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1. Introduction

- 1.1. Diversity monitoring promotes more choice and better value. Barnet Council adopted the diversity monitoring categories¹ in 2005 to help inform it of the different needs of its diverse communities and therefore improve the way it designs and delivers its services to local residents.
- 1.2. This protocol was written after residents approached elected members asking for clarification on why the council collects diversity data, how it analyses the data and how it uses the data to improve services.
- 1.3. This guidance was written to assist officers on how to use the diversity monitoring categories when gathering information about service users/ residents/non-users and to use that knowledge as evidence to prioritise the delivery of appropriate public services.
- 1.4. Diversity monitoring emerged from the Race Relations Amendment Act 2000 duty placed on public authorities to collect ethnicity data about its workforce. However, Barnet Council widened the scope to collect a range of diversity data relating to both employment practice and service delivery.
- 1.5. The categories enable us to collect information on age, disability, ethnicity, faith/belief, gender and sexual orientation.
- 1.6. In the past the council had a Diversity Monitoring Form setting out minimum standards of what diversity data needed to be collected. This approach needs to be revised. Service areas now need bespoke monitoring forms which best reflect the most relevant data they need to collect to improve their services. Appendix 1 illustrates the different types of diversity data service areas must consider collecting together with advice on how they can be used. Further design guidance is available on the intranet at: <http://intranetlbb/corpweb2005/communications/dmf-guidelines.pdf>

¹ See Appendix One

- 1.7. As the council has a statutory duty to promote race, disability and gender equality, diversity data relating to these categories must be collected as a minimum. The council is keen to collect other diversity data which can be used to inform resource prioritisation, however, we recognise that improving certain types of service delivery does not need all types of diversity data to be collected.
- 1.8. The guidance focuses on data collection, but also includes advice and information on:
- designing bespoke diversity monitoring forms
 - equality targets and objectives
 - comparative data
 - benchmarking
- 1.9. The guidance links to a number of corporate documents including:
- Corporate Plan
 - Barnet's Equality Scheme
 - Customer Access Strategy

2. What is diversity monitoring?

- 2.1. Diversity monitoring is a process the council uses to collect information about service users and (potentially) non-users as well as information on residents.
- 2.2. Diversity monitoring is not a bureaucratic data gathering exercise but a tool for the council to analyse the use and experience of service delivery by different groups of people and, where necessary, to take appropriate action to improve those services. It is most useful when it is incorporated as part of a survey or consultation.
- 2.3. Analysing diversity data can reveal:
 - whether the service is being used by a particular group
 - if there are any different needs that are pertinent to a particular demographic group
 - show under or over-use of a service by a particular community
 - reveal discrimination
 - provide evidence that services are not discriminatory
 - measure service effectiveness
 - identify how a service should be changed or renewed
- 2.4. It also allows the council to show:
 - our services are delivered in a fair and equal way to all our customers
 - that customers who use our services are not further disadvantaged because of the way we deliver our services
 - how to shape new and existing services around customer needs
 - a generally increased understanding of the needs of non-users and our residents
 - find out whether customer satisfaction rates vary between different communities.

2.5. Diversity categories

- 2.5.1 The council collects information on age, disability, ethnicity, faith/belief, gender and sexual orientation by asking people to answer questions based on individual self-identification.
- 2.5.2 Sometimes, people do not wish to share information about themselves. We accept this, but would want to explain to people participating in consultations or surveys that sharing diversity information is as important as finding out people's opinions on the services the council delivers.
- 2.5.3 Sometimes, it is not relevant to know the full diversity profile of our users because of the type of service being provided. In such cases officers are expected to use their common sense about which diversity information should be collected. Managers will be required to explain the reasons for not including certain diversity categories.
- 2.5.4 The questions expected to be the most sensitive to service users are age, disability, faith/belief and sexual orientation.

2.6. Priority areas for diversity monitoring

- 2.6.1 Analysing diversity information can be particularly useful in surveys being used in the following priority areas:
- frontline service delivery
 - services targeted at vulnerable people
 - those services where there is a local or national history of unequal impact
 - customer complaints, comments and compliments
 - delivering services based on judgement or entitlement
 - services where there are nationally established equalities indicators
 - cross-cutting services affecting different groups of people
 - consultations with residents/service users/non-users

3. How is diversity monitoring in consultations currently used by the council?

3.1. At present, diversity monitoring is mainly used in corporate consultations to find out:

- what people think about council services
- if they know about a particular service
- if the experience of a service is different for different communities
- if people know how to access a service
- if people are treated equally.

