



## Establishment Committee

**Date:** TUESDAY, 30 APRIL 2019

**Time:** 1.45 pm

**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:**

Deputy Edward Lord (Chair)	Deputy Joyce Nash
Deputy the Revd Stephen Haines (Deputy Chairman)	Barbara Newman
Randall Anderson	Deputy Richard Regan
Deputy Keith Bottomley	Deputy Elizabeth Rogula
Deputy Kevin Everett	Alderman William Russell
Christopher Hayward	Ruby Sayed
Deputy Jamie Ingham Clark	Deputy Philip Woodhouse
Jeremy Mayhew	Vacancy
Sylvia Moys	

**Enquiries:** Martin Newton  
020 7332 3154  
martin.newton@cityoflondon.gov.uk

Lunch will be served in Guildhall Club at 1.00pm  
NB: Part of this meeting could be the subject of audio or video recording

John Barradell  
Town Clerk and Chief Executive

# AGENDA

**NB: Certain matters have been starred and will be taken without discussion, unless the Committee Clerk has been informed that a Member has questions or comments prior to the start of the meeting.**

## Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **ORDER OF COURT OF COMMON COUNCIL**  
To receive the Order of the Court of Common Council appointing the Committee dated 25 April 2019. TO FOLLOW  
  
*This document was not available at the time of publication and will be circulated separately.*
4. **ELECTION OF CHAIR**  
To elect a Chair in accordance with Standing Order 29.  
  
**For Information**
5. **ELECTION OF DEPUTY CHAIR**  
To elect a Deputy Chair in accordance with Standing Order 30.  
  
**For Decision**
6. **MINUTES**  
To agree the public minutes and summary of the meeting held on 26 February 2019.  
  
**For Decision**  
(Pages 1 - 10)
7. **OUTSTANDING ACTIONS REPORT**  
Report of the Town Clerk.  
  
**For Information**  
(Pages 11 - 12)
8. **APPOINTMENT OF THE JOINT CONSULTATIVE COMMITTEE**  
To appoint four Members, in addition to the Chair, Deputy Chair and representative of the Finance Committee, to the Joint Consultative Committee.  
  
**For Decision**

9. **SENIOR REMUNERATION SUB COMMITTEE**

To appoint the following Members to the Senior Remuneration Sub-Committee:

- Chair of the Establishment Committee (Chair)
- Chair of the Policy and Resources Committee (Deputy Chair)
- Deputy Chair of the Establishment Committee
- A Deputy Chair of the Policy and Resources Committee
- Chairman of the Finance Committee
- Chairman of the General Purposes Committee of Aldermen
- Up to 3 additional members of the Establishment Committee

**For Decision**

**Strategic Business**

10. **GENDER IDENTITY POLICY**

Report of the Town Clerk & Chief Executive.

**For Decision**  
(Pages 13 - 70)

11. **BREXIT UPDATE**

The Director of Human Resources to be heard.

**For Information**

12. **EQUALITY AND INCLUSION UPDATE - INCLUDING PAY GAP**

Report of the Director of Human Resources.

**For Information**  
(Pages 71 - 80)

**For Formal Decision**

13. **CODE OF CONDUCT AND CONFLICT OF INTEREST**

Report of the Director of Human Resources.

**For Decision**  
(Pages 81 - 118)

14. **\* BUYING ADDITIONAL LEAVE SCHEME - REVIEW OF 1-YEAR TRIAL**

Report of the Director of Human Resources.

**For Decision**  
(Pages 119 - 122)

15. **STAFF CHRISTMAS LUNCHEON**

The Head of Events to be heard.

**For Decision**

**For Information**

16. **\* CITY OF LONDON CORPORATION SCHOOLS - UPDATE REPORT**  
Report of the Director of Human Resources.

**For Information**  
(Pages 123 - 126)

17. **DEVELOPMENTS IN EMPLOYMENT LAW**  
Joint report of the Director of Human Resources and the Comptroller & City Solicitor.

**For Information**  
(Pages 127 - 132)

18. **OPERATIONS OF THE SCHEME OF DELEGATIONS OCTOBER 2018 - MARCH 2019**  
Report of the Director of Human Resources.

See also item 38 in the confidential section of the agenda.

**For Information**  
(Pages 133 - 134)

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

20. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

21. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

**For Decision**

**Part 2 - Non-Public Agenda**

22. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 26 February 2019.

**For Decision**  
(Pages 135 - 136)

**For Information**

23. **GUILDHALL SCHOOL OF MUSIC AND DRAMA - STRATEGIC OVERVIEW AND STAFFING**

Principal of the Guildhall School of Music and Drama to be heard.

**For Information**

24. **OUTSTANDING ACTIONS REPORT**

Report of the Town Clerk.

**For Information**  
(Pages 137 - 138)

25. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

26. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

**Part 3 - Confidential Agenda**

27. **CONFIDENTIAL MINUTES**

To agree the confidential minutes of the last meeting held on 26 February 2019.

**For Decision**

**For Formal Decision**

28. **STAFFING MATTERS**

Report of the Bursar of the City of London School.

**For Decision**

29. **STAFFING MATTERS**

Report of the Chamberlain.

**For Decision**

30. **STAFFING MATTERS**

Report of the City Surveyor.

**For Decision**

31. **STAFFING MATTERS**

Report of the City Surveyor.

**For Decision**

32. **STAFFING MATTERS**

Report of the Barbican Chief Operating and Financial Officer.

**For Decision**

33. **STAFFING MATTERS**  
Report of the Managing Director of the Barbican.  
**For Decision**
34. **STAFFING MATTERS**  
Report of the Executive Director Mansion House and Central Criminal Court.  
**For Decision**
35. **STAFFING MATTERS**  
Report of the Director of Economic Development.  
**For Decision**
- For Information**
36. **\* STAFFING MATTERS**  
Joint report of the Assistant Town Clerk and the Director of Economic Development.  
**For Information**
37. **\* EMPLOYMENT CASES AND SETTLEMENTS**  
Report of the Comptroller & City Solicitor.  
**For Information**
38. **CONFIDENTIAL APPENDIX TO OPERATIONS OF THE SCHEME OF DELEGATIONS**  
Item 18 in the public section of the agenda refers.  
**For Information**
39. **\* ESTABLISHMENT COMMITTEE WORKSHOP NOTES**  
**For Information**
40. **\* REPORT OF ACTION TAKEN**  
Report of the Town Clerk.  
**For Information**
41. **TOWN CLERK'S UPDATE**  
The Town Clerk to be heard.  
**For Information**

## ESTABLISHMENT COMMITTEE

Tuesday, 26 February 2019

Minutes of the meeting of the Establishment Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Tuesday, 26 February 2019 at 11.30 am

### Present

#### Members:

Deputy Edward Lord (Chair)	Sylvia Moys
Deputy the Revd Stephen Haines (Deputy Chairman)	Deputy Joyce Nash
Randall Anderson	Barbara Newman
Sir Mark Boleat	Deputy Elizabeth Rogula
Deputy Keith Bottomley	Alderman William Russell
Deputy Kevin Everett	Ruby Sayed
Christopher Hayward	Deputy Philip Woodhouse
Deputy Jamie Ingham Clark	

### In Attendance

Natasha Lloyd-Owen

#### Officers:

John Barradell	- Town Clerk and Chief Executive
Angela Roach	- Town Clerk's Department
Kristina Drake	- Town Clerk's Department
Kate Smith	- Town Clerk's Department
Sacha Than	- Town Clerk's Department
Matthew Lock	- Chamberlain's Department
Michael Cogher	- Comptroller and City Solicitor
Jon Averbs	- Markets & Consumer Protection Department
Gavin Stedman	- Markets & Consumer Protection Department
Chrissie Morgan	- Director of Human Resources
Marion Afoakwa	- Human Resources Department
Janet Fortune	- Human Resources Department
Tracey Jansen	- Human Resources Department
Colette Hawkins	- Human Resources Department

The Chair welcomed Christopher Hayward to his first meeting of the Committee.

#### 1. APOLOGIES

Apologies for absence were received from Jeremy Mayhew and Deputy Richard Regan.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were no declarations of interest.

3. **MINUTES**

**RESOLVED** – That the public minutes and summary of the meeting held on 16 January 2019 be approved as an accurate record.

**Matters Arising**

Terms of Reference

A Member noted that at the previous meeting of the Committee it had been agreed for the Chair of the Policy and Resources Committee to become an ex-officio Member of this Committee and this would create an additional ten meetings per year to her already significant workload. Whilst the Chair explained that the Chair of Policy and Resources had been party to this decision, the Member advised they would raise this at the forthcoming Policy and Resources Committee meeting.

The Chair advised that as the topic had been raised, he would provide an update with regards to what had transpired at a recent meeting of the Finance Committee. The Chair reminded Members that the decision had also been taken at the January 2019 meeting for the Chairman of Finance to be made an ex-officio Member of the Establishment Committee with the expectation this be reciprocated for the Chair of (the Establishment Committee) to become an ex-officio Member of the Finance Committee.

