

Lambeth equalities monitoring policy

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1. Policy statement

What is equality monitoring?

Equalities monitoring refers to the practice of collecting information on people's 'protected characteristics'. Under the Equality Act 2010, these include: age; disability; gender reassignment¹; marriage and civil partnership; pregnancy and maternity; race or ethnicity; religion or belief; sex; and, sexual orientation. In Lambeth, we also recognise socio-economic status; health and, speaking English as an additional language (EAL) as protected characteristics.

In this document, these are referred to as our local protected characteristics. They are also treated as 'Special Category data' under the DPA 2018².

Why monitor?

Lambeth recognises that effective equalities monitoring is essential to fulfilling our equalities commitments as set out in our Borough Plan; our Equalities, Diversity and Inclusion Strategy; and, our duties under the Equality Act 2010. To collect and use demographic data effectively, we must embed equalities monitoring practices into our service design and delivery, employment procedures and performance frameworks alongside implementing and observing data protection principles.

Our unified equality monitoring policy covers residents and staff and includes a set of agreed and standardised questions. This is intended to support a consistent approach to collecting equalities data and providing equality analysis in relation to residents, service users and employees. In line with Equality Act requirements, equalities data on employees will be published on an annual basis.

How monitoring supports our responsibilities in the delivery of public services

Having robust equalities data is a legal obligation for the council to demonstrate that it eliminates discrimination, promotes equality of opportunity and good community relations. Monitoring service use, customer contact, complaints and satisfaction for protected groups (as defined under legislation) serves a number of purposes. It helps to ensure that our services are delivered fairly, and to identify the needs of users and non-users alike, and drives improvements that help to reduce inequality. It plays an important role in helping us to understand any issues which may affect different people. It can also support the design and development of services which reflect their needs and priorities.

How monitoring supports our responsibilities as an employer

Lambeth is committed to promoting best practice in inclusion, fairness and all aspects of equality; and, promoting an open and fully inclusive culture; which embraces, celebrates and values our workforce and community's diversity.

The Council views equality, diversity and inclusion awareness as key to effective leadership and governance and as an intrinsic aspect of the culture of our organisation. It also makes good, effective business sense, especially in the context of public service

¹ However, we recognise that the term 'gender reassignment' is contested and does not reflect how many trans people feel about their identity or experiences. We refer to gender identity for the remainder of this document because this term was preferred by consultees on this policy.

² Special Category Data includes information about an individual's: race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for identification purposes), health, sex life or sexual orientation.

delivery.

The Council also aims to be an excellent role model for other employers within and beyond the borough.

Monitoring the protected characteristics of employees (and potential employees) and outcomes for them (e.g. in recruitment, retention and progression) ensures that as an employer, we are:

- recognising and valuing diversity within our practices;
- ensuring that our processes are fair;
- identifying disabled staff so they can receive reasonable adjustments to help them fulfil their role;
- able to identify areas where positive action is needed, for example, to address underrepresentation in particular areas of the business or at particular levels within the organisation (particularly leadership levels).

The council has well established processes in place to capture equalities information relating to job applicants and staff, which are not detailed in this policy. Whilst reference is made in this policy to the importance of collecting equalities data for staff as well as service users the overall responsibility for this data collection rests with the Human Resources division so that one single approach is taken across the council. Further guidance on these processes is available from the Human Resources team.

[How do we ask about protected characteristics?](#)

When we ask for information on protected characteristics we use the language from the Equality Act, and use categories and questions that we understand to be good practice, for example, by using the Office for National Statistics' (ONS) formal guidance. However, Lambeth also recognises the need to ask for equalities information in a way that allows our residents and staff to self-define their protected characteristics in a way that reflects the way that they might think and talk about their own identities this may also extend to the use of titles which may indicate a person's, age, marital status, socio-economic, educational or professional status. For this reason, the language and categories prescribed by this policy have been informed by consultation with residents and staff from protected groups.

[A proportionate approach](#)

We recognise that it will not be appropriate or necessary to collect information on all protected characteristics in every service area, however, where possible we expect to collect data on **ethnicity, age, sex, and disability** as a minimum standard. It is not within the scope of this document to detail the specific approaches which should be followed in implementing this guidance, as this will vary extensively according to the nature of the service delivered. However, we seek to balance our commitment with the need to be proportionate and we request service managers take responsibility for assessing to what extent equalities monitoring should be applied to their work including any consultation and research needed to support service design. We are also clear that data from equality monitoring should **never be used** in any other analysis, including any analysis that may be regarded as 'profiling' particular groups or communities.

