

Annexe 3: The Equality Measurement Framework

Purpose

1. The Equality and Human Rights Commission (the Commission) was established on 1st October 2007. It aims to champion equality and human rights for all, work to eliminate discrimination, reduce inequality, protect human rights and build good relations, and ensure that everyone has a fair chance to participate in society.
2. The purpose of this paper is to provide a brief summary of the Commission's Equality Measurement Framework and an outline of how the Commission and others are using it as a tool for change.

Background

3. The Commission, in partnership with the Government Equalities Office, has been developing an 'Equality Measurement Framework' (EMF). This is a comprehensive framework that provides a new way to measure and monitor equality across a range of areas of life appropriate and relevant to twenty-first century Britain.
4. The need for a new way of measuring and monitoring equality was a key finding of the Equalities Review (2007)¹. It found that the causes of chronic and persistent inequality include a lack of consensus on equality:

a lack of awareness and understanding about what equality means, how it relates to what organisations do, what is required (or permitted) under the law in practice, and who is responsible for delivering on this.

5. The EMF addresses this lack of consensus by providing a framework for action that focuses directly on the central and valuable things in life that people say are important for them to actually *do* and *be*. For example, the EMF can provide a baseline of evidence and measure progress on the extent to which people enjoy an adequate standard of living, are healthy, engage in education and learning, enjoy legal security, and are free from crime and the fear of crime. In particular, it is concerned with the position of individuals and groups in relation to their age, disability, ethnicity, gender and transgender, religion or belief, sexual orientation and social class.
6. The EMF will enable the Commission to discharge its legal duties to monitor social outcomes under the Equality Act 2006 as well as provide a baseline of evidence to evaluate progress and inform policy priorities. The EMF will also provide evidence to help Government and public bodies to agree policy priorities, set targets and evaluate progress, as well as help them prioritise their activities to meet their public sector duties on equality.

¹ Cabinet Office (2007) Fairness and Freedom: the final report of the Equalities Review. Available at: http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/equality_review.pdf

The Foundations of Equality Measurement Framework

7. The development of the EMF has drawn on three key inputs. Firstly, the theoretical underpinning of the capability approach developed by Amartya Sen. This approach provides an opportunity to move beyond, and address the limitations of, traditional approaches to equality by:
 - Focusing on what matters to people;
 - Recognising diversity of needs;
 - Emphasising barriers, constraints, structures and processes; and
 - Recognising diversity in goals.
8. Secondly, the international human rights framework as the starting point to develop a core human-rights based list of freedoms that represent the outcomes we should be working towards. And, thirdly, democratic deliberation and debate to supplement and refine this list. This involved extensive consultation with the general public, individuals and groups at risk of discrimination and disadvantage.
9. These inputs led to the adoption of a single equality concept (Box 1) and an agreed list of freedoms (Appendix 1).

Box 1: The Single Equality Concept

“An equal society protects and promotes the central and valuable freedoms and real opportunities of each person, securing human rights for all and ensuring that no-one is unfairly disadvantaged.

In an equal society, central and valuable freedoms and real opportunities are not unconstrained but are limited by the need to guarantee the same freedoms and opportunities for all.

In an equal society, institutions and individuals respect the diversity of people and their goals, address their different needs and situations, and remove the barriers that limit what people can do and can be”.

10. This concept has a number of advantages. It uses plain English, making it easier for people to use and explain to others. It recognises diversity and reflects current disadvantage, not just aspirations. It incorporates responsibility and obligations of individuals and institutions and includes human rights in a way that explains what the term means. It clarifies the connection between individuals’ values and freedom for everyone, and includes the concept of fairness. It is this concept that has formed the bedrock for further development of the EMF.
11. The freedoms that form the basis of the EMF are based on what people say are critical to an equal society, on the experiences of equality groups and on the theoretical approach underpinning the single equality concept.

Selecting the indicators

12. Indicators to measure progress towards these freedoms were then developed. To make it manageable, extensive consultation and statistical and theoretical work has been done to select and agree 48 indicators, in the first instance, which collectively cover important aspects of the freedoms. The Commission carried out an in-depth consultation which included:
 - The Government Equalities Office, other government departments and Scottish and Welsh Governments
 - Ten GB wide stakeholder events in London and full-day events in Edinburgh and Cardiff attended by just under 200 people
 - Web consultation with responses from 18 organisations
 - One-to-one meetings with 20 data providers, including presentation to the ONS Equality Measurement Group.
13. The final set of indicators was identified via an in-depth analytical process, which prioritised indicators based on their relevance and meaning to stakeholders, their salience (that they would highlight particular problems), whether they could be disaggregated by equality group, and the fact that they would show clear results². A full list of the indicators is outlined in Appendix 2.

