

# **Equality Related Monitoring**

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## **Policy & Procedure**

**Greater Manchester Police**

**February 2014**



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## 1. Policy Statement

Asking members of the public and our staff to provide information to us regarding the Protected Characteristics under the Equality Act 2010 (e.g. such as their sex or whether they have a disability) assists Greater Manchester Police (GMP) in understanding how different people are affected by our work and practices. We also provide this information to bodies that scrutinise GMP, and publish information in order that the communities of Greater Manchester can be informed about our activity.

### 1.1 Aims

To outline how GMP will decide on, then collect and utilise, demographic information relating to Protected Characteristics under the Equality Act 2010 about members of the public and our staff.

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## 2. Scope

This policy and procedure applies to any member of staff in GMP responsible for authorising or conducting the collection and analysis of equality related monitoring information, from either members of the public or our staff.

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## 3. Roles & Responsibilities

### **Head of Profession, Neighbourhoods, Confidence and Equality**

As the corporate owner of GMP's on-going compliance with the Public Sector Equality Duty you are responsible for ensuring that GMP utilises the collection and analysis of equality related monitoring information in support of that Duty (including the Specific Duty to Publish Information).

### **Branch Head, Human Resources Branch**

You should ensure that any equality related information collected as part of the information we ask about our staff is in line with this policy and procedure.

You should ensure that appropriate resources are allocated to the collation and analysis of equality related monitoring information about our staff as required by Force Command and, if required, the Police and Crime Commissioner or Her Majesty's Inspectorate of Constabulary. You should ensure that such analysis allows GMP to comply with the Public Sector Equality Duty, in particular the Specific Duty to publish equality information about our employees.

### **Chief Superintendent, Professional Standards Branch**

You should ensure that any equality related information collected as part of the information we ask of members of the public making a complaint is in line with this policy and procedure

### **Chief Superintendent, Specialist Protective Services**

You should ensure that any equality related information collected as part of the information we ask of victims and witnesses of crime is in line with this policy and procedure.

### **Chief Superintendent, Organisational Learning and Workforce Development Branch**

You should ensure that any equality related information collected as part of the information we ask of staff undertaking training, career development or as part of promotion procedures is in line with this policy and procedure.

**Chief Superintendent, Criminal Justice and Custody Branch**

You should ensure that any equality related information collected as part of the information we ask of suspects and detainees is in line with this policy and procedure.

**Branch Head, External Relations and Performance Branch**

You should ensure that any equality related information collected as part of the information we ask members of the public as part of any survey or research is in line with this policy and procedure.

You should ensure that, following liaison with the Head of Profession, Neighbourhoods, Confidence and Equality, appropriate resources are allocated to the analysis of equality related monitoring information as required by Force Command and, if required, the Police and Crime Commissioner or Her Majesty's Inspectorate of Constabulary. You should ensure that such analysis allows GMP to comply with Section 95 of the Criminal Justice Act 1991 specifically, and more generally the Public Sector Equality Duty.

**Chief Superintendent (all Divisions) or Branch Head (all Branches)**

You should ensure that any new equality related information collected by your Division or Branch is in line with the below procedure.

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## 4. Terms and Definitions

Refer to section 8.

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## 5. Procedure

**Step 1 – Consider what you are trying to achieve.**

Consider what the problem is that you believe equality related monitoring might assist with, what legislation or instruction you are responding to, or how you think the use of monitoring might provide new information to improve GMP's work. There is no requirement to formally document this, but it will assist you to be very clear about what you are seeking to achieve before considering the matter further and decide whether or not equality related monitoring is the answer.

**Step 2 – Review the guidance**

Review the guidance contained at stage 8 of this document, the force Equality Team are available to advise you about any specific aspect of this guidance or to discuss your proposal more generally. After reviewing the guidance make a decision as to whether to proceed further.

**Step 3 – Identify who will use the information and to what end.**

Unless we are specifically required by legislation to collect the information, the collection of new information through equality related monitoring is not an outcome in itself; it must also be then used by someone. This is required for compliance with the Data Protection Act (1998), as all data collected must be for a specific and lawful purpose. Before asking members of the public or our staff to provide us with such information you should identify which postholder is going to be responsible for considering the information and what they are going to do with it.

