

GUIDANCE

Equality Information and the Equality Duty: A Guide for Public Authorities

England (and non-devolved public
authorities in Scotland and Wales)

Contents

1 Introduction	4
Context for this guide	4
Legal status of this guide	4
Who this guide is for	5
Content of this guide	5
Terminology	5
2 Equality information and the duty	7
What the general equality duty requires on information	7
What the specific duties require on information	8
3 Collecting and using information	9
Benefits of equality information	9
What to collect on employment	10
What to collect on services and other functions	10
Wider information	12
4 Developing your information	13
Addressing gaps	13
Routine monitoring	14
Monitoring and sensitive information	14
Equal pay	17
Benchmarking your equality information	18
5 Publication	19
Introduction	19
Purpose of publishing equality information	19
What to publish	20
Exceptions	21
Employment information	21
Information on services and other functions	22
When to publish	23

Continued...

Where to publish 24

Format 24

The Data Protection Act..... 25

6 | Summary and checklist 26

More information Error! Bookmark not defined.

1 | Introduction

Context for this guide

This guide is one of a series written by the Equality and Human Rights Commission (the Commission) to explain how public authorities can meet the requirements of the Equality Act 2010 (the Act). The Act brought together all previous equality legislation in England, Scotland and Wales. The Act includes a public sector equality duty (the equality duty), replacing the former duties relating to race, disability and gender equality. The equality duty came into force on 5 April 2011.

There are five England/GB guides giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Equality objectives and the equality duty
3. Equality information and the equality duty
4. Meeting the equality duty in policy and decision-making
5. Engagement and the equality duty

The essential guide provides the main overview of the equality duty requirements. The other four documents provide more detailed guidance on key areas and they provide advice on good practice. Further information and resources are available at: www.equalityhumanrights.com

This is the third edition of this guide.

If you require this guide in an alternative format and/or language please contact us to discuss your needs. Contact details are available at the end of this publication.

Legal status of this guide

This guidance provides advice on how to meet the equality duty. It will assist public authorities to comply with their legal duties under:

- Section 149 of the Equality Act 2010 (the public sector equality duty), and
- The Equality Act 2010 (Specific Duties) Regulations 2011.

Who this guide is for

This guide is aimed at those responsible for implementing the equality duty in public authorities in England (and for non-devolved public authorities in Scotland and Wales). It will be of interest to staff right across public authorities, but particularly those responsible for collecting and using equality information, and those involved in business planning, procurement, analysis, human resources, grant making, governance and scrutiny. The guide will also assist those who have an interest in the work of public authorities such as service users, voluntary bodies, unions, and equality organisations.

It provides advice to two types of public authority: those that are subject only to the general equality duty, and those authorities that are also subject to the specific duties ('listed bodies'). The different requirements for both of these bodies are set out clearly throughout this guide.

Content of this guide

This guide:

- Explains the purpose of equality information and how it relates to the requirements of the equality duty.
- Suggests information that public authorities could collect and use, including using existing information, addressing gaps and benchmarking information.
- Provides advice on the role and purpose of equality monitoring, confidentiality issues, and the Data Protection Act.
- Explains the obligations of listed authorities to publish equality information under the Equality Act 2010 (Specific Duties) Regulations 2011 (the specific duties).
- Advises on deadlines and appropriate publication formats.

Terminology

Equality information: can include information about the protected characteristics of staff and service users, or evidence used to inform policy development and decision-making such as local or national research on equality issues. It includes both quantitative (numerical) and qualitative (descriptive) information. Qualitative

information may focus more on factors which are more difficult to measure or represent in quantitative terms.

Services: means the services and other functions carried out by a public authority (or by an external organisation if they are contracted out). For the purposes of this guide, this includes the exercise of powers (such as enforcement) and other functions such as use of statutory discretion, planning decisions, conferring qualifications and awarding grants and funding etc. Service users are the people who benefit from (or who are affected by) these services or functions.

Disaggregation: means separating out equality information according to a protected characteristic. One example might be breaking down by race the overall exam results for pupils according to the categories used for this protected characteristic in the Census.

Benchmarking: means the comparison of performance results or processes with those of other organisations. As this will include good performers it can help to identify areas of weakness or suggest areas where you may wish to aim to improve performance.

Anonymisation of data: The process of converting data into a form where identification of individuals is unlikely to take place.