However, at the February meeting of the Finance Committee, the Chairman encouraged the Committee to vote against this reciprocity. A Member advised they had been present at that meeting and explained that the Chairman of Finance had not conveyed what had been agreed at the Establishment Committee, therefore he had spoken in support of the Chairman's opposition to the appointment. However, having been made aware of the facts he had subsequently withdrawn his remarks, and had written to the Chair of Policy and Resources asking that the (Policy and Resources) Committee overturn the decision of the Finance Committee at their March meeting.

Members noted this raised the point of reciprocity and collaboration in general, advising that it would be useful for the Policy and Resources Committee to consider all ex-officio arrangements that were currently in place. A Member added that when ex-officio appointments were made, there was a question as to whether when the Member spoke at Committee they were conveying their own views or those of the Committee.

The Committee asked that a note of this discussion be provided to the Policy and Resources Committee for information.

4. **OUTSTANDING ACTIONS REPORT**

The Committee considered a report of the Town Clerk which provided details of outstanding actions from previous meetings.



**RESOLVED** – That the Committee note the report.

5. **BREXIT UPDATE**

The Director of Human Resources provided an update in respect of Brexit advising that there were no short-term issues. City of London Corporation staff in the Brussels office could remain in place until 2020 under the current arrangements. It was currently unknown what would happen beyond 2020 however it was expected that a regulatory framework would be developed for then. The Human Resources Department had been developing a set of Brexit related FAQs for staff which would be posted on the intranet and Chief Officers were identifying critical posts which may be affected by Brexit.

6. **HEADLINE RESULTS OF THE 2018 EMPLOYEE ENGAGEMENT SURVEY**

The Committee received a joint report of the Town Clerk and Director of Human Resources which presented the headline findings of the 2018 City of London Corporation (the Corporation) employee engagement survey.

The Town Clerk gave a presentation to the Committee which set out the highlights of the survey and the proposed action plans. It was explained that there had been a very good response rate of 62%. The survey had shown there were areas where the Corporation had scored extremely well, areas where there was ambivalence amongst those who had responded and areas which had scored poorly and where action would need to be taken. The Town Clerk advised of next steps; the findings from the 2018 employee engagement survey would be used to help improve communication, leadership and collaboration across departments. Departmental action plans would be developed to address issues identified in the survey.

The Town Clerk highlighted the importance of the work arising from the staff survey results noting the difference in responses from those based at the Guildhall complex and those who worked in other areas. It was suggested that given the complexity of the results a workshop be held for Members of the Establishment Committee to look at this further.

During discussion Members made the following comments:

- With regards to the responses received around senior leadership it was noted that 50% of respondents believed senior managers had a clear vision, but only 29% believed change was being managed effectively. As the statistics were high level and fuller details had not been provided; this should be a topic for further discussion at the workshop.
- Continuing the discussion around leadership; a Member queried whether any guidance had been provided within the survey as to who should be classified as senior management. A Member asked that going forward, the performance assessments of leaders include measures from the survey.
- A Member commented that the action plans should focus on enhancing collaboration and breaking down silos within the organisation.

- Members noted the low scores given to elements such as pay, poor performance and senior leadership. It was asked whether there were any individual departments where there might be specific issues.
- A Member commented that the percentages relating to the questions on whistleblowing and safeguarding should be higher as those were areas where people should feel protected.
- A Member queried the response rate to the previous staff survey which had been conducted nine years ago.
- A Member asked whether staff would have the opportunity to input into the strategy and when staff would be able to address the issues that had arisen.

Responding to the discussion and questions raised, the Town Clerk explained that:

- With regards to change management, there had been a high percentage of respondents who advised they did not know/were unsure to the questions posed therefore this group of people should also be considered when looking at the statistics. The proposed workshop would be useful for Members and officers to look further at this level of detail.
- It was suggested that the level of pay and comparisons with other organisations/local authorities also be considered at the workshop.
- The definition of senior leadership should be considered when looking at the statistics as based on the guidance provided this section of the survey could refer to any level of manager within the City Corporation. However, this area would need further consideration and performance appraisals would be looked at as a potential measure of both good and poor behaviour.
- Responding to the question regarding the response rate to the staff survey conducted nine years, it was confirmed that this was 48%.
- In response to the point made around safeguarding, Members were advised that the wording of the question was critical when considering the responses received. The number of people who had answered they did not know *should the need arise for them to access those policies* should be taken into account.
- In response to a Member's questions on the level of respondents to the survey when compared with the previous survey. The Town Clerk agreed to look into the detail of this and respond to the Member directly.

A Member asked the Director of Human Resources for their thoughts on the responses received in relation to how poor performance was managed. The Director explained that this would need to be looked at in more detail with comparisons of the responses submitted alongside the work carried out such as grievances, appeals, etc. The Director advised it would be helpful to conduct workshops with staff to find out more behind the responses.

The Chair thanked the Committee for a helpful discussion and for their agreement to hold a workshop on this matter. It was asked that the presentation be circulated to all Members of the Committee for information.

**RESOLVED** – That:

- a) the Committee note the headline findings of the employee engagement survey;
- b) a workshop focussing on the staff survey results be organised; and
- c) the presentation be circulated to all Members of the Committee.

7. **PROTOCOL ON MEMBER OFFICER RELATIONS**

The Committee considered a joint report of the Comptroller and City Solicitor and Director of Human Resources which sought approval of the revised Protocol on Member/Officer Relations for onward approval by the Court of Common Council.

The Chair provided officers with a number of minor amendments to the Protocol and it was agreed that subject to those amendments the document should be put before the Court of Common Council for final approval.

A short discussion took place during which the Chair clarified that the Establishment Committee held responsibility for the Protocol document and the reason behind the two Aldermen being referenced within the introduction of the document was because the responsibility for upholding this Protocol resided with both the Chairman of the General Purposes Committee of Aldermen and the Chairman of the Privileges Committee of the Court of Aldermen.

**RESOLVED** – That the Committee review the Protocol on Member/Officer Relations and endorse the amendments proposed by the Standards Committee and include the amendments proposed by the Chair of the Establishment Committee for onward approval by the Court of Common Council.

8. **EQUALITY AND INCLUSION - UPDATE**

The Committee received a report of the Director of Human Resources which provided an update on equality and inclusion initiatives and set out the pay gap differential with regards to ethnicity and disability.

The Chair advised that the report before Members sought funding of £1000 for participation in the Parade, but this should be amended to £1300 and the sum would be provided from the Committee's 2018/19 Contingency fund. In response a Member queried why the costs had increased and the Chair explained that the costs remained the same, however the Staff Network had previously used their own budget to cover participation in the Parade. The Chair also advised that the City Corporation was encouraging the Staff Networks to think of opportunities they might be interested in order for the expenditure to be spread equitably.

Discussion took place on the ethnicity and disability pay gap during which the following comments were made:

- A Member noted that the gender pay gap snap shot as set out in the report was two years old and asked that more recent information be provided. The Director of Human Resources responding advised that more recent information was being prepared and would be presented to

the Committee mid-year. The Committee asked that this information be presented as expeditiously as possible.

- A Member noting the complexity of the data suggested that a statistician be employed to provide analysis.
- A Member observed that the statistics around ethnicity and disability were concerning and raised the following points:
  - Analysis and clarification of the statistics would be needed. It was asked that the strategy to address the pay gaps be provided to Members.
  - In the report before Members it was explained that employees in the lower quartile were casual employees and less likely to enter their ethnicity and disability information on City People. It was asked what the City Corporation could do to address this.
  - The Guildhall complex even with the recent works which had taken place was still difficult to navigate for those with mobility issues and this was an area which should be considered.
  - It was asked whether Members could access the Equality and Inclusion Training as detailed in the report.

Responding to the points raised the Director of Human Resources advised that:

- The data provided within the report was raw and analysis would need to be carried out to find out the reasons behind the disparities.
- Initiatives were taking place which looked at the City Corporation's recruitment processes and how to attract and recruit people. An Attracting Talent workshop had already been carried out and a new recruitment campaign to promote the City Corporation as an inclusive and welcoming employer would go live within a month.
- In relation to obtaining monitoring information, the City Corporation had already run campaigns encouraging staff to respond and provide these details.
- Discussions were taking place with the City Surveyor as to how improvements could be made to the Guildhall for those with mobility issues.
- All Members had access to the City Corporation's online training which could be found via the intranet.

