

Scottish Specific Public Sector Equality Duty



Gathering and using evidence

The general duty requires public authorities to pay 'due regard' to the need to:

- Eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a characteristic and those who do not and
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The general duty applies across a listed public authority's functions. This means that the duty applies to the Partnership's:

- Policy making
- Service provision
- Employment matters
- In relation to enforcement or statutory discretion and decision-making
- Procurement and the contracting out of services

In addition, the duty applies to private and voluntary bodies carrying out public functions but only in respect to those functions

'Due regard' comprises of two linked elements: proportionality and relevance. The weight that listed public authorities give to equality should be proportionate to how relevant a particular function is to equality.

Evidence gathering

Evidence can come from two broad sources:

- In-house sources such as service monitoring information, administrative data or commissioned research
 - Service monitoring information
 - Corporate performance management data
 - Complaint records
 - In-house or commissioned research
 - Service user or residents surveys, citizen panels, staff surveys
 - Employment information

- Secondary sources of evidence e.g.
 - Statistics
 - Surveys or research with a national coverage
 - Neighbourhood surveys
 - Datasets from partner organisations
 - Other published sources of research

If there is a lack of evidence about the needs and experiences of people with the protected characteristics of religion and belief, sexual orientation and transgender then seeking the views of experts, equality group and communities through consultation or involvement will provide the evidence required.

Why gather evidence?

Knowledge about service users' needs and the diversity in experiences and life chances is essential to help prioritise in policy development, service planning and delivery.

Equality evidence will also help establish the legal basis for any positive action as well as helping to identify any previously unrecognised relevance of functions to the general equality duty.

What evidence is relevant?

Evidence which is relevant is information and data relating to equality groups and communities in the context of the area or issue under consideration.

Building trust and confidence is an essential element in gathering data therefore everyone being asked for to supply information understands why it is being collected, how it will be used and what the authority does to protect confidentiality.

The following is suggested as an approach to filling evidence gaps:

- The questions in appendix 1 – based on the Scottish Census 2011 and designed to support greater consistency and comparability. Appendix 1 will be reviewed to reflect the questions asked in the 2022 Census.
- Integrate both quantitative and qualitative approaches to gathering evidence as this will generate a better understanding of equality issues and potential solutions
- Ensure that staff responsible for gathering information are fully trained in understanding the benefit of collecting equality information, are able to explain or clarify any enquires regarding the question set and are aware of the issues of accessibility and sensitive to issues of confidentiality and disclosure e.g. data about transsexual people or grievances/harassment
- Use of existing frameworks to produce performance/information reports to demonstrate progress and as a measure of your accountability to the communities we serve
- Present the information in an anonymised form and store securely in accordance with the Data Protection Act

The following are some of the common methods to gather evidence:

- **Surveys and structured questionnaires**
Useful if you want to examine the nature, size, frequency and distribution of an issue or topic and make inferences about an entire population
- **Service monitoring**
Extremely useful for many purposes, including identifying who is using services, highlighting potential inequality and exploring underlying causes
- **In-depth Interviews (qualitative research)**
To be used when collecting data on individuals' personal histories, perspectives and experiences, particularly when sensitive topics are being explored
- **Focus groups**
Effective if you are interested in the broad views and experiences of people on a particular topic
- **Secondary analysis of external data**
Extremely useful and commonly used evidence-gathering method which allows you to carry out further analysis of an existing dataset to generate a more detailed understanding of a particular topic or area
- **Literature review/search**
A very inexpensive method of gathering existing internal and external evidence from a wide range of sources to provide a baseline understanding of what is known on a particular topic or area or identifying good practice for particular interventions. This is often done on the basis that further work may need to be carried out, such as future research
- **Systematic Review Evidence**
Examines a collection of high quality studies, providing syntheses of what the evidence tells us about a topic or policy area.

Using evidence to inform decisions

It is crucial that you use the evidence gathered to inform your decisions as this will help you demonstrate that Aberdeen City Health and Social Care Partnership has met the general duty and shown due regard to eliminating discrimination etc, advancing equality and fostering good relations.

Demonstrating critical analysis and interpretation of the evidence gathered as an integral element of the decision making processes will ensure that you can confidently substantiate better informed decisions.

After analysing the trends in the evidence gathered the next step is to establish why these patterns exist and if there is, if there is inequality and what needs to be done to improve the situation.

Evidence Gaps

Map out the equality information that you hold across all functions relevant to the equality duty, including functions that are contracted out.

Work out where the gaps in information are and prioritise the gaps most relevant to your performance of the general duty and consider consulting or involving members of the Partnership's Equality and Human Rights Subgroup, the DiversCity Directory, key stakeholders, partner organisations and community groups of interest to help prioritise the gaps to be filled and how to work together to achieve this.

This might prove to be a challenging exercise given the range of evidence needed if all protected characteristics are impacted on, particularly in relation to sexual orientation and transsexual people.

What will be required will depend on the nature of the service(s) and must be proportionate and relevant to the protected characteristics identified.