2 | Equality information and the duty

The public sector equality duty (the equality duty) is made up of a general equality duty which is supported by specific duties. The 'public sector equality duty' is the formal title of the legislation, the 'general equality duty' is the overarching requirement or substance of the duty, and the 'specific duties' are intended to help performance on the general equality duty. An overview of the equality duty is set out in our essential guide to the equality duty. This includes further information about the meaning of 'due regard'.

The general equality duty requires public authorities, in the exercise of their functions, to have **due regard** to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

These are often referred to as the three aims of the general equality duty.

What the general equality duty requires on information

Although there is no explicit legal requirement to collect and use equality information across the protected characteristics, to have due regard to the aims of the duty, public authorities must understand the impact of their policies and practices on people with protected characteristics. It must have sufficient evidence on which to base its consideration of the impact of a policy or decision. Therefore, collecting and analysing equality information (including from engagement, where relevant) is an important way for it to develop this understanding.

What the specific duties require on information

Public authorities covered by the specific duties must publish information to demonstrate their compliance with the general equality duty.

- All listed bodies (except schools and pupil referral units) had to do this for the first time by 31 January 2012, and then at least annually from the first date of publication.
- Schools and pupil referral units had to do this for the first time by 6 April 2012, and then at least annually from the first date of publication.

The specific duties are not particularly prescriptive about the information that needs to be published, but this must include information relating to people who share a relevant protected characteristic who are:

- the employees of the listed body (for authorities with 150 staff or more)
- people affected by its policies and practices (for example, service users).

The information must be published in a manner that is accessible to the public. This may be fulfilled by publishing information separately, or within another document.

Listed bodies with fewer than 150 employees are not required to publish information relating to their employees (but they can choose to do so if they wish). They will still need to ensure, however, that they collect and use enough workforce information to effectively meet the general equality duty. They may also need to publish some information about the impact of their employment functions on people with the different protected characteristics in order to demonstrate compliance with the general equality duty. This might include, for example, an assessment of the impact on equality of their recruitment procedures.

3 | Collecting and using information

Benefits of equality information

Collecting and using equality information can help you to:

1. Identify key issues

- Understand the impact of your policies, practices and decisions on people with different protected characteristics, and thereby plan them more effectively.
- Assess whether you are discriminating unlawfully when carrying out any of your functions.
- Identify what the key equality issues are for your organisation.

2. Assess performance

- Benchmark your performance and processes against those of similar organisations, nationally or locally.

3. Take action

- Consider taking steps to meet the needs of staff and service users who share relevant protected characteristics.
- Identify if there are any actions you can take to avoid discrimination and harassment, advance equality of opportunity or foster good relations. There may be a range of simple but effective things you could do to achieve this.
- Make informed decisions about policies and practices which are based on evidence about the impact of your activities on equality.
- Develop equality objectives to meet the specific duties (for public authorities that are covered by them).
- Have due regard to the aims of the general equality duty by ensuring that staff have appropriate information for decision-making.

What to collect on employment

The information which different authorities will need to collect, in order to ensure that they have enough evidence to inform their decisions, is likely to vary widely between different sectors and organisations. The suggestions below may be helpful.

It is likely that you will want to develop an equality profile of staff to help you to understand key equality issues in your workforce, including any evidence of pay gaps or 'occupational segregation'. (The latter refers to staff with certain protected characteristics being over-represented in particular roles, for example, women as cleaners, or at certain grades.) In addition, it is likely to be useful to collect and consider information, appropriately disaggregated, about:

- recruitment and promotion
- numbers of part-time and full-time staff
- pay and remuneration
- training
- return to work of women on maternity leave
- return to work of disabled employees following sick leave relating to their disability
- appraisals
- grievances (including about harassment)
- disciplinary action (including for harassment)
- dismissals and other reasons for leaving.

What to collect on services and other functions

The information which different authorities will need to collect, to ensure that they have enough evidence to inform their decisions is likely to vary widely between different sectors and organisations. It is for the individual organisation to decide what information it needs to deliver its services appropriately and to be able to demonstrate it has had the right information to influence its decisions on policy and in individual cases.