3.2. A number of techniques are used by the Communications and Consultation Directorate including:

- customer satisfaction surveys like the Annual Residents' Survey which are useful to measure the perceptions of customers with a view to improve service delivery
- focus groups to carry out in-depth discussions on a particular issue. Members of the groups share some common characteristics such as age and gender which relate to the discussion topic
- user panels to provide a forum for discussion issues relating to a service they use
- questionnaires and surveys which can be carried out by post, telephone, online and face-to-face contact
- working with Barnet Citizens' Panel , which represents Barnet's residents and regularly participates in postal and online surveys
- consulting with community organisations representing the interests of Barnet's diverse communities to hear their views and experiences as service users.

- 3.3. The data collected in corporate consultations is analysed along diversity strands and cross-related to the activity or perception being measured.

Case study: A successful suburb

Measure of success: to increase the percentage of residents satisfied with their area as a place to live

Outcome: results from the Annual Residents' Survey 06/07 revealed that 78 per cent of black residents are satisfied with Barnet compared to 87 per cent of all residents and 91 per cent of Asian residents. A total of 87 per cent of white residents are satisfied.

Target: to increase satisfaction rates amongst black and white residents is an improvement priority for 07/08.

How did we use the information: Focus groups were undertaken with white residents who had agreed to come and talk about their dissatisfaction. The group was facilitated by a skilled moderator. The council learnt that these residents had contacted the council in the past and had not been kept informed of the progress of their enquiry and therefore believed the council was not doing enough for people like them. The Customer Care Unit now issues updates to residents who have made comments, compliments or complaints about the council.

4. How do I do actually include diversity monitoring questions in my service surveys?

4.1. Including diversity monitoring questions can seem daunting initially. However, it is not difficult to do. The following steps should help:

- choose from one of the service descriptions listed in Appendix Three the one that most closely matches your service delivery style
- decide what additional diversity information you need to collect about your service users (particularly relating to age, faith/belief and sexual orientation)
- have a look at the prompt chart on Appendix One to help you decide which diversity questions you need to ask
- if you have decided not to collect information on age, faith/belief or sexual orientation be clear of your reasons and be prepared to justify your decision to either the Strategic Equalities Adviser or Corporate Consultations Officer
- identify who is responsible for analysing the data
- agree how the data is going to be fed back into service planning

4.2. Briefing officers

4.3. Make sure your colleagues understand why your service is including diversity monitoring as part of its service analysis so that they can answer queries from users. Their support of diversity monitoring is crucial in making it both a success and meaningful to improve council services.

Case study: Environment and Transport

Sometimes it is not always clear why diversity data is collected. Officers undertaking consultations prior to the introduction of controlled parking zones felt vulnerable when challenged by residents querying why a survey on parking needed diversity information to be collected. Despite explanations about the importance of understanding our communities, officers remained unconvinced about the merits of the exercise and felt increasingly uncomfortable about including the diversity questions. In response to this the authority decided as a whole to review its approach to collecting diversity data and the need to adopt a more pragmatic approach.

- 4.4. Sometimes, people have never shared this information before and feel a little awkward when answering the questions. Encourage officers to take the time to explain why the council is collecting this information and how the information will be used to improve services. Remember to encourage respondents to share as much information as possible but remain sensitive to the fact that people may choose not to share information.
- 4.5. Remind people the information collected is anonymous.
- 4.6. Publicise your service's decision to include diversity monitoring in its consultation surveys and the contribution of officers in making it a success.

5. Collecting the data

5.1. Provide an explanation

- 5.1.1 Always include an explanation of why diversity information is being collected, how it is being collected and what it will be used for. Remind people that the information shared is confidential.
- 5.1.2 In the majority of instances, the information collected will be anonymous.
- 5.1.3 It is reassuring to include contact details of an officer based in the service area who can answer further queries.

Example of preamble

Barnet Council is committed to delivering more choice and better value to everyone who uses our services. But we want to make sure that the right services are reaching the right people at the right time. To help us make sure we are doing this correctly it would be helpful if you would answer the questions about yourself. Some of the questions may feel a little personal, but the information we collect is anonymous and cannot be traced back to you. If you would like to know how we have used this demographic information, please contactservice contact name...

5.2. Questions

- 5.2.1 The format of the questions has already been agreed by the council and relies on service users self-classifying themselves (see Appendix one).
- 5.2.2 Successful diversity monitoring relies on an individual's personal identification as this is a subjectively held conviction. To ensure consistency of data quality, services need to adhere to this principle and not prompt or attempt to classify people themselves.