Equality monitoring and data protection

When data is collected, we must ensure respondents understand why data is collected and how it will be used. As set out in paragraph 39, Part 4 of Schedule 1, DPA 2018 (i.e. compliance with the data protection principles, specifically with regard to retention and disposal information), storage of any data considered to be sensitive will need to be planned in advance to ensure confidentiality and data protection. Appendix D. Further guidance on data protection principles and guidelines can be found in [Lambeth's Data Protection Policy](#). We ask that managers review this policy to ensure compliance.

2. Legislative requirements, Regulations and National Standards

The Equality Act 2010

The **Equality Act 2010** came into force on 6 April 2011. As a public authority we are required to collect and process equality data to fulfil our Public Sector Equality Duty in accordance with the Equalities Act 2010. This is the lawful basis for collecting monitoring information. The public sector Equality Duty requires that the council:

- removes or minimises disadvantages experienced by people due to their protected characteristics
- takes steps to meet the needs of people from protected groups where these are different from the needs of other people
- encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

By collecting and analysing service users' and employees' equalities information we can demonstrate that we are complying with these requirements. The Act covers nine protected characteristics, these are:

- age
- disability
- sex
- gender identity (referred to as gender reassignment in the Act)
- pregnancy and maternity status
- marriage and civil partnership
- race or ethnicity
- religion or belief
- sexual orientation

Every person can identify with a combination of these characteristics; we all have an age, a disability status, our own beliefs, and a sexual orientation. It is not the purpose of equalities monitoring to put people in boxes but to ensure that all groups of people with similar and different characteristics have their needs met. Lambeth Council, along with a number of other councils, has pledged to additionally assess the impact of policy and decision making on

disadvantaged residents through monitoring **social and economic grade (SEG), health**, and speaking **English as an additional language (EAL)** (see Appendix A).

The Act prohibits unfair treatment in the workplace, when providing goods, facilities and services, when exercising public functions, in the disposal and management of premises, and in education and by associations (such as private clubs). The Act also applies to those organisations that are providing goods, facilities or services on behalf of the organisation, such as procured services. It is the Council's responsibility to ensure that these services comply with legislation through the procurement process. Services will need to ensure that a contracted organisation is collecting and using equalities information on service use and employment in line with this policy.

It is important to highlight the risk of not implementing the Equality Monitoring Policy, as stated in the Equality Act 2010; the public sector has a duty to eliminate discrimination and promote equality of opportunity, foster good relations and ensure equality in the delivery of council services. If the council does not monitor service users and evaluate the customer satisfaction levels, they will not be in a position to improve and provide services that are non-discriminatory, inclusive and meet the needs of all residents within Lambeth. By not fully committing to this process the council is not able to improve and demonstrate transparency. It will also be unable to demonstrate how its systems for equality data inform service level decision-making.

[General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)

The new **General Data Protection Regulation (GDPR)** came into effect in the UK on 25 May 2018. The Data Protection Act 1998 was repealed and replaced by the Data Protection Act 2018. Collection and storage of equalities data collected must comply with these regulations, which requires that 'special category data' (sensitive personal information) or any data that identifies an individual, is stored in a secure manner. Further details about Lambeth Council's data protection policy can be found in Appendix D.

Under GDPR, equalities monitoring data needs to be treated as sensitive or 'special' data for as long as it is attached to information that identifies an individual. As we indicate later in this document, equalities monitoring data should be collected in such a way that it can be stored (and viewed) separately from personal identifiers (name, address etc.), and can be anonymised for the purposes of processing or analysis. Anonymised data is not subject to GDPR.

[Explicit Consent and Withdrawing Consent](#)

Under GDPR clear privacy notices must be provided to consumers, allowing them to make an informed decision on whether they consent for their data to be stored and used. This consent can then be withdrawn at any time. This means that when equalities data is collected, there should be a clear accompanying explanation of how the data will be stored and used, and a way of securing an explicit 'opt-in' whereby an individual agrees to this. There should also be a mechanism through which individuals can withdraw this consent at any time. Further details on the GDPR can be found in Appendix E. For information on

how to create a privacy notice, please visit the [Information Governance intranet page](#).

[Gender Recognition Act](#)

The **Gender Recognition Act 2004** states that, where someone holds a gender recognition certificate (GRC), they must be treated according to their acquired gender. In some circumstances, it is a criminal offence to disclose the fact that they have changed from their assigned birth sex to the gender they identify with, except in some specific forums. A person with a GRC may consent to disclosure of the information if they decide it is in their interests to do so. Such consent, however, must be explicit. It may not be assumed.

[NHS England Sexual Orientation Monitoring Information Standard](#)

The NHS England Sexual Orientation Monitoring Information Standard provides the mechanism for recording the sexual orientation of all patients/service users aged 16 years and over across all health services and Local Authorities with responsibilities for adult social care in England in all service areas where it may be relevant to record this data.

