

AGENDA MANAGEMENT SHEET

Report Title:	Monitoring of Engagement of Consultation Exercises
Name of Committee:	Scrutiny Committee
Date of Meeting:	5 March 2024
Contact Officer:	Aftab Razzaq, Chief Officer – Legal and Governance
Summary:	This relates to a Motion passed at Full Council in December 2023. The details are set out within the report.
Financial Implications:	There are no direct financial implications arising from this report.
Risk Management Implications:	There are no risk management/health and safety implications arising from this report.
Environmental Implications:	There are no direct environmental implications arising from this report
Legal Implications:	There are no direct legal implications arising from this report.
Equality and Diversity:	There are no direct equality and diversity considerations arising from this report.

Agenda No 5

Scrutiny Committee - 5 March 2024

Monitoring of Engagement of Consultation Exercises

Public Report of the Chief Officer – Legal and Governance

Recommendation

- (1) Consider the motion passed at Full Council on 13 December 2023.
- (2) Delegate the proposed recommendation to Full Council to the Equality and Diversity Steering Group

1. BACKGROUND

- 1.2 During the December Full Council meeting the following motion was passed;

“Council requests that Officers prepare a detailed assessment of take-up and participation levels for the current Rugby Local Plan Issues & Options consultation phase once concluded and that this analysis is reported back to Planning Services Working Party for consideration.

There exists a concern that many residents are unaware of the Local Plan consultation process at all, how it works and the difference between informal consultations and statutory consultations.

Effective consultation is the lifeblood of any healthy local democracy, not only in its delivery but also its public perception to honestly engender and maintain the trust of communities.

In light of broader concerns regarding the Councils consultation process for all forms of consultation, officers are asked to review how engagement levels are being monitored by, for example, age group, urban/rural status, ethnic minority groups, special interest groups, sports and recreation clubs, socio economic standing, education, and religious bodies as well as other key stakeholder groups across the Borough and this should be considered by the Scrutiny Committee with recommendations reported to Full Council.”

- 1.3 The above motion referred matters to both the Planning Services Working Party and Scrutiny Committee.
- 1.4 Scrutiny Committee were required to consider the Council’s consultation processes and specifically ‘how engagement levels are monitored’. This is set out within this report with a recommendation that this matter be referred to the Council’s Equality and Diversity Steering Group.

2. Consultation Processes

2.1 The Council's consultation processes and specifically the engagement levels with various groups is monitored through the 'Equality Monitoring Guidance'. This is set out within Appendix 1.

2.2 The Equality Monitoring Guidance sets out when such monitoring is undertaken and states the following;

'There are a number of circumstances when it is considered good practice to undertake equality monitoring. For example, if the Council is asking people for their views, it needs to ensure that all the diverse groups that exist have been reached ensuring that the views obtained are representative.

Therefore, when undertaking consultation and engagement of any sort, whichever engagement method is used i.e. surveys or focus group, equality monitoring is included to enable the Council to demonstrate that it has engaged widely.'

2.3 In order to discharge the above requirement, the Council seeks to monitor the diversity of its customers when undertaking matters such as consultations. However, it is important to note that the disclosure of such information from recipients is discretionary and, in some cases, it may not be provided.

2.4 The policy presently requires reviewing and this forms part of the work being undertaken to update a number of policies. It is proposed that this is put on the agenda for the upcoming Equality and Diversity Steering Group meeting in April. Thereafter a recommendation will be put forward to Full Council in accordance with the above motion.

Name of Meeting: Scrutiny Committee
Date of Meeting: 5 March 2024
Subject Matter: Consultation Monitoring
Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink



EQUALITY MONITORING GUIDANCE

Date of issue	October 2016	Next Review	August 2023	Last Review	August 2021
Policy owner	E & D Steering group				

EQUALITY MONITORING GUIDANCE

Introduction

The purpose of these Guidelines is to assist staff within Rugby Borough Council (RBC) who are responsible for undertaking equality monitoring of service provision and employment practices.

It explains the Council's reasons for undertaking equalities monitoring, what should be monitored, and issues connected with monitoring the six groups or "strands" identified on the monitoring form. It also provides guidance on data protection, confidentiality and communication issues associated with monitoring activities.

What is equality monitoring and why should we be doing it?

What is monitoring

Equality monitoring is the process of collecting, storing and using information about the different protected characteristics of our customers, staff and members.

This information when analysed against a particular service outcome helps the council to identify improvements for all of its customers and ensure that its workforce is reflective of the community.

Effective monitoring is an important tool for measuring performance and progress towards equality and diversity goals and in ensuring a truly inclusive working environment.

Monitoring is not an end in itself. Data that is collected needs to be analysed and used to inform appropriate action.

It is important that customers, staff and members understand the reason why they are being asked for the information, they know what the information will be used for and understand that the data will be stored confidentially.