**RESOLVED** – That the Committee:

- note ethnicity and disability pay gaps and plans to develop and consult on an action plan to redress any imbalances;
- note the update and proposed schedule from the Diversity and Business Engagement (D&BE) Lead Officer with particular attention to the Stonewall Diversity Champions section and Diversity Networks;
- note the general equality and inclusion update;
- note and support City Pride's participation at Pride London Parade on 7 July 2018; and

- agree to fund the cost of participating in the Parade from the Establishment Committee 2018/19 Contingency fund of up to £1300 for the entry cost of £800 and any further associated expenses.

9. **SENIOR REMUNERATION SUB-COMMITTEE MINUTES**

The Committee received the draft public minutes of the Senior Remuneration Sub-Committee meeting held on 31 January 2019.

**RESOLVED** – That the Committee note the minutes.

10. **RESULTS OF THE FLU JAB PILOT SCHEME**

The Committee considered a report of the Director of Human Resources which sought approval of a scheme to provide free flu vaccinations for all officers and Members.

**RESOLVED** – That the Committee:

- approve the recommendation to operate this scheme for officers in the same way as eye and eyesight tests are reclaimed, and for Members to reclaim via the Committee and Members Services team; and
- approve the recommendation that the maximum cost that can be reclaimed is £15.

11. **FINAL DEPARTMENTAL HIGH-LEVEL BUSINESS PLANS 2019/20**

The Committee considered a report of the Town Clerk, Comptroller and City Solicitor, and Director of Human Resources which sought approval of the final 2019/20 high level business plans for the Town Clerk’s Department (Corporate and Member Services), Corporate Human Resources and the Comptroller and City Solicitor’s Department.

**RESOLVED** – That the Committee approve and provide feedback on the final high-level Business Plans for 2019/20 for the Town Clerk’s Department (Corporate and Member Services), Corporate HR and the Comptroller & City Solicitor’s Department.

12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

Ban The Box

The Chair welcomed Member of the Court Natasha Lloyd-Owen to the meeting who asked the following question;

Would the City Corporation increase its inclusive recruitment practices by becoming a ‘ban the box’ employer and removing barriers to employment for people with criminal convictions by:

1. removing requests for disclosure of unspent criminal convictions on its job application forms; and
2. evaluating the skills, abilities and persona of all candidates equally before asking about criminal convictions.

In response, the Director of Human Resources advised that this was an area which the City Corporation was looking into and a report would be brought before the Committee at a later date with information on how it might be implemented. It was noted that 75% of employers admit to discriminating against applicants with a criminal conviction; however, some roles required disclosure due to safeguarding needs therefore work was being undertaken to identify those roles in preparation of recommendations.

Members suggested that officers liaise with City firms who had already undertaken this work, it was also observed that it might be helpful to include the Sheriffs and the Old Bailey on this matter.

Members voiced their support on this issue.

#### Job Evaluation Process

A Member explained that the amount of time it took to complete the job evaluation process had been brought to their attention. In response the Director of Human Resources advised that whilst job evaluations could be lengthy if being considered as part of a departmental restructure. One of the main issues was if the evaluation did not result in the anticipated grade, this could then result in delays. The Director advised the Committee if there were any direct examples, she would look at them.

#### 13. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

The Chair advised there was one item of business.

#### Pay Policy Statement

The Chair explained that within the Pay Policy Statement approved at the previous meeting of the Committee the definition of Senior Management within the Statement did not meet the legal legislative requirements and should therefore be considered by the Committee again.

The Committee considered a tabled amended report and agreed that the decision should be taken under delegated authority procedures.

**RESOLVED** – That approval of the revised Pay Policy Statement be delegated to the Town Clerk in consultation with the Chair and Deputy Chairman of the Establishment Committee in accordance with Standing Order 41(b).

#### 14. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds

that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item	Paragraph
15,16,19,20	1,2
21	1,3
22	2
23	1,4

15. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 16 January 2019 were approved.

16. **OUTSTANDING ACTIONS REPORT**

The Committee noted a report of the Town Clerk which provided details of non-public outstanding actions from previous meetings.

17. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

18. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were no items of urgent business.

19. **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting held on 16 January 2019 were approved.

20. **CHAMBERLAIN'S STAFFING MATTERS**

The Committee considered a report of the Chamberlain regarding staffing matters.

21. **PORT HEALTH STAFFING MATTERS**

The Committee considered a report of the Interim Director of Consumer Protection and Markets Operations regarding staffing matters.

22. **MARKET FORCES SUPPLEMENTS**

The Committee received a report of the Director of Human Resources regarding Market Forces Supplements.

23. **SENIOR REMUNERATION SUB COMMITTEE MINUTES**

The Committee received the confidential minutes of the last meeting of the Senior Remuneration Sub-Committee.

24. **TOWN CLERK'S UPDATE**

An update was given by the Director of Human Resources in respect of a recruitment campaign taking place.

**The meeting ended at 1.06 pm**

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Chair

**Contact Officer: Sacha Than  
tel. no.: 020 7332 3419  
sacha.than@cityoflondon.gov.uk**



## Establishment Committee – Outstanding Actions

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
1.	26 February 2019	<u>Inclusive Recruitment: Ban the Box</u>	Director of Human Resources	2019	A report would be brought before the Committee in the future regarding how the 'ban the box' initiative would be implemented.
2.	9 July 2018	<p><u>Guildhall Workplace Utilisation Programme</u></p> <p>Following receipt of a report where Members approved the six design principles to support the Smart Working Programme, Members asked for a walkaround as the Programme develops.</p> <p>The Committee asked the City Surveyor to confirm whether there were two programmes taking place focussing on agile working and smart working.</p>	City Surveyor	April 2019	A further report will be submitted to Committees at the earliest opportunity, March/April to align with the letting. If necessary, under delegated authority, providing a detailed financial analysis of the income and cost benefits of the approved letting and moves, and seeking approval for the cost of these works.
3.	9 July 2018	<p><u>Gender Identity Policy</u></p> <p>A draft policy to be provided to the Committee following the public consultation</p>	Director of Human Resources; Town Clerk; Director of Community and Children's Services	<p>October 2018</p> <p>December 2018</p> <p>February 2019</p>	Following a presentation in December 2018, a final survey with the literature review and other discussions would inform a draft policy and this would be provided to the Committee in February 2019.

Item	Date	Action	Officer responsible	To be completed/ progressed to next stage	Progress Update
4.	29 October 2018	<p><u>Influenza Inoculations</u> A question was raised regarding whether the City Corporation should offer free influenza inoculations for all officers and Members as soon as practicably possible to reduce sickness absence levels and maximise officer/Member wellbeing.</p> <p>The Director of Human Resources explained that the Open Spaces Department was currently piloting a free inoculation scheme for officers and a review of that exercise could be used to inform a future report to the Committee in December.</p>	Director of Human Resources	February 2019	<p>A report was provided to the Committee in December 2018, it was agreed that a further report be provided to the Committee in March 2019 following the conclusion of the trial within Open Spaces.</p> <p>Following an oral update at the January meeting, Members asked for a progress report to be provided at the next meeting.</p>

<p><b>Committee(s)</b>  <u>For decision:</u>          Establishment Committee          Policy and Resources Committee</p> <p><u>For information:</u>          Community and Children’s Services Committee          Culture, Heritage and Libraries Committee          Barbican Centre Board          Heath and Wellbeing Board          Hampstead Heath Consultative Committee          Open Spaces and City Gardens Committee</p>	<p><b>Date(s):</b>          30 April 2019          2 May 2019</p> <p>8 May 2019          13 May 2019          22 May 2019          4 June 2019          8 July 2019          15 July 2019</p>
<p><b>Subject:</b>          Gender Identity Policy</p>	<p><b>Public</b></p>
<p><b>Report of:</b>          Town Clerk and Chief Executive</p>	<p><b>For Decision:</b>          Establishment Committee and Policy and Resources</p> <p><b>For Information:</b>          All other committees</p>
<p><b>Report author:</b>          Simon Cribbens, Assistant Director, Commissioning and Partnerships, DCCS          Tracey Jansen, Assistant Director, HR Business Services, Town Clerk’s Department          Marcus Roberts, Head of Strategy and Performance, DCCS</p>	

## Summary

This report presents a City Corporation policy on gender identity, and the findings from independent analysis of an online survey conducted in 2018.

## Recommendation

Members of Establishment Committee and Policy and Resources Committee are asked to:

- Consider the survey findings
- Approve the Gender Identity Policy.

Members of the Community and Children’s Services Committee, the Culture Heritage and Libraries Committee, Barbican Centre Board, the Hampstead Heath Consultative Committee, the Open Spaces and City Gardens Committee and the Health and Wellbeing Board are asked to

- Consider the survey findings
- Note the Gender Identity Policy and its implications for them.

## **Main Report**

### **Background**

1. In July 2018, Establishment Committee asked that officers undertake a piece of work to develop an over-arching policy on gender identity for the City Corporation, covering both the Corporation's workforce and access to services.
2. The Equality Act 2010 says that someone must not be discriminated against if their gender identity is different from the gender assigned at birth (this is referred to as 'gender reassignment' and is identified as a 'protected characteristic'). To be protected under the Act it is not necessary to have undergone specific treatment; changing gender attributes is understood as a personal process, and not a medical one.