5.3. Storing the information

- 5.3.1 The Data Protection Act 1998 requires sensitive information to be stored in a secure manner, where access to the information is restricted to named officers in the service area (see 5.4.1). Further details about the act can be found in Appendix Three.
- 5.3.2 You must be clear that the information you are collecting is lawful and for a specified purpose.
- 5.3.3 Care must be taken when publishing the data to make sure individuals are not easily identified. 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.

5.4. Confidentiality

- 5.4.1 Remember, in the majority of monitoring exercises, the information collected is anonymous. However, to ensure confidentiality is maintained the following can be done:
- store the monitoring information in a separate and secure place
 - separate the monitoring information from the service-specific information once it is recorded.

6. What do I do with the collected data?

6.1. Once you have decided what type of diversity information you are collecting you need to agree the following:

- how will the information be collected
- what will the information be compared with
- how will the information be analysed
- how will the results be published
- how will the data be incorporated into service improvement plans
- how will the outcomes be measured?

Case study – Housing service

The Housing service produces an Equalities Update containing information about housing applicants, property lettings and housing benefits which is analysed quarterly. The Housing Equalities Group and Housing Management Team identify trends and prioritise areas for further work. The update is published on the intranet so that all staff have access to the information.

6.2. Once the data is collected, it needs to be analysed both within diversity categories, but also cross-related to the key activities or stages of the service being monitored. A summary of the data analysis and interpretation needs to be sent to the service development team (if they have not undertaken the analysis), the appropriate area of the service and relevant community forums to close the consultation loop.

6.3. Cross-relating measures could include measuring:

- take-up of services
- satisfaction levels
- complaints
- number of people applying for a service
- number of people accessing a service

- number of people receiving positive outcomes
- funding levels

Case Study: Resources directorate

West of the borough customer access point:

For the new customer access point we have used customer data to inform decision making on both design features and the services to be provided. The data has been collected from a number of sources including, compliments, comments and complaints and analysed to help us design a customer access facility that meets the needs of residents living in the west of the borough.

6.4. The system of recording and collecting diversity information needs to be incorporated into existing service management systems to ensure the information is used effectively. The following section shows how analysing diversity data can be used to measure the impact of services on different groups of people.

6.5. Significant difference

Small differences in outcomes for different groups are to be expected as a result of chance. However, where differences are substantial and persist over time investigation is required. Exactly what size of difference should trigger investigation is a matter of judgement. It is helpful to present data for different groups as rates rather than percentages as demonstrated in the following two tables.

Table one: comparing percentages among service users and the population

| Ethnic Groups | % among service users | % in population |
|---------------|-----------------------|-----------------|
| White | 68% | 70% |
| Asian | 7% | 13% |
| Black | 9% | 6% |
| Chinese | 5% | 2% |
| Other groups | 11% | 9% |
| Total | 100% | 100% |

It can be difficult to judge what a significant difference is when data is presented in this way because of differences in the sizes of the groups. A helpful rule of thumb

may be to carry out further investigations where rates vary by 5 percentage points or more. It is often preferable to show the data in the following way, where such differences in size of groups are better taken account of

Table two: comparing rates of service usage among different groups

| Ethnic Groups | Service users per 10,000 residents |
|---------------|------------------------------------|
| White | 21 |
| Asian | 14 |
| Black | 40 |
| Chinese | 28 |
| Other groups | 20 |
| Total | 22 |

In this case we can see that the rate of usage among Black residents is almost twice that for all groups and a third lower for Asian residents. These are large differences that might have been missed if the data is displayed as in table one.

Where base numbers are very small (for example, Executive Directors, suicides) then any comparisons may be of less use.

6.6. Target setting

Target setting is an important component of measuring performance improvement.

The inclusion of segmented diversity data into the performance target ensures that the impact of the service on different communities can be compared and remedial action can be identified if necessary.

Segmenting targets can also help to legitimise resource allocation, make sure expectations of performance is realistic and agree timescales for improvement.

Case Study – Children’s Service

The Children’s Services has established an Information Sharing Index which can track educational attainment as they progress through the education system and support the allocation of resources to schools to ensure those children with an increased risk of not achieving their educational potential receive additional support. For example, Somali pupils have been failing to achieve their educational potential by Key Stage 4 despite performing well at Foundation Stage. Similarly, segmenting diversity data revealed that white British boys from economically disadvantaged backgrounds were also failing to achieve their educational potential at this stage and a distinct educational support programme is being targeted to this group.