3. Principles guiding equalities monitoring

[What is equalities monitoring?](#)

Equalities monitoring is when service users, residents and staff consent to share their personal information according to the protected characteristics listed in the legislation. It is not a bureaucratic data gathering exercise but is a common sense approach to ensuring the council's services, functions and employment practices are equitable and appropriate to the needs of the whole community. Analysis of equalities data can:

- reveal under or over-use of a service by a particular community
- identify specific needs that are pertinent to a particular demographic group
- provide evidence that services are inclusive, or reveal that services are not accessible to all
- measure service effectiveness in meeting the needs of all its customers
- identify how a service should be changed or renewed
- provide a greater understanding about our communities and their experiences
- provide opportunity to shape services to meet the needs of the local community

[What to monitor?](#)

It may not be appropriate to monitor all functions and services provided by the organisation for all protected groups. However, it is important that the council is aware of who is and who isn't accessing services or those dissatisfied with a service. If council services do not monitor service users and evaluate customer satisfaction levels, they will not be in a position to improve and provide services that are non-discriminatory, inclusive and meet the needs of all residents within

Example of inequalities:

Evidence from the EHRC (2016) 'Being disabled in Britain 2016: A journey less equal' survey has shown that disabled people are more likely to experience difficulty in accessing a wider range of public services including bcenefits, tax, cultural activities, sport and leisure. So, for example, 45.3% of disabled people reported difficulties in this respect, compared to 31.7% of able bodied people. The situation was worse for people with some types of impairment – for behavioural impairments, the figure was 75.1%; people with mental health problems 54.4: and memory conditions 53.1%.

Lambeth. By monitoring service users we are also able to improve and demonstrate transparency. The Council is further able to demonstrate how collecting and analysing equality data informs service level decision-making.

It is important to understand differences in opinion and access according to protected groups for:

- access to frontline services and those targeted at vulnerable people
- those services where there is a local or national history of unequal impact
- customer complaints, satisfaction, comments and compliments
- delivering services based on judgement or entitlement
- services where there are nationally established equalities indicators
- consultations with residents, service users and non-users of services
- services that are used by seldom heard groups and where mobility of service users is high and therefore their needs are more difficult to identify.

In considering which of the nine protected groups, plus local protected characteristics, to collect data on, decisions should be based on knowledge (or lack of knowledge) of the likely service recipients and whether there is potential for any of these groups to receive unequal services. **We anticipate that most areas (with few exceptions e.g. parking, enforcement fines) would need to ensure that service delivery is monitored according to ethnicity, age, sex and disability.**

Decisions about monitoring of other protected characteristics should be informed by a robust understanding of what groups may experience inequalities in access, service experience etc. So, for example, we would expect sexual

health services to monitor for all the categories named above and sexual orientation and gender identity (reassignment), recognising the inequalities experienced by these groups.

When conducting customer satisfaction surveys on a service or function, it is recommended that anonymised equalities monitoring is included in questionnaires. This can be the first step to identifying the demographic make-up of who uses the service and if there is any disparity in satisfaction rates between groups. The information would then be used to develop actions in order to address any issues.

When to monitor?

Monitoring should be built into existing processes, systems and customer contact points where possible, to avoid increasing the burden on customers or the service. The exact frequency of monitoring can vary according to function or service and may be:

- an ongoing and continuous process with regular review
- periodically (monthly, quarterly, annually, etc.)
- when a user signs up to a service (e.g. when they sign up to a library)
- when a user interacts with a service (e.g. when they take a book out)
- when conducting customer satisfaction survey
- when a user is complaining or complimenting a service

In order to help service managers determine when to collect service users' personal information, a self-assessment form has been developed. This should also include the issuing of a privacy notice each time personal data is collected. See <https://www.lambeth.gov.uk/elections-and-council/privacy/privacy-notice>

How to monitor?

Methods typically used to collect data include self-completion questionnaires or interviews carried out face to face, on the telephone or via online forms.

Regardless of collection method being used, you will need to include a privacy notice. Any implementation of equalities monitoring will require careful preparation including addressing the following key issues:

- justification for monitoring or not to monitor and also how the data will be used³.
- the policy context
- which groups will be monitored relevant to the service area
- who, when, how and from whom will the information be collected
- process for securing explicit consent and withdrawal of consent information
- how the data will be stored and length of storage.
- confidentiality of client's records/information
- how the data will be analysed and reported

³Note: you will need to keep a record of any justifications to comply with data protection obligations.