### **Gender Identity Policy**

3. Adopting the proposed Gender Identity Policy (see Appendix 1) will ensure that the Corporation has a clear and consistent approach to gender identity in service delivery and in the workplace.
4. The policy that we are proposing is:
  - A clear statement of our duties under the Equality Act 2010
  - Supported by the findings of a Gender Identity Survey (see below and Appendix 2)
  - Informed by an Equality Impact Assessment, which concludes that the Gender Identity Policy should be implemented (see Appendix 3).
5. Its adoption will mean that:
  - Transgender staff are not subject to less favourable treatment at work;
  - Corporation management and staff receive training and support to enable them to address transgender issues appropriately in the workplace;
  - Transgender people are not discriminated against in the provision of Corporation services and are able to access services provided for the gender with which they consistently identify now;
  - Transgender people may still be excluded from single-sex services in rare circumstances where this could be demonstrated to be a proportionate means to a legitimate end and fully compliant with the Equality Act 2010.

### **Gender Identify Survey**

6. An online survey was conducted to support the development of the policy by capturing the views of city residents, workers, visitors and other stakeholders (Appendix 2). The survey was open from 25 July to 14 September 2018. Analysis of responses was undertaken by an independent consultancy (Smart Consult), and completed in March 2019.

7. A substantial majority of the 21,191 valid responses were in favour of the propositions on gender identity set out in the survey – including that transgender people should be able to access services relating to the gender with which they identify now - with between two and four times as many respondents strongly supporting or agreeing with the key propositions as said that they opposed or strongly disagreed with them. This was also the balance of opinion among City residents who responded.
8. Among the minority who opposed the proposals many claimed that ‘sex’ was biologically given, itself a protected characteristic under the Equality Act 2010, and that this was a justification for preventing or limiting trans access to single sex spaces. The importance of safeguarding was also a recurrent theme.

### **Implementation of the Policy**

9. Establishment Committee will oversee the Gender Identity Policy. The Equality and Inclusion Board, chaired by the Town Clerk, will be responsible for ensuring it is effectively implemented.
10. Chief Officers will ensure they are compliant with the Gender Identity Policy and will be asked to report annually on their progress. Departmental Leadership Teams will satisfy themselves that managers are appropriately supported to implement the policy, with Human Resources ensuring that appropriate guidance and training is available for managers and other staff.

### **Corporate & Strategic Implications**

11. The Gender Identity Policy will contribute to the deliver of key outcomes in the City Corporation’s Corporate Plan 2018-23:
  - People are safe and feel safe
  - People enjoy good health and wellbeing
  - People have equal opportunities to enrich their lives and reach their full potential
  - Communities are cohesive and have the facilities they need
  - We have access to the skills and talents we need.
12. The policy will contribute to delivering the City Corporations Equality Objectives for 2016-20.

### **Legal Implications**

13. The Gender Identity Policy will enable the City Corporation to discharge the Public Sector Equality Duty under the Equality Act 2010 with respect to gender identify.

### **Appendices**

- Appendix 1 - Gender Identity Policy
- Appendix 2 - Gender Identity Survey: Report
- Appendix 3 - Equality Impact Assessment

**Background Papers**

Equality and Human Rights Commission - statement on sex and gender reassignment: legal protections and language 30 July 2018

<https://www.equalityhumanrights.com/en/our-work/news/our-statement-sex-and-gender-reassignment-legal-protections-and-language>

Equality and Human Rights Commission – Gender Reassignment Discrimination (online resource) <https://www.equalityhumanrights.com/en/advice-and-guidance/gender-reassignment-discrimination>

**Simon Cribbens**

Assistant Director Community and Children Services

T: 020 7332 1638

E: [simon.cribbens@cityoflondon.gov.uk](mailto:simon.cribbens@cityoflondon.gov.uk)

**Tracey Jansen**

Assistant Director of Human Resources

T: 020 7332 3289

E: [tracey.jansen@cityoflondon.gov.uk](mailto:tracey.jansen@cityoflondon.gov.uk)

**Marcus Roberts**

Head of Strategy and Performance

T: 020 7332 1210

E: [marcus.roberts@cityoflondon.gov.uk](mailto:marcus.roberts@cityoflondon.gov.uk)

# Gender Identity Policy

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## Introduction

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1. The issue of gender identity has relevance and importance for services across the City Corporation and for our elected Members and staff. This policy is intended to support a consistent and coherent approach both in service delivery and in the workplace.
2. This policy contributes to the delivery of the City Corporation's Corporate Plan 2018-23. It contributes to the following key outcomes:
  - People are safe and feel safe
  - People enjoy good health and wellbeing
  - People have equal opportunities to enrich their lives and reach their full potential
  - Communities are cohesive and have the facilities they need
  - Businesses are trusted and socially and environmentally responsible

## Equality and Inclusion Policy

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3. The City Corporation is committed to delivering excellent customer service. We recognise the different needs of our customers and actively work to minimise potential issues of exclusion and to challenge discrimination. We aspire to be a leader in equality and inclusion, serving a wide range of communities including our members, staff, residents, businesses and workforce.

4. The City Corporation also aims to provide an inclusive, respectful and discrimination-free work environment for staff. We will use best practice in employment in accordance with legislation to ensure that employees feel respected and able to give their best. As far as possible, we want our workforce to be broadly representative of all sections of society.
5. The City Corporation's Equality Objectives for 2016-20 are to:
  - Increase community engagement and improve cohesion within our communities so that people feel safe;
  - Support the City's most disadvantaged groups and develop our understanding of communities;
  - Improve the way we listen to our communities and respond to their feedback to improve services; and
  - Promote staff development and career progression to ensure equality of opportunity for the promotion and development of a workforce that reflects the make-up of our communities.
6. The City Corporation is required to have due regard to the Public Sector Equality Duty (s.149 Equality Act 2010) and in particular:
  - To eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
  - To advance equality of opportunities between persons who share a relevant protected characteristic and persons who do not share it; and
  - To foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **Gender Identity: Our Services**

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7. The protected characteristics under the Equality Act 2010 are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
8. The term 'gender reassignment' applies to a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to reassign their sex by changing their physiological or other attributes. This is a personal process, and not a medical one, and may or may not involve medical interventions (e.g. surgery or hormone treatment).
9. The Equality and Human Rights Commission advises that the term 'gender reassignment' is outdated or misleading, and the preferred umbrella term is 'trans'. The City Corporation recognises that gender identity is complex and varied (e.g. some people identify as genderfluid, gender queer or non-binary), and this will be reflected in our approach.
10. The Equality Act requires that people with the protected characteristic of gender reassignment are not discriminated against in the provision of single-sex services and are able to access services aligning with their gender identity. In a few circumstances, services may lawfully discriminate if excluding trans people is a proportionate means to achieving a legitimate aim. The explanatory notes in the Equality Act provide single-sex



counselling services for survivors of sexual violence as an example of where lawful discrimination could take place.

11. The City of London Corporation is committed to trans inclusivity and to open dialogue with the people who use our services. We will consider any 'legitimate aim' on a case by case basis, only deviating from a presumption of inclusivity where this can be evidenced to fully comply with the Equality Act. Any action taken by the City Corporation to legally discriminate by excluding trans people would need to be rigorously justified under the Equality Act, taking account of all the circumstances of the case and informed by an Equality Impact Assessment.

## **Gender Identity: Our workforce**

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12. The City Corporation is committed to promoting equality and fairness in our employment practices. It is opposed to all unlawful discrimination, harassment and victimisation.
13. This policy should be read in conjunction with the City Corporation's Managers' [Guide to Transgender Equality](#) which provides a broad introduction for managers and guidance on supporting an individual who is transitioning, time off and use of facilities. A Trans Awareness course is available for staff online.
14. The Equality Act gives protection against less favourable treatment of employees in relation to an absence that is because of their gender reassignment. Our policy for staff makes clear that time off for medical or other treatment should be treated no less favourably than time off for illness or medical appointments. In addition, it states that a trans employee must be able to use the toilet or changing room of their expressed gender identity without fear of harassment.

## **Responsibilities**

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15. Chief Officers will be responsible for the provision, design and development of their services / departments to ensure compliance with the Equality Act. All Departments within the City Corporation will report on their progress on Gender Identity through the Equality and Inclusion Annual Report, which is publicly available on the City Corporation's website.
16. Departmental Leadership Teams are required to refer to the Managers Guide on Transgender Equality and ensure that all managers access and implement appropriate training.
17. The City Corporation's Human Resources Department will ensure that the Manager's Guide to Transgender Equality and this policy are included in mandatory equality training for managers and will facilitate appropriate training packages for staff.