If we are considering collecting the information because a partner organisation has asked us to then they should be asked to outline in detail why they need it and how they will use the

information. They may have an on-going use for it, but they might not, and could be asking us to collect and provide this information to them simply as a matter of routine, or have not considered any cost to us (Stage 4). Before undertaking any collection on behalf of another agency, please consult the Information Compliance and Records Management Unit to ensure the data gathering is compliant with the Data Protection Act (1998)

#### **Step 4 – Consider the cost of collecting the information**

Weigh the cost of us collecting this information (both in staff time and the cost of any IT or form change) against the potential benefit. It is acceptable to identify that there would be a benefit for GMP and / or the communities we serve in having this information, but decide not to implement new equality related monitoring at this time because of the cost. This is particularly the case for any new monitoring that requires front-line staff to seek and then record new monitoring information from members of the public.

#### **Step 5 – Consider the impact of other Policies and Procedures**

This procedure outlines issues to consider with regard to implementing new equality related monitoring, however if you decide to implement new monitoring you should confirm that it also complies with other force policies and procedures, specifically Data Protection and Information Security.

#### **Step 6 – Notify the Equality Team**

If you haven't done so already notify the force Equality Team of any new monitoring you intend to implement. The force has a specific duty under the Public Sector Equality Duty to collect and then publish information relating to its activity with regard to equality, and this team maintains an overview of what equality related monitoring is taking place in GMP.

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## **6. Associated Documents**

N/A

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## **7. Consultation & Statutory Compliance**

### **7.1 Statutory Compliance**

#### **7.1.1 Data Protection Act (1998)**

This Policy and Procedure has relevance to the Data Protection Act. It does not require or recommend the processing of personal data; rather it presents options for consideration by those considering doing such. The procedure supports GMP's compliance with the Data Protection Act by instructing those considering the collection and processing of new items of personal data to fully explore why they might wish to collect this data and then how they might make use of it. The procedure includes a specific step (Step 5) that reminds staff of their obligation to comply with GMP policy regarding data protection. Furthermore, any personal data that is collected for equality monitor purposes must only be retained in accordance with the Force Retention Schedule which can be found on the Policy pages on the intranet.

#### **7.1.2 Freedom of Information Act (2000)**

This Policy and Procedure is NOT PROTECTIVELY MARKED and can be published or otherwise made available to any member of the public.

### **7.1.3 Equality Act 2010**

This policy and procedure has been created in order to support GMP's compliance with the Public Sector Equality Duty under the Equality Act 2010. By setting out in a specific policy and procedure why and how GMP will utilise equality related monitoring we are able to better ensure that we positively respond to the Duty.

The purpose of this policy is to assist GMP in its work to eliminate discrimination, promote equality of opportunity and promote good relations between different groups.

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## 8. Appendices

### 8.1 Guidance

#### 8.1.1. User acceptability

Whilst members of the public and our staff are likely to be used to being asked to define their ethnicity or sex, some people may be less familiar with being asked to define themselves in relation to other Protected Characteristics under the Equality Act 2010 such as religion or sexual orientation.

If we identify a need to carry out monitoring, then any potential embarrassment or lack of understanding is not in itself a reason not to undertake the monitoring, it is however our responsibility to ensure that we are able to properly explain what we are asking and why we are asking for the information. We must ensure that members of the public retain confidence in GMP; this means that when introducing new monitoring we must think about the most appropriate method for us to collect the information (e.g. phone, survey, face to face), what information we provide to the public to explain what we are doing, and any training our staff might need in order to appropriately ask for the monitoring information.

In accordance with the Data Protection Act (1998) it is also important that we properly explain to members of the public why we are collecting their data, and how we are going to use such information.

The purpose of equality related monitoring is to collect information that we can consider on an anonymised, a macro scale, rather than attribute to an individual (i.e. not data from which an individual could be identified); however members of the public may not appreciate this. Given our role as a public service that is able to exercise coercive power, and the public's perceptions regarding the databases we maintain on individuals, there is a real risk that misconceptions could arise and that people could assume that we are recording information in order to retain it for intelligence purposes. We need to be mindful of this when designing equality monitoring processes.

If we do ask members of the public to provide us with equality monitoring information on a form, then the following preamble text can be used:

“GMP is committed to eliminating discrimination and to ensuring that the services we provide to the diverse communities of Greater Manchester are fair and accessible. To help us to monitor the effectiveness of our services please complete the details below. This information will be used for monitoring purposes only and will be treated as strictly confidential.”