Most public authorities already collect (or have access to) a vast array of information on performance, service provision (including contracted-out services), decisions made, and the populations that they serve. This often includes information about

who is or isn't using their services, their levels of satisfaction and the outcomes that are achieved. It is likely that much of this information is already disaggregated by some of the protected characteristics. It is unlikely that you will be able to disaggregate information for every protected characteristic, due to sensitivities around collection and/or low numbers. For example, you may know less about religion or belief, sexual orientation and gender reassignment than about the other protected characteristics.

Certain issues will be particularly important for some public authorities to consider. For example:

- A university or further education college considers the evidence behind its drop-out rates and satisfaction levels. This may involve considering information about the availability of and demand for childcare support.
- A hospital considers patient recovery rates (including those for particularly vulnerable people such as people with learning disabilities), or the usage of its ante-natal services by women of particular ethnic origins (such as Bangladeshi or Pakistani women) compared with the local population profile. Information about who is not accessing services may be just as important as a breakdown of those who are using them.
- A commissioning body for the health service considers data about men's usage of primary and preventative services, as well as information about the demand for gender reassignment services (and the users' experience of those services).
- A local authority considers usage of (and satisfaction with) its contracted-out social care services according to different protected characteristics. It also examines incidences of disability-related harassment, the availability of services on violence against women, and evidence about community tensions.
- A police service considers evidence of hate crime and its own response to it, including: hate crime relating to disability, race, religion, sexual orientation and gender reassignment. It also considers statistics on the handling of offences relating to violence against women (reporting, recording, detection and charging) and the ethnic breakdown of people subject to its 'Stop and Search' powers.
- The Ministry of Justice collects data about safety in custody, which considers rates of suicide and self-harm by reference to age, gender, nationality and ethnicity.
- A school considers its key stage results and its exclusions broken down by protected characteristics. It considers whether evidence of bullying includes incidents of homophobic and trans-phobic bullying.

Wider information

You may wish to consider relevant national reports to get ideas about equality priorities for employment and service provision for your sector or organisation. This might include:

- The Commission's measurement framework,¹ or other research reports and statistics available on the Commission's website.
- Relevant national studies produced by central government departments or statistics bodies, including the Census.
- Information, reports or statistics produced by your sector's inspectorate or ombudsman.
- Information pooled with other public authorities in your sector.

There are also specialist equality organisations, such as the Runnymede Trust, Stonewall, the Fawcett Society, Press for Change, Age UK and RADAR (the disability network), which regularly produce studies and reports that you may find useful.

¹ See www.equalityhumanrights.com/about-us/our-work/key-projects/our-measurement-framework/briefing-papers-and-data

4 | Developing your information

Case law provides useful guidance as to what is required to comply with the general equality duty. In brief, public authorities must ensure that they have sufficient information about equality issues to make informed choices and decisions, and to ensure that this is rigorously considered before and at the time decisions are taken. Case law has also made clear that in some cases it will be necessary to consult relevant parties likely to be affected by a decision, such as local disability groups and women's groups.

We therefore recommend that you assess what information you already hold, including for any functions that are contracted out. This can include qualitative as well as quantitative information, including from previous assessments of impact on equality, from engagement with staff and service users, and from equality monitoring. Then you can establish what format the information is in, how accurate it is, to what extent it is disaggregated, and how relevant it is to the aims of the general equality duty.

Addressing gaps

After identifying the information that you already have, you may find that you already have a lot of information for some protected characteristics, but not for all. You may collect or hold a lot of information on some functions, but little or none on others. Think about whether you have enough, and the right type, of information to enable you to give rigorous consideration to the aims of the general equality duty across all your functions.

Where gaps in information are identified, there are a variety of steps you could take to address them. We recommend you prioritise your efforts on those gaps which are most relevant to the aims of the general equality duty. Also consider the importance of the information and the relevance of the function to equality. Small organisations may, for example, find that engagement with individual staff and service users helps to fill gaps, but a larger organisation may decide that carrying out a formal research project is both proportionate and appropriate. Qualitative information, such as

consultation responses, feedback from representative groups, or assessments of impact on equality, may help you to fill in gaps or to interpret quantitative information.

Where functions are highly relevant to the aims of the general equality duty, but information is not routinely collected or disaggregated, you should consider setting up systems to do so, or find other ways of gathering sufficient information. This may be, for example, by engaging with people who share relevant protected characteristics, other similar organisations within your sector, or by using relevant national or local data produced by others. You may also need to ask contractors to provide information on services that they provide for you.