Why should we monitor?

Our customers

Are becoming increasingly diverse and are ever-changing – both in make-up and in their expectations. We need to understand our customers so that we design and deliver services that meet their needs.

Our workers

Understanding the composition of the workforce helps enable the Council to highlight differences between groups in terms of satisfaction, engagement and progression. This in turns enables the Council to identify, tackle and prevent issues that would otherwise undermine employee engagement and productivity.

It is a Legal requirement

Annually collating and publishing information about our customers and workforce by protected characteristic is a legal requirement. Publishing equality information about our customers promotes transparency and allows the Council to demonstrate how it is meeting the aims of the general duty.

The duty requires public bodies to understand the needs of their customers and demonstrate equality in the design of policies and the delivery of services and understand the profile of their staff to examine how their employment policies and processes are working and to identify areas where these appear to be impacting disproportionately on certain groups of staff.

As a public authority RBC must pay due regard to:

- ❖ Eliminate discrimination, harassment, victimisation
- ❖ Advance equality of opportunity
- ❖ Foster good relations

Practicing equality of opportunity involves:

- ❖ Removing or minimising disadvantages
- ❖ Taking steps to meet the differing needs
- ❖ Encouraging people to participate in public life or activity where participation is disproportionately low.

Fostering good relations means:

- ❖ Tackling prejudice
- ❖ Promoting understanding.
- ❖ Meeting the needs of disabled people in making reasonable adjustments.

When does the Council need to undertake monitoring?

There are a number of circumstances when it is considered good practice to undertake equality monitoring. For example, if the Council is asking people for their views, it needs to ensure that all the diverse groups that exist have been reached ensuring that the views obtained are representative.

Therefore, when undertaking consultation and engagement of any sort, whichever engagement method is used i.e. surveys or focus group, equality monitoring is included to enable the Council to demonstrate that it has engaged widely.

Where services are delivered, some sort of equality monitoring should be in place to understand what the take up of the service is with different groups. This will enable the Council to make changes if it finds that some groups need to be targeted more effectively.

What should be monitored?

The following protected characteristics are covered by the equality duty and data across all of these groups should be considered for collation:

- ❖ Age
- ❖ Disability
- ❖ Gender reassignment
- ❖ Marriage/civil partnership status
- ❖ Pregnancy and maternity
- ❖ Race – this includes ethnic or national origins, colour or nationality
- ❖ Religion or belief – this includes lack of belief
- ❖ Sex
- ❖ Sexual orientation

More information about the protected groups can be found in Appendix 2.

What questions should be asked?

A sample equality monitoring form can be found in Appendix 1. The question recommendations are a combination of those categories used by the Office for National Statistics (ONS) (and their counterpart organisations) in the 2021 Census for England and Wales.

The questions address each of the protected groups.

As an equal opportunities employer, the Council is committed to delivery of a working environment free from prejudice and unlawful discrimination, and that, of course, includes on grounds of gender reassignment. The new Public Sector Equality Duty now provides greater protection for transsexual people.

However, in terms of paying due regard (as required by the Equality Act 2010) to gender identity, consideration should be given as to how individuals who live in or identify with a gender which differs from the birth will be impacted on.

Monitoring questions – how to use and why?

It is important for you to think about what you want the exercise to achieve – do you just want to know the profile of our customers / employees or do you want to gain specific information about people's perceptions, satisfaction levels, needs and requirements?

The key to good monitoring is that it helps to achieve improvements and is done for this purpose rather than to monitor because it is a requirement.

It is important that our customers understand why we are collating information about them, how we will store information about them and who we share the information with.

Therefore, it is important that equality monitoring informs service design or delivery and/or policy development. They can be asked alongside service specific questions to understand experiences or views of different communities and improve service delivery for all customers.

Consideration should be given to explaining the:

- ❖ Council's commitment to delivering and developing services that address everyone's needs.
- ❖ How the information will be used?
- ❖ How we will protect confidentiality?

We need to be clear that the Data Protection Act 2018 protects the rights of people we are collecting data about.

Providing service users with supporting information outlining the points listed above will support the number of customers providing information about their protected characteristics. It is important to check completion rates and have actions in place to increase rates if completion is poor. There is no point putting in place processes to collate customer data if completion rates do not allow for meaningful analysis.

Using equality monitoring data

For monitoring processes to be effective, it is essential that information gathered is analysed, and that analysis is used to inform the Council's work. This is also an essential element of compliance with the Data Protection Act 2018. If we collect personal information, it should be with a purpose to use it.

Equality information about our customers can help us to understand:

- ❖ Service user participation
- ❖ Equitable outcomes
- ❖ Customer experience and satisfaction

This in turn enables the Council to ensure equitable and inclusive services for all customers regardless of their protected characteristics.