Recommended questions

Questions used to measure and record people's protected characteristics must be comparable and acceptable. The Census provides the most comprehensive and reliable data about the population. National surveys e.g., Scottish Household Survey also uses categories comparable to those used in the Census.

It is therefore suggested that the 2011 Census question or the Scottish Government's core questions are used to gather information.

Disaggregating information at a very high level will not give you a complete picture of potential equality issues e.g., if people are asked if they are disabled or not a full understanding of the issues faced will not be sensitive to different impairments.

It is important to ensure that when presenting the information in detail this does not lead to the identification of one individual and that the publication of the information meets the requirements of the Data Protection Act.

Full and detailed lists of questions are always recommended even if the broad headings will be used in analysis e.g., race, disability because:

- Detailed lists offer greater choice and people are more likely to accept these
- Broad heading can hide important differences between groups e.g., between Bangladeshis and Indians under the Asian and Asian British heading
- Detailed information gives more flexibility in analysing the impact of different policies
- It is easier to combine the data for individual groups under a broad heading than to have to go back and ask again for additional information

If you want to add additional categories, the following point need to be considered:

- Can the additional information be compared to census data?

Questions for children and teenagers

Where relevant and appropriate only age, disability, race and gender should be collected directly from the child/young person themselves. If necessary, a proxy response from a parent or guardian for a child under 12 is acceptable.

General advice regarding the gathering of equalities information can be found at:

<http://www.scotland.gov.uk/Publications/2008/12/05094358/1>

Appendix 1 - Specific Advice regarding the Protected Characteristics

Age

Actual age or date of birth should always be collected as this will allow for the grouping of the age of service users into small or broad age band as well as the same bands used to benchmark

- What was your age last birthday?
- What is your date of birth?

Disability

Q. Do you have any of the following conditions which have lasted, or expected to last, at least 12 months?

A. Tick all that apply

1. Deafness or partial hearing loss
2. Blindness or partial sight loss
3. Learning disability (e.g., Down's Syndrome)
4. Learning difficulty (e.g., dyslexia)
5. Developmental disorder (e.g., Autistic Spectrum Disorder or Asperger's Syndrome)
6. Physical disability
7. Mental health condition
8. Long-term illness, disease or condition
9. Other condition – please specify

No response must also be documented when analysing the total number of responses

Q. Are your day to day activities (including mobility) limited because of a health problem or disability which has lasted or is expected to last at least 12 months? Including age related infirmities.

1. Yes – limited a lot
2. Yes – limited a little
3. No

Gender

Questions have been raised regarding the appropriateness of asking this question in the simplistic form of:

1. Male
2. Female

Gender Reassignment

This term applies to the process of transitioning from one gender to another. Many transgender individuals have had negative experiences and may be reluctant to disclose or trust service providers enough to provide this information. Up to date guidance on how best to gather information relating to this protected characteristic can be found at the Scottish Transgender Alliance website.

<http://www.scottishtrans.org/>

Race

Q What is your ethnic group?

Choose one section from A to F and then tick the one that best describes your ethnic group or background

A White

- 1. Scottish
- 2. Other British
- 3. Irish
- 4. Gypsy Traveller
- 5. Polish
- 6. Other white ethnic group

B Mixed or multiple ethnic group

- 7.

C Asian, Asian Scottish or Asian British

- 8. Pakistani, Pakistani Scottish or Pakistani British
- 9. Indian, Indian Scottish or Indian British
- 10. Bangladeshi, Bangladeshi Scottish or Bangladeshi British
- 11. Chinese, Chinese Scottish or Chinese British
- 12. Other

D African

- 13. African, African Scottish or African British
- 14. Other

E Caribbean or Black

- 15. Caribbean, Caribbean Scottish or Caribbean British
- 16. Black, Black Scottish or Black British
- 17. Other

F Other

- 18. Arab, Arab Scottish or Arab British
- 19. Other

Religion and belief (including non-belief)

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

1. None
2. Church of Scotland
3. Roman Catholic
4. Other Christian
5. Muslim
6. Buddhist
7. Sikh
8. Jewish
9. Hindu
10. Pagan
11. Other

For further information regarding questions relation to religion and belief

<http://www.scotland.gov.uk/Resource/Doc/253583/0075143.pdf>

Sexual Orientation

Questions relating to transsexual or transgender status must not be included in relation to this protected characteristic they fall under the protected characteristic gender reassignment.

Q Which of the options best describes how you think of yourself?

1. Heterosexual/straight
2. Gay/Lesbian
3. Bisexual
4. Asexual
5. Other
6. Don't know/refusal

For further information about gathering information relating to sexual orientation

<http://www.ons.gov.uk/about-statistics/measuring-equality/equality/sexual-identity-project/measuring-sexual-identity--an--evaluation-report.pdf>

Selected sources of national evidence

- How fair is Britain
- Equality Measurement Framework
- Equality Issues in Scotland
- The Scottish Census
- Scottish Household Survey
- Scottish Crime and Justice Survey
- Scottish Health Survey
- Scottish Social Attitudes Survey
- Scottish Neighbourhood Statistics

