the public body does not want to engage with you, you could consider informing the local and national media of your concerns. You could also request information under the Freedom of Information Act; inform the EHRC of your concerns; or launch a judicial review.