Next Steps

14. Further work is underway to develop indicators that will measure good relations across social interactions, attitudes, participation and belonging, and human rights across structures, processes and outcomes. We will also develop indicators to cover the specific experiences of children. This will expand the Measurement Framework to cover the Commission's full mandate, and will be continually reviewed over time to ensure it is effective.

The equality measurement framework as a tool for change

15. The EMF provides the Commission, together with government and others, with a tool to help build a consensus on what we mean by equality, how we measure it and the benefits of working towards equality at the national, local and community level.
16. Some of the uses of the EMF are outlined below.

Monitoring society's progress on equality and human rights

Triennial Review

The Commission has a statutory obligation to monitor the progress that society is making towards becoming one that is more equal, where every individual has the opportunity to achieve their

² Developing the Equality Measurement Framework; Selecting the Indicators' EHRG July 2009

potential, and where people treat each other with dignity and respect. This progress must be reported to Parliament every 3 years.

The first triennial review ‘How fair is Britain?’ brings together evidence from a range of sources, including Census data, surveys and research, to paint a picture of how far what happens in people’s real lives matches up to the ideals of equality. In essence, it helps answer the question, how fair is Britain today?

The starting point of the review was the EMF. The EMF operated as a skeleton which allowed the Commission to conduct some initial data-scoping exercises in relation to the EMF indicators, and identify any gaps in data that could be filled. The Commission then contracted external researchers to conduct gap-filling research and analysis for the triennial review, focusing on secondary analysis of existing data, identifying small-scale and qualitative research projects, and gauging the performance of the protected equality groups against the indicators in the EMF.

This baseline of evidence uncovered many instances of unfairness and unequal outcomes. In order to target resources more effectively, and focus society’s and the Commission’s energies and efforts, the Commission carried out further analysis to identify the most pressing and significant inequalities most urgently in need of resolution.

The Commission identified 15 significant challenges. These challenges will inform the Commission’s work programme and strategic priorities for the future.

Agreeing priorities for action, setting targets and evaluating progress towards equality

Scottish Government

The Commission has been working with the Scottish Government to align the EMF with the National Performance Framework. In particular, the Scottish Government intend to use the EMF in relation to National Outcome 7: ‘we have tackled the significant inequalities in Scottish society’. The existing measurement for this outcome is largely based on socio-economic inequality and does not capture group based inequality. The Scottish Government therefore intend to use the EMF to tell a more comprehensive story of inequality in Scotland.

Public Sector Equality Duties

The Public Sector Equality Duty (‘PSED’) was introduced by the 2010 Equality Act and consists of a general equality duty and specific duties designed to help public bodies meet the general duty. The proposed specific duties require public authorities to consider relevant evidence to assess impact, and prepare, publish and report on progress towards equality outcomes.

The Scottish Government’s consultation on the Public Sector Equality Duty Draft Regulations and Order acknowledges a key challenge in making the transition to these new duties is ensuring data and evidence is available for all protected groups. The Regulations state that the Scottish Government will work with the Commission to use and build on the EMF as a tool to help address this challenge. The EMF may therefore provide public bodies with a useful tool to set outcomes as well as measure progress towards them, using relevant evidence.

In addition, the Association of Chief Police Officers of Scotland (ACPOS) has requested the Commission to deliver a training seminar on the EMF as part of the Scottish Police Service Continuous Professional Development programme. This request is a result of discussions with ACPOS, the Crown Office and Procurator Fiscal Service and the Scottish Court Service, and the inclusion of the EMF in the draft Regulations. The learning seminar will aim to raise awareness of the EMF and to better understand how the EMF can be used by the criminal justice sector in Scotland to improve services.

Edinburgh City Council

Edinburgh City Council is using the areas of life and substantive freedoms within the EMF to develop and organise their Equalities Outcome and Action Plan 2009-12. Using the EMF as a starting point, the council identified indicators to measure local equality outcomes. The council has also used the EMF areas of life to develop a data repository for relevant local research, statistics and information. Using the EMF in this way has enabled the council to adopt an outcomes-based approach to equality, and to begin to evidence a more local understanding of equality.

One of the benefits of this approach is that the council has begun to think more explicitly and consistently about evidence for equality. In particular, they have started identifying potentially useful local data sources and making use of these. A positive outcome of this has been the ability to inform strategic planning in a more bespoke manner that meets specific needs. For example, while going through the process of identifying and improving local data, the council uncovered evidence that showed an increasing number of people with learning disabilities on waiting lists for accommodation. As a result of this information, the council included an objective to reduce waiting lists for people with learning disabilities in their Single Outcome Agreement.