Routine monitoring

Where questionnaires or surveys are used in order to understand the impact of your activities on people with the protected characteristics, they should be relevant, proportionate, and cost-effective. Consider using Census 2011 questions or National Statistics harmonised questions to facilitate comparisons and benchmarking with other organisations.

Any questionnaire or survey should be accompanied with information about why the information is collected, and how it will be used to improve policies and services. It should also make clear how the information will be stored, and who can access it. Where information can be linked to an individual, it must only be stored with their written permission, so you will need to include a section for their consent. The Information Commissioner's Office website provides advice on data protection: www.ico.gov.uk/for_organisations/data_protection.aspx

Further advice on equality monitoring is available in Appendix 2 of our Equality Act 2010 Employment Code of Practice. This will also be relevant to service monitoring.

Monitoring and sensitive information

Collecting information in relation to some protected characteristics such as sexual orientation can be sensitive. Before deciding whether to put in place arrangements to gather relevant information through equality monitoring consider:

- Why you want the information. Only collect information that is relevant and that will actually be used.

- Whether the information you need is already available from other sources. Is there national data you could use, or are there other measures that you could use instead?
- How easy or difficult it will be to get complete information.
- How the potential accuracy and completeness of the information will affect its usefulness.
- The process you might use to gather information and how you will ensure the data remains confidential and anonymous.

Where response rates to questionnaires (or surveys for staff or service users) are routinely low, these may be increased by being clearer about why you are collecting the information, how you intend to use it, and how it is helping improve your performance. It is also important that you do not say, or imply, that monitoring questions are compulsory.

See also the section of this guidance that gives more information about the Data Protection Act (page 25)

Disability

Disaggregating information simply in terms of whether people are disabled or not is unlikely to give a very complete picture of the disabled people within your workforce, or among your service users. It may be more useful to gather information about different impairment types. It is generally unlawful to ask any job applicant about their disability or health until after they have been offered a job. However, for the purposes of equality monitoring, you can still ask questions about disability and health that is stored in an anonymous way and **not linked to their application form**. Remember that it is important to explain clearly how this information will be processed, as disclosing certain impairments (such as mental health conditions) can be difficult for many people. Further information about the definition of disability is in Appendix 1 of the Equality Act 2010 Code of Practice on employment and in the Appendix to the Code of Practice on services

Sexual orientation

Monitoring of sexual orientation is new for many organisations. Some staff and service users may feel uncomfortable declaring their sexual orientation. Evidence shows that as organisations improve their systems and create a culture of trust, response rates increase over time. Further information about sexual orientation

monitoring is available on the website of the Office of National Statistics (ONS) (guidance for the National Statistics harmonised question relating to sexual identity).

However, some organisations consider that the approach set out here can lead to under-reporting, particularly among older people. 'Improving sexual orientation monitoring' (published by the Commission) explores the case for asking people about sexual orientation, the issues it raises, how questions might be framed more effectively, and the importance of anonymity and confidentiality. It suggests appropriate questions to ask and how the information you collect can be used. This report is available on the Commission's website.

Gender reassignment

Gender reassignment is a process of transitioning from one gender to another, and it is a protected characteristic in the Equality Act 2010. The Act refers to someone who intends to undergo, is undergoing or has undergone gender reassignment. A person is not required to undergo medical treatment in order to be protected by the Act.

Monitoring the numbers of transsexual people is a very sensitive area and opinion is divided on this matter. Many transsexual people have been bullied, harassed and marginalised, and may fear that disclosure of their status could negatively affect them. Using national reports and engaging with equality organisations may be more appropriate than monitoring in some cases. However, public authorities may find it difficult to consider the impact of their policies and practices on transsexual people (e.g. employment patterns in recruitment, training, promotion or leaving rates), without gathering some information. Further information about monitoring transsexual people and example questions is available on the Commission's website.

The Gender Recognition Act 2004 requires that people who hold a gender recognition certificate must be treated according to their acquired gender. It is a criminal offence to disclose their status. A transsexual person may consent to you disclosing the information if they decide it is in their interests to do so, but the consent must be explicit. It must not be assumed. Transsexual staff or service users should not be routinely asked to produce a gender recognition certificate as evidence of their legal gender.