- who is responsible for reporting the findings of equalities monitoring
- training for staff to enable them to answer questions or queries, including why this information is required

Assurances

The information shared as part of equalities monitoring is potentially sensitive (and as section 3 indicates needs to be treated as ‘special category data’ under GDPR) and is given at the respondent’s discretion. There are no penalties for not supplying this information and a customer or staff member must not feel pressured into sharing their information. In order to encourage response and to reassure respondents, a privacy notice and explanation of why equality and diversity information is being collected should be provided. This should include how the data will be used; assurance that the information shared will be kept confidential and indicate whether the collection process allows them anonymity. Respondents do not have to provide all of their information if they do not wish to. Standard text is included in Appendix A which can be adapted as appropriate.

Some of the information that we ask respondents to share is classified as special category data (sensitive personal data). Sharing special category data carries a risk to a person’s fundamental rights and freedoms. For example, they could be put at risk of unlawful discrimination. For the purposes of this policy that data is physical or mental health details, race or ethnicity, religion, faith or belief and sexual orientation. We process personal information to help us to carry out our **statutory duty**.

How to ask

We should always explain to customers why we are asking for any equalities monitoring information, but how we do this will vary according to each circumstance. Some standard text is provided in Appendix A; for further guidance on how to ask equalities monitoring questions and/or data protection queries please contact equalities@lambeth.gov.uk and the [Information Governance Team](#).

Experience suggests that most customers will be happy to provide this information. Some will choose not to answer the questions. There will be some customers who may want to ask for more information and about exactly how the information will be used and stored – which we should be able to answer. Officers need to understand why equalities monitoring is carried out so that they can answer queries from users. They should encourage respondents to share as much information as possible bearing in mind that response is optional. If a customer is unhappy at being asked for monitoring information, you should simply reiterate why the information is needed, that providing information is voluntary and then move on. Always remember that if explicit consent is withdrawn we can no longer collect the information and may need to delete any information we currently hold.

Standard questions for monitoring have been agreed by the council to encourage consistency and departments are to use these where possible (see Appendix A and B). As indicated earlier, the wording used in these questions is

based on what we understand to be good practice and on feedback from consultation with people with relevant protected characteristics.

Storing and sharing the information

Under Data Protection legislation we are required to store sensitive information securely and access to the information is restricted to named officers in the service area. To maintain confidentiality of sensitive information, data should be stored in a secure place and separated from the service-specific information once it is recorded. Further details about the Council's policy on data protection can be found in Appendix D.)

The new General Data Protection Regulation (GDPR) set out a series principles that those possessing data must comply with. The GDPR is much broader in scope than the previous legislation and applies to every company or organisation holding information on people in the EU. Under GDPR clear privacy notices must be provided to consumers, allowing them to make an informed decision on whether they consent to allow their data to be stored and used. This consent can be withdrawn at any time, so there must be a clear opt-in when collecting and processing individuals' data.

Further details on the GDPR can be found in Appendix E

Care must be taken to ensure when you are sharing data that individuals cannot be re-identified when you plan to when publish this information.

*For example, publishing information on educational attainment in a school, where there is a **single pupil** in a year group from a particular diversity group.*

Published information should be reviewed to ensure that obvious identifiers are removed and the data presented so as to avoid particular individuals being distinguished. This may mean removing sections of the data from the data set.

Acting on the results

The purpose of equalities monitoring is to take action when it is revealed to be necessary. It is important that the data collected is regularly interrogated, and emerging issues identified. The outcomes of monitoring should be compared to any targets set and any baseline data. It will also need to form part of the service / business planning process and is often be the key evidence underpinning equalities analysis.

Appendix A

Standard equalities questions: Residents

Using suggested equalities monitoring questions

The following questions are set out for your equalities monitoring processes. Using standardised questions is important to allow us to collect information consistently across the organisation to enable analysis, and to allow benchmarking and comparisons with other organisations and areas. If amendments to these questions are needed to improve business intelligence, **these should be made to allow aggregation back to the original question.**

The questions supplied are appropriate for use in a self-completion survey. Different wordings may be appropriate for other data collection methodologies (such as face-to-face or telephone interviews).

Introduction

The standard introductory text that is supplied below should be included to introduce questions and provide assurance on data protection.

About You

To make sure we are providing fair services to all of Lambeth’s diverse communities, and meeting the needs of different groups, it is important that we ask you a few questions about yourself. You are under no obligation to provide the information requested, but it would help us greatly if you did. The information will be used to help us plan services that meet the needs of all its users (*please edit this sentence for what you propose to use the information for*). Your responses will be kept confidential and any information published will be made anonymous. No information that can identify you, your home or your household will be passed to any other organisations without asking you first.