Using the EMF has allowed the council to begin to build a shared understanding of equality among staff and has provided more rigour to the council's equality work.

Using and developing data to improve local equality outcomes

The Commission, the Improvement Service, Scottish Government and the Convention of Scottish Local Authorities have been working together to consider how best to support Local Authorities, and their Community Planning Partners (CPPs), to meet the challenge of developing the equalities evidence base in order to identify, measure and track progress on key outcomes for their area.

A major reduction in public spending means public bodies will need to ensure they prioritise outcomes and target limited resources to the areas of most need. The Commission is keen to ensure that decision makers have the evidence, advice and tools to enable them to make fair, accountable and transparent decisions. However, the Commission is acutely aware that there is a lack of robust equalities evidence at a local level. To begin to address this, the Commission is funding an action research project that will be managed and delivered by the Improvement Service, and supported by the Scottish Government. This project aims to:

- Pilot the use of the EMF as a practical tool to help Local Authorities and their CPPs better understand how equality outcomes can be better identified, measured and tracked through SOAs, performance management and self evaluation frameworks.
- Develop concrete, effective and practical solutions to improve the equalities evidence base at the local level, and pilot a sample of these solutions that we can tackle within the scope of this project.
- Develop a shared understanding of equality and 'what works' around equalities measurement and management for participating councils and the wider local government and public services community.

The intention is to provide practical, hands-on, specialist support to a maximum of four councils / CPPs to improve the availability of robust equalities evidence to support local approaches to performance management and self evaluation in an outcomes context.

The starting point for the work is the EMF. The support available will involve actively engaging each council/ CPP in a range of activities, which will work through a detailed outcomes methodology, tailored to the specific needs of each council/ CPP. The hands-on work and support activities will run over a number of months, commencing in January 2011 and ending January 2012.

In conclusion, one of the main uses of the EMF is to help build a consensus on what we mean by equality and how we accurately assess the extent of inequality in different contexts. This will ultimately help to identify the priority areas for future action. In order to realise its potential there are important challenges to overcome. The Commission is in a process of learning how the EMF can be used beyond its statutory function and in different contexts. To make good use of this framework, there are considerable evidence needs that must be addressed. We are working in partnership with the Improvement Service, Scottish Government, Local Authorities, and CPPs where appropriate, to clarify and develop an understanding of how the EMF can be used in a local context to begin to address these needs.

Appendix 1: The list of central and valuable freedoms for adults

The capability to be alive

including, for example, being able to:

- avoid premature mortality through disease, neglect, injury or suicide
- be protected from being killed or murdered

The capability to be healthy

including, for example, being able to:

- attain the highest possible standard of physical and mental health, including sexual and reproductive health
- access to timely and impartial information about health and healthcare options, including contraception
- access healthcare, without discrimination and in a culturally sensitive way
- be treated medically, or subject to experiment, only with informed consent
- be assured of patient confidentiality and be free from the stigmatisation associated with some health conditions
- maintain a healthy lifestyle including exercise, sleep and nutrition
- live in a healthy and safe environment including clean air, clean water, and freedom from pollution and other hazards

The capability to live in physical security

including, for example, being able to:

- be free from violence including sexual and domestic violence and violence based on who you are
- be free from cruel, inhuman or degrading treatment or punishment
- be protected from physical or sexual abuse (especially by those in positions of authority)
- go out and to use public spaces safely and securely without fear

The capability of knowing you will be protected and treated fairly by the law

including, for example, being able to:

- know you will be treated with equality and non-discrimination before the law
- be secure that the law will protect you from intolerant behaviour, and from reprisals if you make a complaint
- be free from arbitrary arrest and detention
- have fair conditions of detention
- have the right to a fair trial
- access to affordable and high-quality information and advocacy as necessary
- have freedom of movement
- have the right to name, gender and nationality
- own property and financial products including insurance, social security, and pensions in your own right
- know your privacy will be respected.