Children and young people

It is not always appropriate to monitor certain protected characteristics of young people, for example their sexual orientation or their gender reassignment status. Alternative sources of information such as national statistics, research or

engagement, may help you to identify priority equality issues instead. Remember that national trends may be applicable to your circumstances.

Religion or belief

Monitoring religion or belief can be a sensitive issue. Varying levels of commitment to particular religions or beliefs can also make it difficult to interpret any information gathered. For example, there may be significant differences between someone who loosely identifies themselves as a Christian but who does not practice the religion, and a person for whom Christianity influences most or all aspects of their lives. Remember also that the Equality Act 2010 applies equally to people with no religious belief, like atheists, and people with non-religious philosophical beliefs, like humanists.

Further information on this is available in our Employment Statutory Code of Practice.

Equal pay

The Equality Act 2010 gives women and men the right to equal pay for equal work. To comply with the Act, public authorities' pay systems and employment terms should be designed and implemented without sex discrimination or bias. An effective way to identify gender pay gaps, for example, is by undertaking an equal pay audit for gender. This is not mandatory, but it may help you to demonstrate that you have had due regard to the need to eliminate gender pay discrimination. Over 40 per cent of public bodies already audit their pay systems for sex bias.² Equal pay audits can also be used to assess discriminatory pay gaps for other protected characteristics, such as race or disability.

Further information for employers and an Equal Pay Statutory Code of Practice is available on the Commission's website. There is also an equal pay toolkit with advice on conducting pay audits and a series of practical checklists to help address the more common causes of unequal pay in the workplace, such as starting pay and pay progression.

² *Equal Pay Reviews Survey 2008*, Lorna Adams, Peter Hall and Stefan Schafer, Equality and Human Rights Commission Research Report.

Benchmarking your equality information

Benchmarking is the process by which you compare your performance against a standard to understand how well you are doing. It is not mandatory to do this, but doing so may help you identify areas of poor performance, with the aim of improving performance. You could consider benchmarking your own performance with other, similar organisations within your sector, or against national standards, over time. Benchmarking your performance and processes can help you to identify potential information gaps and new organisations to engage with. It can help you to gauge the accuracy of your equality information, and to identify good practice. Many inspectorates also publish national surveys or thematic reviews that can help you to check your performance.

5 | Publication

Introduction

As stated earlier, public authorities covered by the specific duties are required to publish information to demonstrate their compliance with the general equality duty.

This includes, in particular:

- Information relating to people who share relevant protected characteristics who are: affected by the authority's policies and practices, and
- (for listed authorities with 150 staff or more), information relating to its employees.

Purpose of publishing equality information

Publishing equality information should enable service users, staff, the Commission, sector regulators and other interested parties to assess the equality performance of your organisation. It will help you to explain how and why you have reached certain conclusions and made certain decisions. It will provide a clear picture of how you have complied with the general equality duty and it will make your decision-making more transparent.

Publishing information is not simply a matter of demonstrating the sufficiency of your equality evidence base. More importantly, it is about demonstrating **how you have used your evidence base to have due regard** to the aims of the general equality duty (i.e. how you have used the evidence in making a particular decision or in the way you have delivered your work).

What to publish

What you publish is likely to depend on the size of your organisation and on the functions you carry out. When publishing information, consider providing relevant, proportionate information which is broad enough to give a full picture of performance across your functions and that demonstrates how you have used this information to have due regard to all three aims of the duty, for all relevant protected characteristics.

Your information will usually fall into two main categories:

- 1. Information to identify equality issues.** Examples of this include equality monitoring information about employees or service users, information about the effect of your activities on people with different protected characteristics or the results of any engagement you may have carried out.
- 2. Information about steps taken to have due regard** to the aims of the general equality duty. For example, any records you have about how you had due regard in making certain decisions, information that was considered in that decision-making (including engagement), consideration of steps to mitigate adverse impacts, or details of policies to address equality concerns.

Asking yourself the following questions may be useful when deciding what information is most useful to publish:

- What was the evidence on which you relied in decision-making about a policy or service which is likely to have a significant impact on people with any of the protected characteristics?
- Is it clear how the information contributed to decision-making about a policy or service which is likely to have a significant impact on people with any of the protected characteristics?
- Can the information be used to benchmark a key issue (such as survival rates from cancer for men and women)?
- Can the information be used to identify a trend relating to a key function of your organisation?
- Does the information highlight a key equality issue for your organisation?
- Will the information be useful for external stakeholders to enable them to assess your performance on equality across key functions for all protected characteristics?