Equality information about our staff can help us to understand differences between groups in terms of:

- ❖ Staff satisfaction
- ❖ Staff engagement
- ❖ Progression.

This in turns enables the Council to identify, tackle and prevent issues that would otherwise undermine employee engagement and productivity.

Summary

Equality and diversity monitoring can help to:

- ❖ **build reputation** – Research shows that the best performing organisations and those that invest most on promoting equality and diversity in their workforce;
- ❖ **improve productivity** – We know that valuing and supporting the diversity of people's

backgrounds and lifestyles is important in making the most of the contribution that they can bring to an organisation's performance

- ❖ **recruit and retain** the best from the widest talent pool;
- ❖ **create awareness** - Signaling the organisation's understanding of and commitment to creating a more inclusive work environment;
- ❖ **provide specific adjustments, training or interventions;**
- ❖ **Identify and address any inequalities** - in the application of employment practices;
- ❖ **avoid risk** –compliance with the Equality Act 2010 avoids damaging and costly employment tribunals or negative publicity

Data protection

The Data Protection Act 2018 permits the use of equalities monitoring data, when the data relates to the following protected characteristics:

- ❖ Personal data revealing racial or ethnic origin;
- ❖ Personal data revealing religious or philosophical beliefs;
- ❖ Data concerning health;
- ❖ Personal data concerning an individual's sexual orientation.

Processing of this data is only permitted where it is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

Data collected for these purposes does not meet this condition if it is carried out for the purposes of measures or decisions with respect to a particular data subject.

Conditions for processing personal data for the purposes of equality monitoring

Where personal data is collected for the purposes of equality monitoring as outlined above, the data shall be processed in accordance with the council's data protection policy. Compliance with this policy ensures that the processing is in accordance with the data protection principles identified in Article 5 of the General Data Protection Regulation (GDPR).

Where a department or service area intends to process personal information for this purpose, the intended processing must be identified in that team or service area's entry in the record of processing activity (ROPA) held by the Data Protection Officer. That entry shall include the retention period to be applied to the personal information, details of how the processing is lawful, and details of the exemption that permits the Special Category processing.

Before the processing takes place, the team or service area shall consider how the Special Category data could be anonymised or otherwise taken out of scope of the Data Protection Act 2018 and GDPR.

If you require further advice or support, please contact the Corporate Equality & Diversity Advisor on 01788 533509 or email: minakshee.patel@rugby.gov.uk

Equal Opportunities Monitoring Form

Rugby Borough Council is committed to promoting and achieving equality and fairness for all. The information requested below helps us monitor and understand the profile of our customers, staff and members. It is confidential and anonymous, and it cannot be attributed back to you.

Under the Public Sector Equality Duty section of the Equality Act 2010, we have a legal duty to understand the communities we serve, our customer profile and the profile of our staff and members. This Duty can only be met by effective monitoring of the protected characteristics as identified in the Equality Act 2010.

Data Protection: The Council will process the data in accordance with the council's data protection policy. Compliance with this policy ensures that the processing is in accordance with the Data Protection principles identified in Article 5 of the General Data Protection Regulation (GDPR). The information will be held in accordance with the Council's Data Protection policy.

Therefore, the equality monitoring questions we need to ask are listed below: -

What is your Gender Identity?

- Male (including trans man) Female (including trans woman) other including non- binary
 prefer not to say

Age

- 16-24 25-34 35-44 45-54 55-64
 65-74 75-84 85+

Ethnicity¹

White

- English Welsh Scottish Northern Irish
 Irish Gypsy or Traveller Other White background please specify

Mixed/multiple ethnic groups

- White and Black Caribbean White and Black African
 White and Asian Any other mixed background

Asian/Asian British

- Indian Pakistani Bangladeshi Chinese
 Any other Asian background

¹ Census 2021 categories

Black/ African/ Caribbean/ Black British

African Caribbean
Any other Black/African/Caribbean background

Other ethnic group

Arab Any other ethnic group

Disability

Do you consider yourself to be disabled?

Yes No

Sexual Orientation

What is your sexual orientation?

Heterosexual/straight
Gay woman/lesbian
Gay man Bisexual
Other
Prefer not to say

Religion or Belief

What is your religion or belief?

No religion Buddhist Christian
Hindu Jewish Muslim
Sikh Any other religion
Prefer not to say

Thank you for completing this form.

Appendix 2**Definitions of a protected characteristics**

Throughout the guidance you will see reference to 'protected characteristics'. This page gives you more information on each of the nine protected characteristics.²

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. [1] This will also be true in Scotland when the relevant legislation is brought into force. [2]

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

[1] Section 1, Marriage (Same Sex Couples) Act 2013.

[2] Marriage and Civil Partnership (Scotland) Act 2014.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

² <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman, (male or female)

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.