## **Conclusion**

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18. The City Corporation takes its responsibilities under the Public Sector Equality Duty very seriously, and aspires to be a leader on equality and inclusion issues, including the implementation of our Equality Act responsibility for trans inclusion.

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# City of London Gender Identity Survey: Report April 2019



FOR COMMITTEE

Smart Consult | 26 Cheering Lane, Suite 401, London, E20 1BD

Tel/Fax: 020 3900 3009 | Email: [report@smart-consult.co.uk](mailto:report@smart-consult.co.uk)

Website: [www.smart-consult.co.uk](http://www.smart-consult.co.uk)



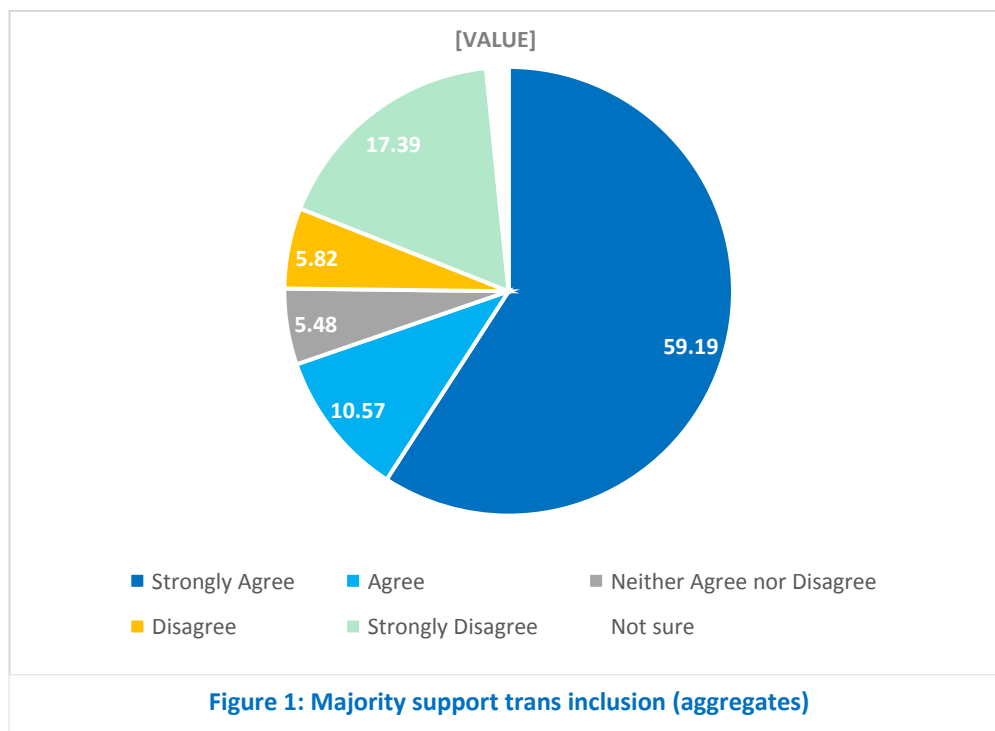
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## Executive Summary

### Survey findings

- For all stakeholder groups there was a clear majority in favour of the principles and propositions on gender identity that were set out in the survey, with between two and four times as many respondents strongly supporting or agreeing as said they opposed or strongly disagreed.



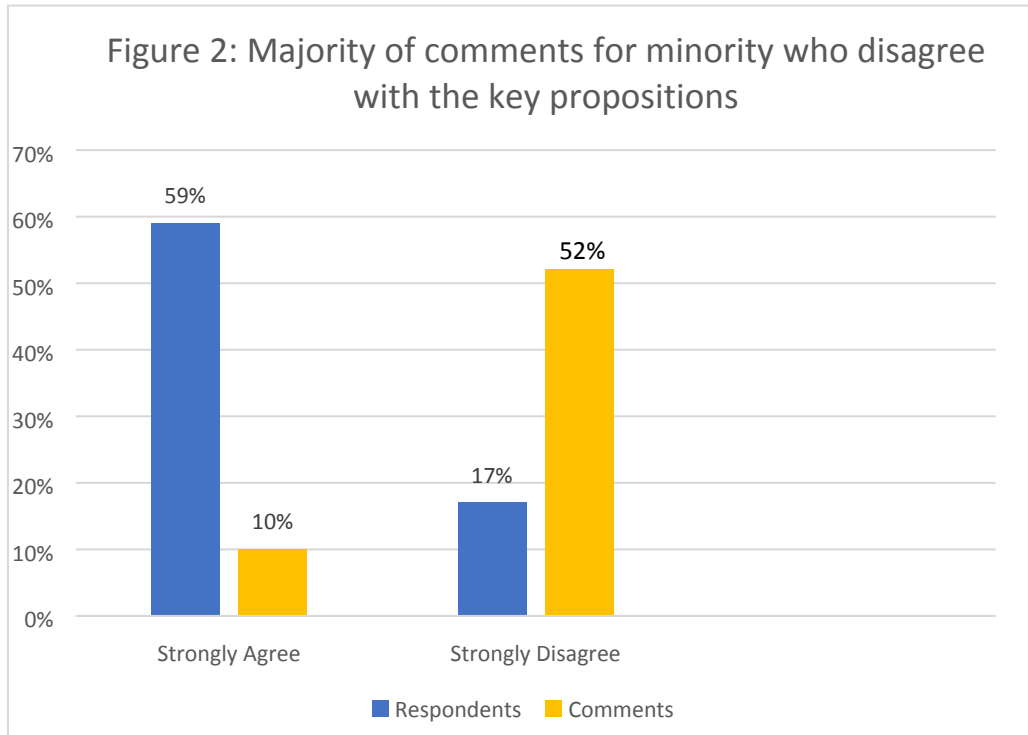
### Responses

- There were 21,191 valid responses to the survey. 1,564 respondents identified as 'City Resident' and a further 3,148 as 'City Resident and Worker' (22% of responses in total). Analysis using postcode information to narrow this down to 'Square Mile' residents suggests that 318 responses were from 'City Residents' and 657 from 'City Residents and Workers'. Most of the rest of this self-identified group were Londoners.
- The demographic profile of respondents was similar across all groups, with women in the majority, and most respondents (a) aged 18 to 54 years and (b) of white British ethnicity.

### Free text analysis

- While most respondents were supportive, those opposed to the proposals were much more likely to use free text facilities, and this is reflected in the balance of comments provided, which does not reflect the balance of opinion on the issues reflected in the survey.
- Many of these respondents took the opportunity to question the consultation process itself, with a recurrent theme being the use of language (particularly 'gender' and 'sex').

- The importance of appropriate safeguarding was a recurrent theme.
- A consistent message in the responses was the importance of respect, acceptance, ensuring the voices of all of those affected are heard and the need to involve and consider the views of all, particularly the most vulnerable.



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## Key Findings

### 1. Introduction

- 1.1 This report was commissioned by the City of London Corporation (City Corporation) to provide an independent analysis of the findings of a Gender Identity Survey.
- 1.2 The survey ran on the Survey Monkey Platform from 25 July to 14 September 2018. It was widely publicised to provide those who accessed City services, both within and outside the Square Mile, with the opportunity to respond – whether as residents, visitors or workers. It also sought views from relevant experts and interested organisations.
- 1.3 The Survey was an action of the City Corporation’s Establishment Committee, which is responsible for all workforce and inclusion matters. It was designed to assist the City Corporation to develop an overarching Gender Identity Policy, and to discharge its duties under the Equality Act 2010.
- 1.4 The survey was constructed in four parts:
  - About You – including association to the City Corporation
  - Gender identity – Basic Principles
  - Gender Identity – Access to Services
  - Demographic and Equalities information.

In total there were 18 multiple response questions, of which 12 allowed for free text comments (see Appendix 1 for a full list of questions).
- 1.5 The survey generated nearly 40,000 responses of which 21,191 were valid responses (see below for criteria for validity).

## 2. Approach to Analysis

### Respondents

2.1 There were 39,650 responses, with the large majority from members of the public. Almost half of these responses did not address any of the questions on gender identity. Once these were excluded there were 21,191 valid responses, which formed the basis for this evaluation.<sup>1</sup> For the purposes of this report this group are referred to as ‘all respondents’<sup>2</sup> Respondents were grouped according to whether they were responding as an individual, expert on gender identity or organisation representative.