Although the specific duties do not require you to provide contextual information, your information will be more accessible if you point out any key trends, or if you provide a short narrative to introduce the information that you publish.

Exceptions

Listed bodies with fewer than 150 staff do not have to publish information relating to the protected characteristics of their employees (but they can choose to do so if they wish). However, to be able to demonstrate that they have fully considered the aims of the general equality duty across their employment functions, it may be advisable for them to publish some information. This may include work they have done to understand the impact of their employment policies on people with protected characteristics, or information related to engagement with staff groups.

Employment information

The Commission recommends publication of the following information (for listed authorities with 150 staff or more):

- the race, disability, gender and age distribution of your workforce at different grades, and whether they are full or part time
- an indication of the likely representation on sexual orientation and religion and belief, provided that no-one can be identified as a result
- an indication of any issues for transsexual staff, based on engagement with transsexual staff or equality organisations
- gender pay gap information
- information about occupational segregation
- grievance and dismissal information for people with relevant protected characteristics
- complaints about discrimination and other prohibited conduct from staff
- details and feedback of engagement with staff and trade unions
- quantitative and qualitative research with employees e.g. staff surveys

Continued...

- records of how you have had due regard to the aims of the duty in decision-making with regard to your employment, including any assessments of impact on equality and any evidence used
- details of policies and programmes that have been put into place to address equality concerns raised by staff and trade unions.

It would also be useful if you publish disaggregated information on:

- return to work rates after maternity leave
- success rates of job applicants
- take-up of training opportunities
- applications for promotion and success rates
- applications for flexible working and success rates
- other reasons for termination, like redundancy and retirement
- length of service/time on pay grade
- pay gap for employees with other protected characteristics.

Information on services and other functions

In terms of services and other functions, the Commission recommends publication of the information that you routinely publish on services to be disaggregated by protected characteristic as far as possible. This will enable you to make policy and other decisions based on clear evidence rather than on assumptions. It will help you to be more transparent to stakeholders about the progress you are making on equality. Dependent on the range of functions and services that you carry out, this would usually include:

- access to services or participation rates for people with the different protected characteristics
- customer satisfaction with services including any complaints (and the reasons for complaints)
- performance information for functions which are relevant to the aims of the general equality duty, especially around service outcomes (e.g. attainment, recovery rates)
- complaints about discrimination and other prohibited conduct from service users
- details and feedback of engagement with service users

Continued...

- quantitative and qualitative research with service users e.g. patient surveys
- records of how you have had due regard to the aims of the duty in decision-making with regard to your service provision, including any assessments of impact on equality and any evidence used
- details of policies and programmes that have been put into place to address equality concerns raised by service users.

This will enable you to identify the needs of, or any disadvantage faced by, people with different protected characteristics. This will enable you to consider how best to eliminate discrimination or advance equality or good relations. It can also help you to demonstrate to interested parties how you have met your obligations under the public sector equality duty.

Proportionality

There is no specific amount of equality information that a listed authority should publish. It will need to adopt a proportionate approach, depending on the relevance of equality to its functions. Remember that small organisations like primary schools may only need simple methods for publishing information. For example, a primary school could publish on its website a short evidenced account of its equality priorities and work, with an indication of key trends and issues. Larger organisations, such as government departments (who have wider responsibilities and an extensive range of functions) should aim to publish a more detailed account of their equality considerations and performance across a wider range of policies, services and functions.

When to publish

Most listed public authorities had to publish their equality information for the first time by 31 January 2012. The date for schools and pupil referral units was 6 April 2012. All listed authorities must publish equality information at least annually from the first date of publication.

Where to publish

The specific duties do not require your equality information to be published in any particular document. You can choose to publish it within your annual report, or on a dedicated page on your website, for example. If it is included in a larger report, it should be clearly signposted on your website. The information should be presented clearly, and in a way that the general public will understand.

Demonstrating compliance with the equality duty, including to your service users and others locally, is easier if information is accessible. As well as thinking about the format of publication, clearly labelling it and keeping it together in one place on your website can help.