What is your sex?⁴

- Male
- Female
- Prefer to self-describe (please specify)
- Prefer not to say

Do you identify, or have you ever identified, as trans*?⁵

- Yes
- No
- Prefer not to say

⁴ Adapted from suggested question wording in: EHRC (2011) Research report 75: Monitoring equality - Developing a gender identity question & Technical note: Measuring gender identity <https://www.equalityhumanrights.com/en/publication-download/research-report-75-monitoring-equality-developing-gender-identity-question>

⁵ Adapted from: https://www.stonewall.org.uk/sites/default/files/getting_equalities_monitoring_right_0.pdf

*Trans is an umbrella term to describe people whose gender is not the same as the sex they were assumed to be at birth.

Which age group applies to you?⁶

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75-84
- 85+
- Prefer not to say

Which best describes your sexual orientation?⁷

- Heterosexual/straight
- Gay
- Lesbian
- Bi
- Prefer to self-describe (please specify.....)
- Prefer not to say
- Don't know

What is your legal marital or same-sex civil partnership status?⁸

- Single/Never married and never registered a civil partnership
- Married or in a registered civil partnership
- Separated, but still legally married or in a civil partnership
- Divorced or formerly in a civil partnership which is now legally dissolved
- Widowed or surviving partner from a civil partnership

Are you currently pregnant or on maternity leave?⁹

- Yes
- No

Which of these best describes your religion? ¹⁰

- Atheist
- Buddhist
- Christian
- Hindu

⁶ All categories can be expanded/ collapsed as preferred as long as start/ end age remains the same. 0-15 can be excluded if adult only survey. Source: Lambeth Residents Survey

⁷ Source: Lambeth Residents Survey

⁸ Source: Census 2011

⁹ Source: Lambeth Residents Survey

¹⁰ Source: Census 2011

- Jewish
- Muslim
- Sikh
- Other – please specify
- No religion
- Prefer not to say/don't know

Do you consider yourself to have a disability or long term health condition?

- Yes
- No
- Prefer not to say

If you have a disability or long term health condition: Which of the following best describes the nature of your impairment or health issue¹¹? (tick all that apply)

- Registered blind or visual impairments uncorrected by glasses
- Physical impairments
- Deaf/ sign language user
- Hard of hearing/ Hearing loss
- Mental health issues
- Learning difficulties
- Neurodiverse (e.g. Autism, Dyslexia)
- Long term health conditions
- An impairment or medical condition that is not listed above
- Please specify:
- Prefer not to say

What is your race or ethnic group?¹²

Asian or Asian British

- Asian or Asian British - Chinese
- Asian or Asian British - Bangladeshi
- Asian or Asian British - Indian
- Asian or Asian British - Pakistani
- Any other Asian background, write in.....

Black or Black British

- Black or Black British - African
- Black or Black British - Caribbean
- Any other Black / African / Caribbean background, please write.....

¹¹ Based on feedback from Inclusion London.

¹² Categories are based on Office of National Statistics 2015 Harmonised Concepts and questions and also aligns to Census 2011, but modified to include 'British' in the main ethnic groups. Additional categories such as Polish, Portuguese and Latin American have been added to reflect specific needs identified in these Lambeth Communities. Further categories may be added to reflect service users provided it remains possible to aggregate to the original Census question.

Mixed / multiple ethnic groups

- Asian or Asian British and white
- Black or Black British (African) and white
- Black or Black British (Caribbean) and white
- Any other Mixed / multiple ethnic background, please write.....

Other ethnic group

- Arab or Arab British
- Latin American/ Latinx or Latin American and British
- Any other ethnic group please write.....

White

- English / Welsh / Scottish / Northern Irish / British
- Irish
- Gypsy or Irish Traveller
- Polish
- Portuguese
- Any other White background, please write

Appendix B: Standard equalities questions [Employees Use Only]

[Reside

Using suggested equalities monitoring questions

The following questions are for use in a self completion survey for HR and recruitment monitoring purposes only (self-declaration). These questions are only authorised for use by the HR and Recruitment teams.

Introduction

The standard introductory text that is supplied below should be included to introduce questions and provide assurance on data protection.

Why are we asking for this information?

As part of our Public Sector Equality Duty' we must publish, monitor and evaluate our equality objectives and plans. In addition to our legal and statutory duties, Lambeth is committed to establishing best practice in inclusive employment and business practices and promoting diversity as a unique cultural asset. We are also committed to making the workplace fairer and more inclusive for everyone. Lambeth is accredited with the following organisations:

- Business In the Community – [Race Charter at Work](#)
- [Disability Confident Employer](#)
- [Investors in People](#)
- [Stonewall Diversity Champion](#)
- [Timewise](#)

If for recruitment:

This form is separated from the main application form and will not be provided to the short-listing panel. Answers will be treated in the strictest confidence. The information provided will only be used for monitoring purposes and to assist with improving our recruitment process to ensure we are reaching all sections of the community. Completion of this form has no connection to the evaluation of applications in any way.