**TABLE 1: BREAK DOWN OF RESPONDENTS BY STAKEHOLDER STATUS**

Respondent	Valid	Invalid	Total
An individual member of the public	19,333	17,467	36,800
A relevant expert in respect to gender identity	1,671	851	2,522
A representative of a specific organisation	167	133	300
Not Stated	20	8	28
<b>Grand Total</b>	<b>21,191</b>	<b>18,459</b>	<b>39,650</b>

- 2.2 The overall response from self-defined experts were regrettably of limited value, as many did not have genuine expertise (for example, many cited basic biological qualifications as constituting ‘expertise’ on physical sex differences). It did, however, include responses from people with relevant academic, professional and lived experience, which have been considered as part of the free text analysis. Expert opinion was considered as part of the wider research that was undertaken to inform the policy. The same broadly applies to organisational responses.
- 2.3 1,564 respondents identified as ‘City Resident’ and a further 3,148 as ‘City Resident and Worker’ (22% of responses in total). Postcode information suggests that in fact 318 responses were from ‘City Residents’ and 657 from ‘City Residents and Workers’, while others who self-identified as such were residents of Greater London.

### Coding

2.4 The survey was a mixture of:

- Closed questions – multiple response questions with defined answers (e.g. agree, disagree), these received statistical analysis.
- Open questions - free text comments.

<sup>1</sup> The 46% (18,459) response which were deemed invalid were respondents who primarily answered the introduction About You section which sought to identify the respondent’s stakeholder status. The one question some of this group answered was Q10 which enquired about their interest in the survey. 5% (989) responded with answers to this question ranging from transgender rights, to protecting women’s spaces, feminism, equality, interest in the subject, being a visitor to London and social media promotion.

<sup>2</sup> To ensure that only relevant responses were included for analysis, and findings were not adversely skewed, the eligibility criteria for inclusion was determined as respondents who had answered one of the questions posed (in Section 2 and Section 3) rather than limited their contribution to commenting on Question 10<sup>2</sup>. This group of valid responses is identified as the core cohort. For the purpose of this report they are referred to as all respondents.



As part of this analysis the open questions were coded into key themes and grouped by frequency using a text analytics approach.

2.5 While all questions were coded in this way, where the assertion is made in this report that a respondent agrees with the ‘basic principles’, this refers to those who answered Question 13 affirmatively<sup>3</sup>. Similarly, when there is reference to agreement with the access to City Corporation Services, this refers to those who answered Question 14 affirmatively<sup>4</sup>. Quotes from respondents have been used to help illustrate some of the key themes. The respondent’s stakeholder status and any other demographic information - for instance self-reported gender identity - is used here.

### Other considerations

2.6 This was an open survey, so the respondents are a self-selecting group.

2.7 *GDPR*. The City Corporation excluded any data that could potentially identify individuals from the dataset that was provided for analysis by Smart Consult:

- Full Postcode information – first two characters were supplied for geographical analysis
- Position within organisation of people submitting on behalf of an organisation.

2.8 *Age Bands*. This was a free text question, which has been aggregated into standard age bands as part of the analysis.

2.9 *Percentages*. These have been rounded for this report, which is why there are respondent categories recorded as 0% when there were some responses from these stakeholder groups.

2.10 *Terminology*. A glossary of acronyms and terms used within the survey and analysis can be found at the end of this report.

2.11 *Quotations and free text comments*. Comments that are abusive, discriminatory and/or contrary to the Equality Act 2010 have not been used in this report. An Excel document containing free text comments received in response to the survey is available on request from the City Corporation.

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<sup>3</sup> Q.13. Do you agree or disagree with the following statement...?

A person who consistently identifies in a gender which is different to the one they were assigned at birth should be able to access services commonly provided to the gender with which they now identify?

<sup>4</sup> Q.14. Do you support or oppose the following proposal...?

Where access to services or facilities are restricted by gender, the City Corporation has it in mind that the restriction should relate to the gender with which the service user consistently identifies now, regardless of whether that is the gender they were assigned at birth.

### 3. Key Messages: All responses

#### Stakeholder Groups

3.1 There were 21,191 valid responses to the survey, which were categorised according to their association to the City of London as outlined in Table 3. This broadly replicates the ratios of people who live, visit and work in the City. The resident population is relatively small at 7,500 people; over 500,000 people commute daily for work purposes. There are over 10 million tourists each year.

**TABLE 2: BREAKDOWN OF RESPONDENTS BY RELATIONSHIP TO CITY OF LONDON**

Respondent	Total	Percentage %
City Resident (self-identified)	1,564	7%
City Resident & Worker (self-identified)	3,148	15%
Worker	2,900	14%
Service User	3,800	18%
Visitor	692	3%
Member of Public	15	0%
Interested Participant	7,301	34%
Organisation Rep	161	1%
Expert	1,590	8%
Not stated	20	0%
<b>Grand Total</b>	<b>21,191</b>	<b>100%</b>

**TABLE 1 RESPONDENTS BY STAKEHOLDER STATUS**

3.2 Interested Participant are the largest stakeholder group to respond to the survey. Over a third of the total number of respondents do not live or work in the City of London, or use Corporation services. The most common demographic features of respondents identified them as White British, female and aged between 18 and 54.

3.3 Those with no link to the City of London provided a number of reasons why they had chosen to complete the survey:

- The survey was accessible to all, so believed they should respond.
- Policies that are implemented in London may affect those that live in other cities in the UK.
- Because they had transgender friends.
- Members of the transgender community were contacted by their friends to participate.
- They responded to social media promotion.

3.4 While 22% of respondents stated that they lived in the City of London, this did not seem plausible given the small overall resident population. Postcode analysis was conducted and reduced this to 5%. The responses from respondents identifying as City Residents were comparable to other stakeholder groups in terms of levels of support for the key propositions.

#### Key findings: Overall results

3.5 There was a clear majority in favour of the principles and propositions on gender identity that were set out in the survey, with between two and four times as many respondents strongly

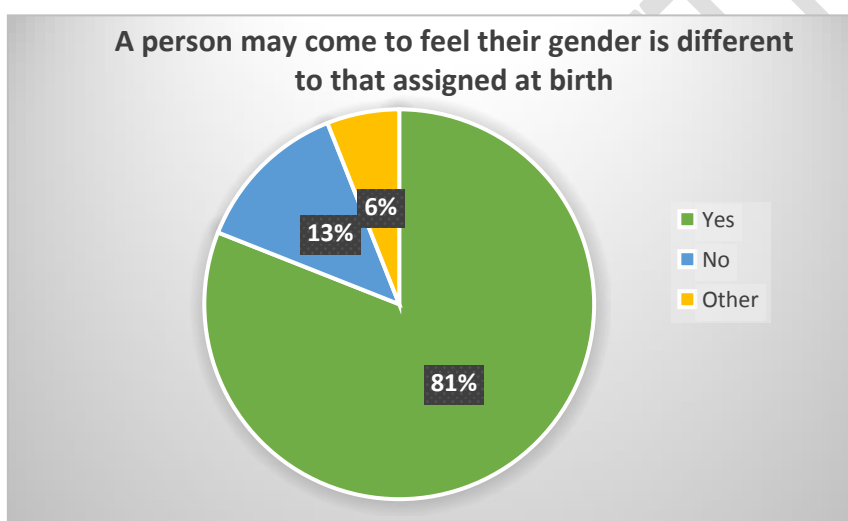
supporting or agreeing as said they opposed or strongly disagreed. This was the case for all six questions and for all the key stakeholder groups, including City Residents.

3.6 Most respondents had strongly held opinions, either in favour or against the principles and proposals, with between 70% and 82% saying they ‘strongly agreed’ or ‘strongly disagreed’.

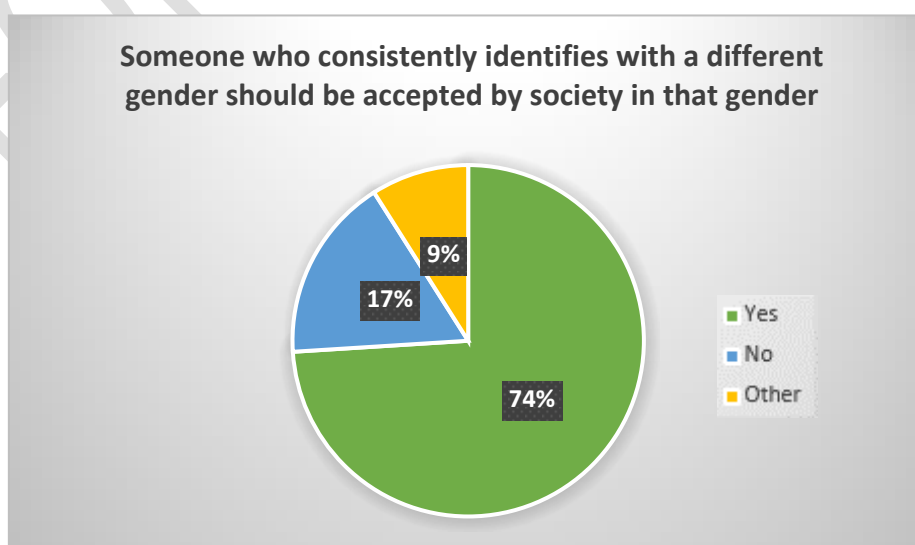
### Gender Identity: Principles

3.7 Overall, on aggregate, three quarters of respondents (74%) agreed with the general principles, while one in five (19%) disagreed.