We should expect that our staff, or those wishing to be employed by GMP, fully cooperate with any HR related equality monitoring, and as such we are able to ask our staff about any Protected Characteristic. Some staff may require to be provided with further information about equality monitoring, and we should positively respond to any concerns they may have and explain our intent, including highlighting that we have included “prefer not say” options in relation to any monitoring of disability, gender reassignment, religion & belief and sexual orientation.

#### 8.1.2 The difference between monitoring and intelligence

This policy is about equality monitoring that we collect in order to improve our services, it is not about similar information that we collect for intelligence purposes.

There is overlap between the information we collect for intelligence or monitoring purposes, however when instigating any new equality monitoring you should have a clear understanding about how the information is going to be used, stored and processed for purely monitoring purposes (see previous reference to compliance with the Data Protection Act).

### **8.1.3 Monitoring is not an end in itself**

As stated in the policy, we need to be clear about why we are asking people for demographic information and how we are going to use it. There is sometimes a misconception that by including equality monitoring questions on a form or other process that this is in itself somehow a demonstration of an organisations commitment to equality. This is not correct.

The Equality Act 2010 introduced a new Public Sector Equality Duty covering 9 Protected Characteristics; this replaced 3 separate Duties in relation to Race, Disability and Gender. In moving to this wider Duty there is no requirement that public sector organisations exactly replicate activity we have previously carried out in some areas to all 9 Protected Characteristics (e.g. because we have asked members of the public for many years about their ethnicity in a certain interaction we have with them, it is not the case that we now also ask them about their religion at this point).

### **8.1.4 Monitoring is not the only option**

Whilst equality monitoring can be very useful in helping us understand any difference in impact our service is having on different groups, or help identify gaps, other methods are available to use.

Community engagement, for example through Independent Advisory Groups or bespoke engagement with minority communities is a means by which we can understand how what we do affects our communities. The procedure (Stage 5) asks you to think about what you monitor and why; if monitoring is the right answer then implement it, but also consider if alternative mechanisms (which may be either more cost effective or less intrusive) can deliver the outcome you require.

## **8.2 Monitoring categories**

### **8.2.1 Age**

16 – 24
25 – 34
35 – 44
45 – 54
55 – 64
65 – 74
Over 74

Operational procedure is to obtain a person's actual date of birth to determine age which, when monitored, can be broken down into appropriate age bands. When conducting non-operational monitoring, such as surveys, asking people to select their age range is likely to be more appropriate than asking for a date of birth.

The above age bands are used by GMP when conducting surveys and when publishing details about our staff, and are recommended as being suitable in most instances (although they may be varied if required for a specific purpose).



You should not carry out monitoring of children under 16. If you need to capture the experiences of children under 16 then alternative methods of engagement should be used, such as focus groups in schools or community centres. Any surveys or consultation should be done through parental consent and not directly.

### 8.2.2 Disability

Do you consider yourself to have a disability?

- No disability
- Co-ordination, dexterity or mobility
- Hearing, speech or visual impairment
- Learning disability
- Mental health
- Other (please specify)
- Prefer not to say

These categories are the ones that GMP is introducing in relation to monitoring the victims of hate crime. It is acceptable to include a simple Yes / No question about whether someone has a disability, and this may be a preferred option for HR related monitoring, however if a more detailed question would be of use then these categories should be used.

### 8.2.3 Gender reassignment

Is your gender identity the same as the gender you were assigned at birth?

- Yes
- No
- Prefer not to say

The wording of this question was arrived at by GMP following consultation with Trans community organisations. In contemplating whether to ask members of the public about their gender identity it is important that a full assessment of why we want to ask this question is undertaken and that we have an understanding of what information we might get back from monitoring.

The number of people in our communities who have changed their gender identity is unknown, but likely to be small, as such the usefulness of asking a monitoring question of members of the public is likely to be low, as the data coming back is unlikely to have any statistical significance. It is likely that targeted community engagement is more likely to provide more relevant information, however in exceptional circumstances this question might be appropriate for certain surveys or questionnaires.

There is a specific offence under the Gender Recognition Act 2004 in relation to the disclosure of information regarding the previous gender of a person who has made an application under the Act. This offence applies to public officials who have acquired knowledge of a person's change of gender in an official capacity, and it specifically applies to police officers. Whilst all equality monitoring information must be appropriately handled (see previous references to Data Protection), this is an added consideration in relation to gender reassignment.