About You

What is your sex?¹³

- Male
- Female
- Prefer to self-describe (please specify)
- Prefer not to say

Do you identify, or have you ever identified, as trans*?

- Yes
- No

¹³ Adapted from suggested question wording in: EHRC (2011) Research report 75: Monitoring equality - Developing a gender identity question & Technical note: Measuring gender identity <https://www.equalityhumanrights.com/en/publication-download/research-report-75-monitoring-equality-developing-gender-identity-question>

Prefer not to say

*Trans is an umbrella term to describe people whose gender is not the same as the sex they were assigned at birth.

Which age group applies to you?

- 16-19
- 20-24
- 25-29
- 30-34
- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- 60-64
- 65-69
- 70-74
- 75-79
- 80-84
- 85 +

Which best describes your Sexual orientation?¹⁴

- Heterosexual/ straight
- Gay/Lesbian
- Bi
- Other (please specify.....)
- Prefer not to say

Which of these best describes your religion? ¹⁵

- Atheist
- Agnostic
- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- Other – please specify
- No religion

¹⁴ Source: Lambeth Residents Survey
¹⁵ Source: Census 2011

Prefer not to say/

Do you consider yourself to have a disability or long term health condition?

Yes

No

*We ask employees and prospective employees to make their own assessment of whether they consider themselves to meet either definition of disability. Lambeth recognises the broader, social model definition of disability in addition to the legal definition contained in the Equality Act 2010. A person has a disability under the Equality Act if they a) have a physical or mental impairment or b) the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

What is your race / ethnic group?¹⁶

Asian or Asian British

- Asian or Asian British - Chinese
- Asian or Asian British - Bangladeshi
- Asian or Asian British - Indian
- Asian or Asian British - Pakistani
- Any other Asian background, write in.....

Black or Black British

- Black or Black British - African
- Black or Black British - Caribbean
- Any other Black / African / Caribbean background, please write.....

Mixed / multiple ethnic groups

- Asian or Asian British and white
- Black or Black British (African) and white
- Black or Black British (Caribbean) and white
- Any other Mixed / multiple ethnic background, please write.....

Other ethnic group

- Arab or Arab British
- Latin American/ Latinx or Latin American and British
- Any other ethnic group please write.....

White

- English / Welsh / Scottish / Northern Irish / British
- Irish

¹⁶ Source: Office of National Statistics 2015 Harmonised Concepts and questions and also aligns to Census 2011. Additional categories such as Latin American have been added to reflect specific needs identified in these Lambeth Communities. Further categories may be added to reflect service users provided it remains possible to aggregate to the original Census question.

- Gypsy or Irish Traveller
- Polish
- Portuguese
- Any other White background, please write

Language

Please note that Lambeth's Oracle Cloud (HR system), allows for a full range of Languages to be captured under skills and qualifications. This needs to be captured under talent management information rather than equalities monitoring.

Appendix C: Current borough profiles

This section gives an indication of the prevalence of Lambeth residents in equalities categories. All statistics are from the 2011 Census, unless otherwise indicated. ONS categories are used; these may not map on to the categories described in the council's monitoring policy.

Sex What is your sex?	Census profile
Male	In 49% of Lambeth residents are male, and 51% are female. It has been estimated that there are 20 transgender people per 100,000 people in UK, which suggests roughly 50-60 people in Lambeth ¹⁷ . Locally, of 24,800 Lambeth Living tenants, 28 (0.1%) are transgender ¹⁸ .
Female	
Other	
Trans/ Non-binary	
Prefer not to say	

Age Which age group applies to you?	Census profile
18-24	10.7% of Lambeth residents are aged 18-24
25-34	26.4%
35-44	16.6%
45-54	12.1%
55-64	6.8%
65-74	4.2%
75-84	2.6%
85+	0.8%

Sexual orientation Which best describes your sexual orientation?	Census profile
I am heterosexual	There is currently very limited data about sexual identity in the UK, but existing estimates suggest that nationally 5-7%, and in Lambeth 5-10% are from LGBT+ groups. In Lambeth's 2008 Staff Survey 7% of respondents identified themselves as non-heterosexual. (Pending data from 2011 Staff Survey)
I am gay or lesbian	
I am bi	
Other	
I do not wish to answer this question	
Don't know	

Marital status What is your legal marital or civil partnership status?	Census profile
Never married and never registered a civil partnership	46.5%
Married	23.4%
Separated (but still legally married or still legally in a civil partnership)	3.2%
Divorced or formerly in a civil partnership which is now legally dissolved	6.1%
Widowed or surviving partner from a civil partnership	3.2%
In a registered civil partnership	2.6%

Pregnancy/ maternity Are you currently pregnant or on maternity leave?	Census profile
Yes /No	We currently have no robust evidence on the prevalence of people who are

¹⁷ Gender Variance in UK: Prevalence, Incidence, Growth and Geographic Distribution, Gender Identity Research & Education Society, 2009.