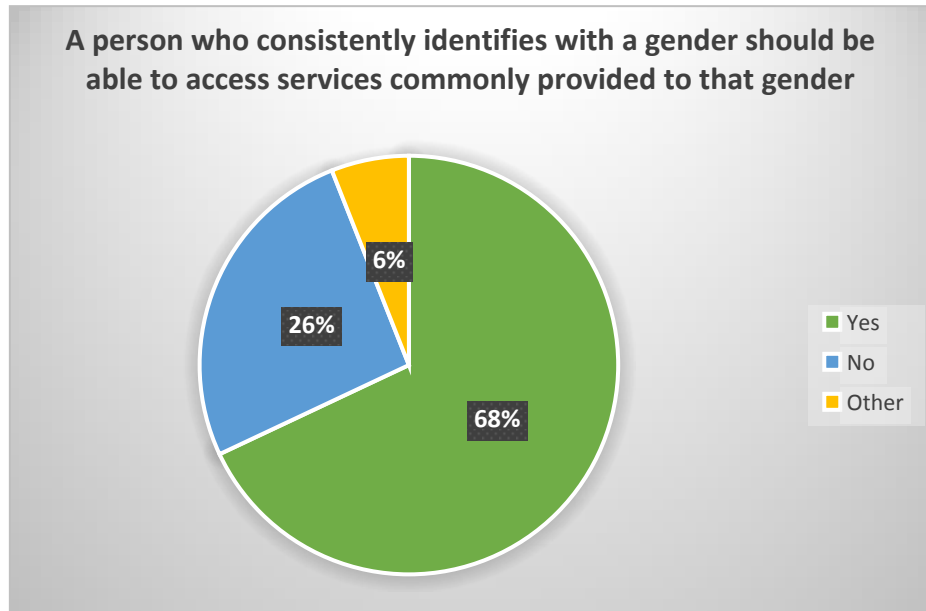
- 81% of respondents agreed that a person may come to feel their gender is different from that assigned to them at birth, with 65% strongly agreeing. 13% disagreed, with 9% strongly disagreeing.



- 74% agreed that a person who consistently identifies in a gender which is different to the one they were assigned at birth should be accepted by society in their stated gender identity, with 64% strongly agreeing. 17% disagreed, with 11% strongly disagreeing.



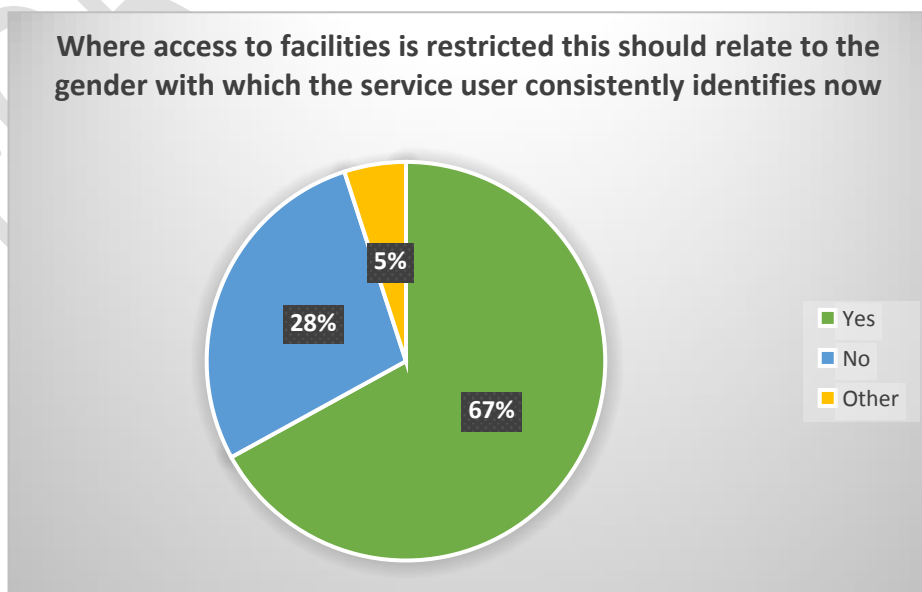
- 68% agreed that a person who consistently identifies in a gender which is different to the one they were assigned at birth should be able to access services commonly provided to the gender with which they now identify, with 61% strongly agreeing. 26% disagreed, with 18% strongly disagreeing.



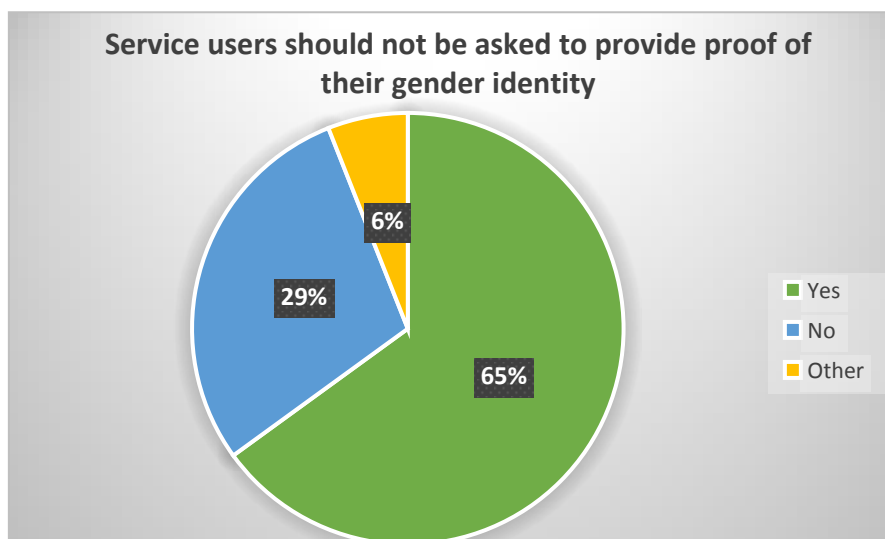
**Gender Identity: Access to City Services**

**3.8 Overall, on aggregate, two thirds of respondents (65%) supported the proposals on access to City Corporation Services, while over a quarter (28%) opposed them.**

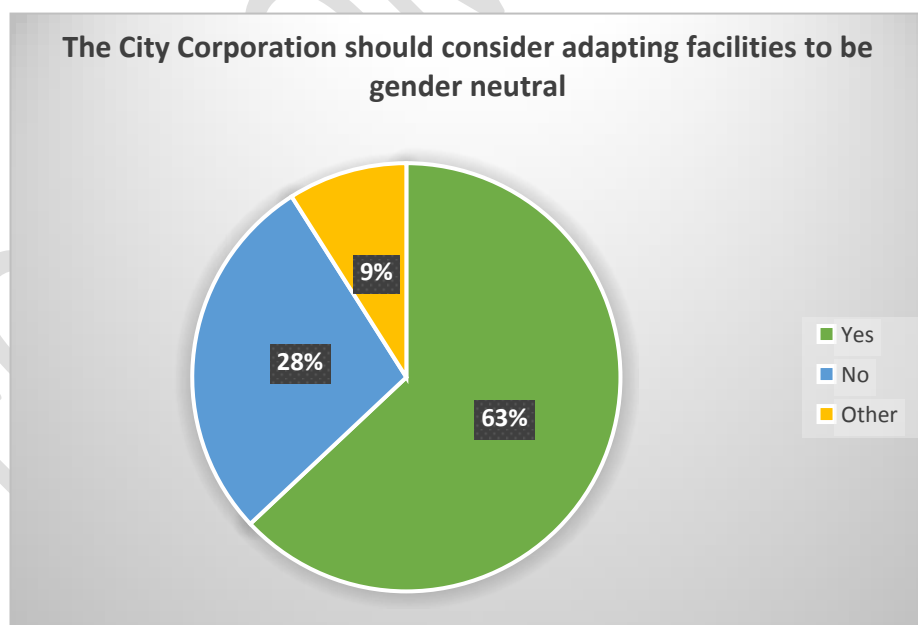
- 67% supported the proposal that where facilities are restricted by gender, those restriction should relate to the gender with which the service user consistently identifies now, with 60% strongly supporting this. 28% were against this, with 22% strongly opposed.



- 65% supported the proposal that service users should not be asked to provide ‘proof’ of their gender identity at single gender services and facilities but would rely on each service user to self-identify their gender, with 56% strongly agreeing. 29% were against this, with 23% strongly opposed.



- 63% agreed that the City Corporation should consider adapting facilities to be gender neutral, i.e. to enable anyone to use them regardless of their gender identity, with 49% strongly agreeing, 28% were against this, with 21% strongly opposed.