6.7. Performance indicators

Performance indicators show what the council is currently delivering. Incorporating diversity data is an explicit way of showing how a service can be discriminatory. For example, if a service shows under-use by a single group then a target can be set measuring how far improvements have resulted in an increase in the range of users.

Case Study – Adult Social Services

Adult Social Services (ASS) are committed to increasing the number of people currently in receipt of direct payments as part of its commitment to enable vulnerable adults live independent and active lives. Of 314 payments made in 2006/07, almost 30 per cent were paid to Jewish adults which is twice as many as the Census population of the borough; 41 per cent of claimants were over 65 demonstrating older people’s desire and ability to embrace change and 14 per cent were paid to Asian service users which is significantly higher than the borough’s population profile. Analysing the take up of these claimants and segmenting the data demonstrates how the council is able to fulfil its priority to promote independence and choice to vulnerable adults. ASS has set a target to increase the number of payments to 600 by 2009/10 with equal distribution between different communities.

6.8. Service plans

All service plans should demonstrate how they will monitor the take-up of their services and the workforce profile of their staff

The service plans will reflect the corporate equality priorities published in the council's Equality Scheme.

6.9. Approved contractors

All suppliers from whom the council procure services must demonstrate how they support the council in meeting its public duties to promote race, disability and gender equality.

In addition to completing the equalities section of the Pre-Qualifying Questionnaire, approved suppliers are encouraged to monitor the diversity profile of their employees. There is currently no obligation upon private sector providers to monitor the diversity of service users.

7. What happens next after analysing the data?

7.1. Once you have analysed your diversity data you should be able to use it to:

- inform your service plan
- identify key improvement initiatives
- understand if your service is delivering a service which impacts differently on different groups of people
- define who should be the key users/recipients of your services
- decide how services need to be prioritised to target those groups of people who are not receiving your services
- show how it has made a difference.

Further information on diversity categories is available from the Corporate Consultation Officer (Rosie Evangelou ext. 7016) or Strategic Equalities Adviser (Julie Pal ext 7263).

Appendix One

Designing your own diversity monitoring form for (service users)

The following must be included: Preamble

Barnet Council aims to consult with its diverse communities to ensure the views of all residents are represented. We monitor the delivery of our services to ensure that it is representative and that all our service users are treated fairly. In addition, we are legally committed to promoting race equality under the Race Relations (Amendment) Act 2000, disability equality under the Disability Discrimination Act 2005 and gender equality under the Equality Act 2006 to everything the council does. The information you give on this questionnaire will remain strictly confidential, in accordance with the Data Protection Act 1998¹.

Disability

The Disability Discrimination Act 1995 defines a disability as 'a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'. In this definition, long term is taken to mean more than 12 months and would cover long term illness such as cancer, HIV or mental health problems.

| | | | |
|--|-----------------------------|--|-------------------------------|
| Do you consider that you have a disability under the Disability Discrimination Act definition? | | 1 <input type="checkbox"/> yes | 2 <input type="checkbox"/> no |
| If you have answered 'yes', please select the definition/s from the list below that best describes your disability/disabilities: | | | |
| Hearing (such as: deaf, partially deaf or hard of hearing) | 3 <input type="checkbox"/> | Reduced physical capacity (such as inability to lift, carry or otherwise move everyday objects, debilitating pain and lack of strength, breath, energy or stamina, asthma, angina or diabetes) | 4 <input type="checkbox"/> |
| Vision (such as blind or fractional/partial sight. Does not include people whose visual problems can be corrected by glasses/contact lenses) | 5 <input type="checkbox"/> | | |
| Speech (such as impairments that can cause communication problems) | 6 <input type="checkbox"/> | Severe disfigurement | 7 <input type="checkbox"/> |
| Mobility (such as wheelchair user, artificial lower limb(s), walking aids, rheumatism or arthritis) | 8 <input type="checkbox"/> | Learning difficulties (such as dyslexia) | 9 <input type="checkbox"/> |
| Physical co-ordination (such as manual dexterity, muscular control, cerebral palsy) | 10 <input type="checkbox"/> | Mental illness (substantial and lasting more than a year, such as severe depression or psychoses) | 11 <input type="checkbox"/> |
| Other disability (please specify) | 12 <input type="checkbox"/> | <input type="text"/> | |