¹⁸ Lambeth Living Tenancies and Diversity Digest

pregnant or on maternity leave¹⁹. Historically, fertility rates can be expected to fluctuate.

Religion, faith or belief Which of these best describes your religion?	Census profile
No religion	28.0% of Lambeth residents say they have no religion
Buddhist	1.0%
Christian	53.1%
Hindu	1.0%
Jewish	0.4%
Muslim	7.1%
Other religion	0.6%
Religion not stated	8.7%
Sikh	0.1%

Disability Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? <i>Please include problems related to old age</i>	Census profile
Yes, limited a lot	6.1%
Yes, limited a little	6.6%
No, not limited	87.2%

Ethnic origin What is your ethnic group?	Census profile
White	57.1%
English /Welsh /Scottish /Northern Irish /British	39.0%
Irish	2.5%
Portuguese	2.3% (Country of birth)
Polish	2.3% (Country of birth)
Gypsy or Irish Traveller	0.1%
Any other White background, write in	15.5%
Mixed / multiple ethnic groups	7.6%
White and Black Caribbean	2.7%
White and Black African	1.4%
White and Asian	1.2%
Any other Mixed / multiple ethnic	2.3%
Asian / Asian British	6.8%
Indian	1.6%
Pakistani	1%
Bangladeshi	0.7%
Chinese	1.5%
Any other Asian background, write in	2%
Black / African / Caribbean / Black British	25.9%
Black African	0.8% (Country of birth)
Other African	-
Caribbean	9.5%
Any other Black / African / Caribbean	4.8%
Other ethnic group	2.5%
Latin American	3.1% (Country of birth: Central America + South America)
Arab	0.6%
Any other ethnic group, write in	1.9%

¹⁹ At present, the Equality Act refers to 'maternity' as part of this protected characteristic and so we refer to maternity leave here, but recognise that there is potential for people to experience discrimination as a result of having taken paternity leave.

Language What is your main language?	Census profile
English	79.7%
Portuguese	3.4%
Yoruba	2.6% of residents speak an African language.
Polish	2.2%
Spanish	2.5%
French	1.8%
Italian	3.4% of residents speak an EU European language other than English, Spanish, French or Polish. 0.9% of pupils in Lambeth schools speak Italian as a main language.
Somali	2.6% of residents speak an African language. 4.4% of pupils in Lambeth schools speak Somali as a main language (2012 School Census)
Twi	2.6% of residents speak an African language. 2.7% of pupils in Lambeth schools speak Akan/Twi-Fante as a main language (2012 School Census)
Other – please specify	

Socio-economic grade Which of these activities best describes what you are doing at present?	Census profile
Employee in full-time job (30 hours plus per week)	46.5%
Employee in part-time job (under 30 hours per week)	9.5%
Self employed full-time	1.6%
Self-employed part-time	0.4%
On a government supported training programme	-
Full-time education at school, college or university	3.8%
Unemployed and available for work	6.0%
Permanently sick/disabled	3.8%
Wholly retired from work	5.6%
Looking after the home	3.5%
Doing something else – please specify	3.3%

Tenure Which of the following best describes how you occupy your home?	Census profile
Owner occupier – Lambeth leaseholder	32.2% of residents are owner occupiers. There is no private/ council breakdown in the census data.
Owner occupier – private	
Rented from Housing Association	14.7%
Renting from Council	20.0%
Rent from private landlord	29.3%
Shared ownership	1.2%
A residential home	1.2% of Lambeth residents live in communal establishments.
Hostel/supported accommodation	No data available
Other	0.3%

Appendix D

Complying with the Data Protection Act (2018) in storing personal data

Storage of personal data for the purpose of equalities monitoring must comply with the council policy for data protection and the Data Protection Act (2018). Some of the relevant points from the [Lambeth data protection policy](#) are provided below:

Information handling and collection

- The council will, at the point of collection and as far as it is practicable, inform individuals of the purposes for which the council will use their personal data.
- Council departments will take all reasonable steps to ensure that the personal data they hold is accurate in respect of matters of fact and where necessary, kept up to date.
- The council will hold only that personal data which is needed to carry out its duties.
- The council will not hold personal data for longer than it is reasonably required in line with the council's Document Retention and Disposal Standard.
- All requests for personal data from data subjects will be dealt with in accordance with the council's Subject Access Request Policy.