You should seek always advice from the force Equality Team before commencing any monitoring of gender reassignment.

## 8.2.4 Race

White British  
 White Irish  
 White - Gypsy or Irish Traveler  
 White - Jewish  
 White - Eastern European  
 Any other White background

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

Asian or Asian British – Indian  
 Asian or Asian British – Pakistani  
 Asian or Asian British – Bangladeshi  
 Asian or Asian British – Sikh  
 Any other Asian background

Black or Black British – Caribbean  
 Black or Black British – African  
 Any other Black background

Chinese  
 Arab  
 Any other ethnic group

GMP uses the above 21 point scale for monitoring in relation race / ethnicity; this is a locally amended version of national ethnic monitoring categories. The order of the categories should always be presented as above, not alphabetically.

There is no “prefer not to say” option for this question when it is presented on a form for members of staff or the public to complete, however we often collect self defined ethnicity information in operational circumstances (e.g. crime reports, use of stop search powers), where sometimes it is not possible to capture a response. In these circumstances the below additional categories can be used.

Declined  
 Didn't Understand  
 Called Away  
 Public Order  
 Regina or Business Victim  
 Reported by Third Party

## 8.2.5 Religion & Belief

No religion  
 Christian (all denominations)  
 Buddhist  
 Hindu

Jewish  
Muslim  
Sikh  
Other (please specify)  
Prefer not to say

The above options were used in the 2011 census. Previously GMP has used slightly different categories in relation to religion & belief; there is no requirement to amend any existing monitoring in relation to religion & belief if it uses a different format, however for any new monitoring or upon refreshing monitoring questions the above should be used as it will allow comparison with census information about our communities.

The options above are deliberately not in an alphabetical order, and should always be presented in this order.

### 8.2.6 Sex

Male  
Female

Whilst in some operational processes we may utilise a third option of “unknown”, when undertaking equality monitoring male and female are only options to be presented and no attempt should be made to include monitoring in relation to Trans people as part of monitoring a persons sex.

### 8.2.7 Sexual orientation

Bisexual  
Gay or Lesbian  
Heterosexual / Straight  
Prefer not to say

GMP previously included an “other” option in sexual orientation monitoring, however the Equality Act 2010 clearly defines the available 3 options in relation to sexual orientation, and the above question should be used for any new or refreshed monitoring (however there is no requirement to update a monitoring process prior to a suitable opportunity arising).

## 8.3 Other Protected Characteristics under the Equality Act 2010

### 8.3.1 Marriage & Civil Partnership / Pregnancy & Maternity

We do not carry out equality related monitoring in relation to Marriage and Civil Partnership or Pregnancy and Maternity, as such there are no standard questions for these Protected Characteristics.

We may on occasion ask people about these topics, but this is most likely to be in relation to their personal circumstances. We may have cause to consider how our services impact on people in relation to these Protected Characteristics, however we will do this by methods other than monitoring. For example, we might want to understand how our HR policies relating to pregnancy are serving the needs of our staff – we would do this by engaging with and listening to staff rather than carrying out equality related monitoring.

## 8.4 Other Equality Monitoring

The 2011 Census provides information about communities in relation to Nationality, country of birth, length of residency in the UK, ability to speak English and a range of other useful indicators. Such information may be useful to GMP when thinking about how our work affects communities, however it is not recommended that questions in relation to such areas are usually asked by us as part of equality monitoring. There are risks in relation to our ability to properly explain to communities why we would ask for such information, and an enhanced risk that it would be perceived as being in relation to enforcement action and immigration status, rather than equality monitoring.

If there is a need to more fully understand newer communities, rather than implementing monitoring the first option should be to consider what information we already hold. For example we ask all detainees in custody their Nationality (for non monitoring purposes), and we are able to review data regarding which languages officers are requesting translation support with, and how often they request it. Our Local Authority partners may have information, such as schools admissions data, that they could share. If there is a need for more detailed demographic information, sources such as these should be considered preferable to implementing extended monitoring beyond the standard question in relation to race / ethnicity. If considering undertaking data sharing with a partner agency, please consult the Information Compliance and Records Management Unit to establish if a formal agreement is needed.