¹ The information you provide will be anonymous

Ethnicity

| Asian or Asian British | Black or Black British | Mixed | Other | White |
|--|--------------------------------------|---|------------------------------------|---|
| 1 <input type="checkbox"/> Bangladesh | 2 <input type="checkbox"/> African | 3 <input type="checkbox"/> White and Asian | 4 <input type="checkbox"/> Chinese | 5 <input type="checkbox"/> British |
| 6 <input type="checkbox"/> Indian | 7 <input type="checkbox"/> Caribbean | 8 <input type="checkbox"/> White and Black African | | 9 <input type="checkbox"/> Greek |
| 10 <input type="checkbox"/> Pakistani | | 11 <input type="checkbox"/> White and Black Caribbean | | 12 <input type="checkbox"/> Greek Cypriot |
| | | | | 13 <input type="checkbox"/> Irish |
| | | | | 14 <input type="checkbox"/> Turkish |
| | | | | 15 <input type="checkbox"/> Turkish Cypriot |
| 16 <input type="checkbox"/> Other | 17 <input type="checkbox"/> Other | 18 <input type="checkbox"/> Other | 19 <input type="checkbox"/> Other | 20 <input type="checkbox"/> Other |
| If you selected any of the 'Other' categories, please tell us how you would further describe yourself <input style="width: 100%; height: 20px;" type="text"/> | | | | |

Gender 1 Female 2 Male

Post code

Thank you for taking the time to fill in this questionnaire.
 Please return this survey by (date) . If you would like to discuss this survey please contact (name of officer) on (contact number)

Optional questions:

Before you decide to exclude a diversity category you need to assure yourself that your service does not disproportionately impact upon any of these groups of people. For example, collecting data on sexual orientation is not particularly relevant to collecting opinions on CPZ, but is highly relevant in relation to the delivery of mental health services. Similarly, the faith profile of a local community may influence the design of parking enforcements, but not the approval of licenses to local businesses. If you are not sure whether to exclude one of these diversity categories contact either the Strategic Equalities Adviser (ext 7263) or Corporate Consultation Officer (ext 7016) for further advice.

Age²

| | |
|---------------|------------|
| Date of birth | dd/mm/yyyy |
|---------------|------------|

Faith/religion/belief (optional information)

| | | | | |
|-------------------------------------|---|--|-------------------------------------|--------------------------------------|
| 1 <input type="checkbox"/> Agnostic | 2 <input type="checkbox"/> Atheist | 3 <input type="checkbox"/> Baha'i | 4 <input type="checkbox"/> Buddhist | 5 <input type="checkbox"/> Christian |
| 6 <input type="checkbox"/> Hindu | 7 <input type="checkbox"/> Humanist | 8 <input type="checkbox"/> Jain | 9 <input type="checkbox"/> Jewish | 10 <input type="checkbox"/> Muslim |
| 11 <input type="checkbox"/> Sikh | 12 <input type="checkbox"/> no religion | 13 <input type="checkbox"/> Other faith (please specify) | | |

Sexuality

As part of the council's commitment to ensure that we are not inadvertently preventing people from accessing goods and services on the basis of their disability, faith/belief or sexual orientation, we would like you to share some personal information about yourself. The information will be confidential and cannot be traced back to you. The council believes it is important to understand the different types of communities who use our services and it is only by asking you these questions that we can be confident we are meeting your needs. If you have any queries about any of the questions relating to the demographic profile, please contact Julie Pal on 020 8359 7263. Thank you for helping us to deliver better quality services to you.

| | | | |
|--|------------------------------------|--------------------------------|---|
| 1 <input type="checkbox"/> Bisexual | 2 <input type="checkbox"/> Lesbian | 3 <input type="checkbox"/> Gay | 4 <input type="checkbox"/> Heterosexual |
| 5 <input type="checkbox"/> If you prefer to define your sexuality in terms other than those used above, please let us know | | | |
| <input type="text"/> | | | |

If you decide that you do not want to include these questions, please consider whether it would be helpful to understand the way different communities use your service even if there is no obvious impact.

² Possible age categories to use when analysing data.

| | | | | | | |
|-------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|
| 1 <input type="checkbox"/> Under 18 | 2 <input type="checkbox"/> 18 – 24 | 3 <input type="checkbox"/> 25 – 34 | 4 <input type="checkbox"/> 35 – 44 | 5 <input type="checkbox"/> 45 – 59 | 6 <input type="checkbox"/> 60 – 69 | 7 <input type="checkbox"/> 70 and over |
|-------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|

Appendix Two Service delivery styles

There are three main styles of service delivery which are:

1. Ongoing contact

This measures people's experience of council services over a particular period.