Security

- Access to the council's systems will be password protected to ensure that personal information is only accessible by those individuals that need it to undertake their job.
- Paper files and manual records containing personal data will be stored in secure environments.
- Records containing personal data will be safely and responsibly disposed of when they are no longer required.

Disclosures of personal data

- The council reserves the right to disclose information under certain circumstances where allowed by law. When a request for disclosure is made by an organisation, the council will consider each request individually and where a disclosure takes place, the council will disclose only the minimum amount necessary.
- If the council is sharing personal data on a regular basis with other organisations we will ensure that there are written protocols in place governing the sharing of that personal data and that these are published on our website.

For further enquiries about the data protection policy should be directed to the council's Information Governance Team.

In addition to the general guidance on data protection above, it should also be noted that:

- Explicit consent for us to hold and use personal data is not necessary providing the purpose for collection is our statutory equalities monitoring obligation. However, any further disclosures of the collected information which is not anonymised and outside of this obligation i.e. used for a different processing purpose. Will need explicit consent. Therefore if, at the point of collecting personal data, the service is aware that it will be used for wider purposes than equalities monitoring, and will not be anonymised, consent should be gathered and a privacy notice provided at the outset.
- The Gender Recognition Act (2004) states that for employers, where someone holds a gender recognition certificate, they must be treated according to their acquired gender and it is a criminal offence to disclose the fact that they have changed their sex. A person who identifies as non-binary may consent to you

disclosing the information if they decide it is in their interests to do so. Such consent, however, must be explicit. It may not be assumed.

Appendix E

Complying with the General Data Protection Regulation and Data Protection Act 2018 in storing personal data and special categories

1. The Basics of The Data Protection Act 2018 gives individuals the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly. The new **General Data Protection Regulation (GDPR)** came into effect in the UK on 25 May 2018. The Data Protection Act 1998 was repealed and replaced by the Data Protection Act 2018. Collection and storage of equalities data collected must comply with these regulations, which requires that 'special category data' (sensitive personal information) or any data that identifies an individual, is stored in a secure manner.

"The new Data Protection Legislation works in a number of ways. Firstly, it states that anyone who processes personal information must comply with six principles, which make sure that personal information is:
identifiable

(a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability')."

For the purposes of the equality monitoring we will collect and process personal data that includes Special category data which is more sensitive, and as such requires more

protection. In order to lawfully process special category data there must be a lawful basis under Article 6 and a separate condition for processing special category data under Article 9. They do not need to be linked.

There are ten conditions for processing special category data in the GDPR itself, but the Data Protection Act 2018 introduces additional requirements and protection.

Special category data is largely the same as sensitive personal data was under the 1998 Act as is the requirement to ensure a specific condition is relevant when processing this type of data. Special category data is more sensitive in that it may put an individual at risk of unlawful racial or disability discrimination for example. It therefore warrants protection. For the purposes of equality monitoring information about an individual that comes under the umbrella of special category data is:

race;
ethnic origin;
religion;
sexual orientation.

As a public authority we are required to collect and process equality data to fulfil our Public Sector Equality Duty under the Equalities Act 2010. This is the lawful basis on which we can collect monitoring information.

What are the conditions for processing special category data?
The conditions are listed in Article 9(2) of the GDPR:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and

services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The principles of the GDPR and implications for equalities monitoring practice
 Data Protection Legislation also sets out principles that those possessing data must comply with, and some of which have particular relevance to equalities monitoring practice.

GDPR principle	Implications for equalities monitoring
Lawfulness, fairness and transparency	<p>We will only collect data necessary for us to fulfil our duties under the Equality Act.</p> <p>We will think about the potential impact of collecting equalities data on the individuals from whom we are collecting it.</p> <p>Informed consent will be secured for the collection and processing of equalities data.</p>
Purpose limitation	<p>We will only use equalities data for the purposes explained when securing informed consent, which will be consistent with the application of our responsibilities under the Equality Act.</p>
Data minimisation	<p>We will take a proportionate approach to data collection and only ask for data that is necessary to fulfil our equalities duty.</p>
Accuracy	<p>We will ensure data accuracy by:</p> <ul style="list-style-type: none"> - Using self-completion of equalities monitoring wherever possible - Offering individuals the opportunity to check and update data that they have shared with us previously. <p>If any data is identified as out of date or incorrect this should be rectified as soon as possible.</p>

Storage limitation	We will only keep equalities data for individuals for as long as we need it for data analysis purposes.
Integrity and confidentiality (security)	Equalities monitoring data will be detached from individual identifying data at the earliest opportunity.
Accountability	<p>We take full responsibility for the collection, storage and processing of personal data, and compliance with the other principles of the regulation.</p> <p>We will put measures in place to support, and keep records to demonstrate, our compliance. For example, we will keep records of informed consent.</p>