Format

The specific duties require published equality information to be ‘accessible to the public’. We recommend that you consider making it available in accessible formats or in different languages, as appropriate. You are required to make reasonable adjustments for disabled people, so consider whether you need to publish your information in formats that are compatible with a computer’s accessibility features, or that can be read by accessibility programmes that provide screen-reading facilities for people with sight or physical mobility impairments, such as Jaws and Dragon. Further guidance on website accessibility and relevant British Standards is available on the website of the Website Accessibility Initiative. The Public Sector Transparency Board’s Public Data Principles suggest that information should be published in open, standardised and re-useable formats. This usually means publishing it in PDF, accessible Word, or open document formats. Take account of any feedback you receive about how accessible your information products are, and act on this feedback when it is reasonable to do so.

The Data Protection Act

When processing and publishing equality information, you will need to take account of the Data Protection Act 1998. In particular, you should ensure that no individuals can be identified from any published equality information without their express consent.

Ensuring confidentiality is likely to be a particular issue when you are dealing with sensitive data or where the numbers of people with that characteristic are numerically low. This could make it potentially easier to identify individuals, for example from data relating to sexual orientation, religion and belief or gender reassignment. Where the number of staff or services users with a particular protected characteristic is fewer than 10 it is good practice to replace the number with an asterisk. Where you do so check that it is not possible to work out this missing data from the other information that you publish. Other ways to prevent individuals from being identified include, for example, using ranges or bands, or by disaggregating your published information less.

Further information on the Data Protection Act is available on the Information Commissioner's website. The Information Commissioner has published a code of practice on the anonymisation of personal data and the disclosure of data once it has been anonymised.³

³ See http://ico.org.uk/for_organisations/data_protection/topic_guides/anonymisation

6 | Summary and checklist

The following actions concerning equality information can help public authorities have due regard to the aims of the general equality duty:

- Identify what equality-related information and performance data related to employment and service provision you already hold and collect.
- Consider which protected characteristics your equality information covers, the extent to which it is disaggregated, and its accuracy and relevance to the duty.
- Identify gaps in your information and take proportionate steps to fill them. These could be in relation to particular services, to aspects of your employment function, or to particular protected characteristics. They may also relate to relevant contracted-out services.
- Consider whether you hold relevant qualitative information that can help you identify equality priorities. For example, information from engagement with people with relevant protected characteristics, or assessments of the impact on equality of your policies.
- Consider relevant research reports or surveys from other sources that can help you identify equality priorities. For example, publications by government departments, inspectorates, equality organisations or the Commission.
- Ensure that appropriate information is available to enable staff to have due regard to the aims of the general equality duty in their decision-making.

Public authorities covered by the specific duties should:

- consider what information it would be proportionate to publish to demonstrate compliance with the general equality duty
- consider what formats, publication methods and signposting would enable you to publish information in a manner which is accessible to the public
- consider the Public Sector Transparency Board's Public Data Principles when publishing your equality information.
- consider privacy or compliance issues relating to the Data Protection Act 1998 when publishing your equality information

Continued...

- consider at what intervals you will publish your information (e.g. regular, timely releases)
- publish your information at least annually from the first date of publication
- consider what information you want to collect, use and publish in the future
- think about how you will use your information (and other sources, e.g. national data) to identify your most significant equality challenges
- consider benchmarking your equality performance against other relevant public authorities, or national information
- consider what steps you may need to take to fill in information gaps, including any engagement that you may want to undertake to do this
- consider how you will use your information to monitor and revise your equality objectives. (Equality objectives must be published at least every four years from the first date of publication.)

Contacts

This publication and related equality and human rights resources are available from the Commission's website: www.equalityhumanrights.com

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website	www.equalityadvisoryservice.com
Telephone	0808 800 0082
Textphone	0808 800 0084
Hours	09:00 to 20:00 (Monday to Friday) 10:00 to 14:00 (Saturday)
Post	FREEPOST Equality Advisory Support Service FPN4431

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. The Commission welcomes your feedback

Alternative formats

This guide is available as a PDF file and as a Microsoft Word file from www.equalityhumanrights.com. For information on accessing a Commission publication in an alternative format, please contact: correspondence@equalityhumanrights.com

© 2014 Equality and Human Rights Commission

First published January 2011. Last updated July 2014

ISBN 978-1-84206-561-7