Advantage: it shows how different groups are treated at different stages of a process. An example could be measuring the experience of people applying for housing as they progress or fail in their attempt to be awarded accommodation.

Disadvantage: relies on being able to track responses at different stages of the process

You can use this method to find out:

- differences in outcomes of applications for diverse groups
- differences in perception of service delivery for diverse groups
- that all groups are accessing services equally
- that any actions implemented to improve services are working.

2. Service usage

Understanding the profile of service users and the particular needs of different groups can help in the way a service is best delivered to meet the needs of its users. For instance, the type of usage of parks and green spaces by different communities

Advantage: it can help in the assessment and allocation of resources for the future delivery of the service

Disadvantage: sometimes, it is possible to be overwhelmed by the amount of information generated and to use it to effectively manage service improvement.

You can use this method to find out:

- differences in frequency of service usage by different communities
- differences in the way the service is used by different communities
- whether the service is meeting the needs of the communities they serve
- ways of increasing service usage amongst those communities who under-use the service.

3. Customer satisfaction or complaints

Including an additional section on diversity monitoring to routine customer satisfaction surveys or complaints records is helpful to assess whether satisfaction rates vary between different communities.

You can use this method to find out:

- different satisfaction levels or complaint rates between different communities
- if there are particular areas of a service that are a problem/liked by different communities
- if there are different expectations between different groups of people
- ways of increasing service usage amongst those groups who under-use the service.

Appendix Three Data Protection Act 1998

How will monitoring information be kept and who will have access to it?

The Data Protection Act 1998 requires any information contained on the Diversity Monitoring Form to be processed, accessed and retained as laid out in its Codes of Practice. This means that when people complete the monitoring form they should be aware of the following:

- can they be identified from the form?
- where will the information be kept?
- how will the information be used?
- who will have access to the information?

Access to diversity monitoring information must be restricted to officers who will use it for monitoring purposes and guarantee that the information is subject to strict security procedures.

What does the Data Protection Act 1998 cover?

The Data Protection Act 1998 came into force on 1 March 2000. It regulates the use of personal data and gives effect in UK law to the European Directive on data protection (95/46/EC).

The act covers some manual records, such as those recorded on paper or media such as microfiche, as well as computerised records and is concerned with the way 'personal data' relating to identifiable living individuals is processed.

It works in two ways;

- it gives individuals (data subjects) certain rights
- it requires those deciding how and why personal data is processed (data controllers) to be open about how they use the data and comply with data protection principles in their information-handling practices.

Data protection principles

There are eight data protection principles that are central to the act. In brief, they say that personal data must be:

1. processed fairly and lawfully
2. processed for limited purposes and not in any manner incompatible with those purposes
3. adequate, relevant and not excessive
4. accurate
5. not kept for longer than is necessary
6. processed in line with data subjects' rights
7. secure
8. not transferred to countries that don't protect personal data adequately.

Responsibilities of data controllers

Most data controllers will need to notify the Information Commissioner of their processing of personal data. Notification is the process by which data controllers inform the Information Commissioner of certain details about the processing of personal data they carry out. These details are then included on a public register. Data controllers or workers can inspect this register at any time by visiting the data protection register website at: www.ico.gov.uk

What are the rights of data subjects under the act?

The act grants people the right to have a copy of the information an organisation holds about them. It allows them to apply to the courts to obtain an order requiring a data controller to correct inaccurate data held about them, and to seek compensation where damage and distress have been caused as a result of any breach of the act. Workers may also object to the processing of personal data about them. In some circumstances they can stop employers keeping information about them or using the information in particular ways.

What can happen if the council doesn't comply with the act?

Enforcement

If the Commissioner considers that breaches of the principles have occurred, enforcement action can be taken against the council. This will require changes to bring about compliance, for example the deletion of records or the redesigning of an application form. The organisation may appeal to the independent Information Tribunal. However, if the Tribunal upholds the Commissioner's enforcement action, and the organisation continues to break the principles, this is a criminal offence.

Prosecution

There are also offences of unlawfully obtaining personal data and unlawfully selling the data. If a criminal offence has been committed, the Commissioner can and does prosecute. Company directors or chief executives can be prosecuted where an offence is due to their negligence or connivance.

Compensation

Compensation can be awarded through the courts to an individual if damage has been caused by an organisation not meeting a requirement of the act. If damage is proved, then the court may also order compensation for any associated distress.

Where you can find out more about the act

If you require more information about the act please visit the Information Commissioner's website at: www.ico.gov.uk