The capability to be knowledgeable, to understand and reason, and to have the skills to participate in society

including, for example, being able to:

- attain the highest possible standard of knowledge, understanding and reasoning
- be fulfilled and stimulated intellectually, including being creative if you so wish
- develop the skills for participation in productive and valued activities, including parenting
- learn about a range of cultures and beliefs and acquire the skills to participate in a diverse society, including learning English
- access education, training and lifelong learning that meets individual needs
- access information and technology necessary to participate in society

The capability to enjoy a comfortable standard of living, with independence and security

including, for example, being able to:

- enjoy an adequate and secure standard of living including nutrition, clothing, housing, warmth, social security, social services and utilities, and being cared for and supported when necessary
- get around inside and outside the home, and to access transport and public places
- live with independence, dignity and self-respect
- have choice and control over where and how you live
- have control over personal spending
- enjoy your home in peace and security
- access green spaces and the natural world
- share in the benefits of scientific progress including medical advances and information and technology

The capability to engage in productive and valued activities

including, for example, being able to:

- have a decent paid job, with support where necessary
- care for others, including children and parents
- do something useful and have the value of your work recognised even if unpaid
- have rest and leisure, including holidays, and respite from caring responsibilities
- choose a balance between paid and unpaid work, care and leisure on an equal basis with others
- work in just and favourable conditions, including health and safety, fair treatment during pregnancy, maternity and paternity, fair pay, reasonable hours, and freedom from harassment or discrimination
- not be forced to work in a particular occupation or without pay
- not be prevented from working in a particular occupation without good reason

The capability to enjoy individual, family and social life

including, for example, being able to:

- develop as a person, including self-identity
- develop your sense of values and other beliefs
- formulate and pursue goals and objectives for yourself
- hope for the future
- develop and maintain self-respect, self-esteem and self-confidence
- have a private life and some personal space, including protection of personal data
- access emotional support
- know that someone will look out for you
- have peace of mind
- form intimate relationships, friendships and a family
- celebrate on special occasions
- be confident that your primary relationships will be treated with dignity and respect
- spend time with, and care for, others, including wider family
- enjoy independence and equality in primary relationships including marriage
- be free in matters of sexual relationships and reproduction
- enjoy special support during pregnancy, maternity, paternity and adoption

The capability of being and expressing yourself, and having self-respect

including, for example, being able to:

- have freedom of conscience, belief and religion
- have freedom of cultural identity and expression of gender
- have freedom of expression
- communicate, including using information and communication technologies, and use your own language
- engage in cultural practices, in community with other members of your chosen group or groups and across communities
- have self-respect
- live without fear of humiliation, harassment, or abuse based on who you are
- be confident that you will be treated with dignity and respect
- access and use public spaces freely

The capability to participate in decision-making, have a voice and influence

including, for example, being able to:

- participate in decision-making and make decisions affecting your own life independently
- participate in the formulation of government policy, locally and nationally
- participate in non-governmental organisations concerned with public and political life
- participate in democratic free and fair elections
- get together with others, peacefully
- participate in the local community
- form and join civil organisations and solidarity groups, including trade unions

Appendix 2: Summary of indicators corresponding to the capability list for adults

A. LIFE

1. Life expectancy
2. Homicide
3. Other specific-cause mortality rates
4. Death rates from non-natural causes for people resident or detained in public or private institutions

B. HEALTH

1. Limiting illness, disability and mental health
2. Subjective evaluation of current health status
3. Dignity and respect in health treatment
4. Healthy living
5. Vulnerability to accidents

C. PHYSICAL SECURITY

1. Proportion that are victims of violent crime
2. Proportion that are victims of hate crime
3. Physical security for people resident or detained in public and private institutions
4. Fear of Crime

D. LEGAL SECURITY

1. Offences reported and brought to justice: rape, domestic violence and hate crime
2. Equal treatment by the police and criminal justice system (objective and subjective measures)
3. Deprivation of liberty: numbers and conditions
4. Equal protection and support for individuals with justiciable civil justice problems

E. EDUCATION AND LEARNING

1. Basic skills
2. Educational qualifications
3. Participation in lifelong learning
4. Use of the internet
5. Being treated with respect in education

F. STANDARD OF LIVING

1. Housing quality and security
2. Poverty and security of income
3. Access to care
4. Quality of the local area
5. Being treated with respect by private companies and public agencies in relation to your standard of living

G. PRODUCTIVE AND VALUED ACTIVITIES

1. Employment rate
2. Earnings
3. Occupation
4. Discrimination in employment
5. Unpaid care and free time

H. INDIVIDUAL, FAMILY AND SOCIAL LIFE

1. Availability of support
2. Being free from domestic abuse (emotional or financial)
3. Being able to participate in key social and cultural occasions which matter to you
4. Being able to be yourself
5. Being able to form and pursue the relationships you want

I. IDENTITY, EXPRESSION AND SELF-RESPECT

1. Freedom to practice your religion or belief
2. Cultural identity and expression
3. Ability to communicate in the language of your choice
4. Self respect
5. Freedom from stigma

J. PARTICIPATION, VOICE AND INFLUENCE

1. Formal political participation
2. Perceived influence in local area
3. Political activity
4. Taking part in civil organizations
5. Being treated with dignity and respect while accessing and participating in decision-making forums