### Free text comments

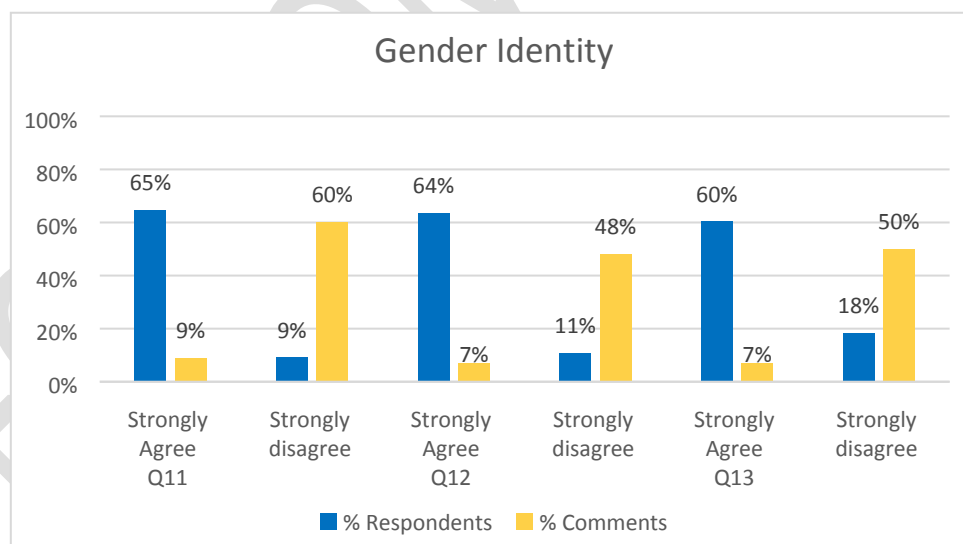
- 3.9 Each of these questions included a free text box to enable respondents to comment. Overall, the response rate to the survey was exceptionally high at 99% of valid responses. However, the MEAN average of respondents who provided free text comments on Gender Identity (Q11-13)

was 22%. Half of respondents provided further comments on the questions on Access to Corporation services (Q14, 16-17).

**3.10** It is usually beneficial in surveys to use closed questions (quantitative) in conjunction with free text questions (qualitative), to improve understanding of respondents’ views and provide greater insight. However, in the case of this survey, this is problematic for two main reasons:

- I. The open nature of the survey attracted a high volume of response from people with well-established points of view on a controversial and polarizing issue. Some comments were off topic and flippant or presented offensive, abusive and vulgar views. These comments were often, but not exclusively, from respondents with no clear link to the City of London (e.g. non-UK, interested participants). Abusive comments were coded as such, but were retained in the dataset.
- II. While most respondents agreed with the key propositions in the survey, this is not reflected in the balance of free text comments. On the contrary, those who supported the principles and approach supplied few, if any, free text comments, while respondents who strongly opposed them were much more likely to add comments. It is a common issue that people are much more likely to provide critical than supportive comments. This is illustrated by the tables below which show the disparity between comments given dependent on whether the respondent strongly agreed or strongly disagreed. For example, of the 60% who strongly agreed that ‘people should be able to access services commonly provided to the gender with which they now identify’ (Q13) only 7% provided comments. Half of the 18% who strongly disagreed with this provided a comment.

**TABLE 4 COMPARISON OF RESPONDENTS’ AGREEMENT TO PERCENTAGE OF COMMENTS RECEIVED - GENDER IDENTITY**

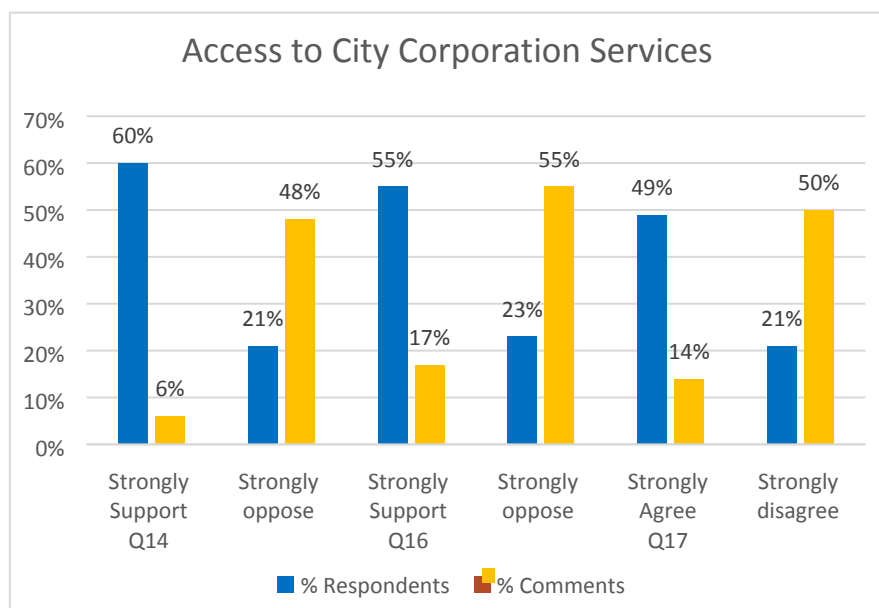


*Q.11. Do you agree or disagree with the following statement...? A person may come to feel that their gender is different from that assigned to them at birth?*

*Q.12. Do you agree or disagree with the following statement...? A person who consistently identifies in a gender which is different to the one they were assigned at birth should be accepted by society in their stated gender identity*

*Q.13. Do you agree or disagree with the following statement...? A person who consistently identifies in a gender which is different to the one they were assigned at birth should be able to access services commonly provided to the gender with which they now identify?*

TABLE 5 COMPARISON OF RESPONDENTS' AGREEMENT TO PERCENTAGE OF COMMENTS RECEIVED - ACCESS TO SERVICES



Q.14. Do you support or oppose the following proposal...? Where access to particular services or facilities are restricted by gender, the City Corporation has it in mind that the restriction should relate to the gender with which the service user consistently identifies now, regardless of whether that is the gender they were assigned at birth.

Q.16. Do you support or oppose the following proposal...? The City Corporation proposes not asking service users to provide 'proof' of their gender identity at single gender services and facilities but would rely on each service user to self-identify their gender.

Q.17. Where the City Corporation provides services or facilities accessed according to the gender of the service user (for example male and female public lavatories), it should consider adapting those facilities to be gender neutral, i.e. to enable anyone to use them regardless of their gender identity?

**3.11** Most respondents who provided free text comments raised issues about the consultation process itself – i.e. the dissemination, construct and format of the survey. A recurrent theme was challenge to the use of 'sex' and 'gender' within the survey, and the use and definition of these terms. Some felt that the consultation was inconsistent with the Equality Act 2010 in the way it used the terms 'sex' and 'gender', a claim that was considered and rejected by the City Corporation. Others felt that more should have been done to restrict responses to London residents. Respondents raised questions about the cost of implementing a gender identity policy. A common theme was the importance of respect and acceptance for all and the voices of all being heard, particularly vulnerable and equalities groups.

*I object to the implication that I was 'assigned' a gender at birth. Genders are socially constructed roles based on sexist stereotypes to the (mainly) disadvantage of women.*

**Interested Participant, White British, Male, Heterosexual/Straight, 52**

**3.12** A common view among those who did not support the proposals was that biology is a given. Gender was portrayed as a social construct, a learned social phenomenon that shapes assumptions about behaviour, clothing, feelings and identity. It was felt that acceptance of other's gender identity should not be at the expense of other vulnerable groups. A minority stated that acceptance should be contingent on transition – which is inconsistent with the legal

requirements of the Equality Act 2010. At the same time, there was a broad consensus that everyone deserves to be treated with equal respect, and on the need to adapt services so that they work for everyone, so long as people's rights are protected.

- 3.13** On access to City Corporation services some respondents said that they or others would feel awkward, uncomfortable or 'at risk' sharing services with people who were not biologically the same. There were also concerns about the potential for a gender identity policy to be abused by men who may harm women and girls. Others highlighted the risks to transgender people where they were required to continue to use services based on the gender assigned to them at birth. On proof of gender identity, some proposed restricting access to services depending on 'biological sex', which would be inconsistent with the Equality Act 2010, other than in exceptional circumstances. Others questioned the possibility of 'proof', given the complexities of gender identity. Some commented on the difficulties of relying on appearances, and the subjective nature of this approach, which could leave security personnel and other staff in an awkward situation.

*'Transgender people just want to be treated like human beings. We are not dangerous, contagious, or doing anything to bother anyone. Not allowing us access to the recourses we need such as proper bathrooms is hurtful both on an individual level and to a large group of the people you serve.'*

**Expert, White, Agender, Bisexual, 22**

- 3.14** Some respondents offered practical proposals for the design of inclusive services and facilities. Supplying individual cubicles and stalls in gender neutral toilets was one of the most frequent suggestions of this kind, and it was noted that these are available in many settings (e.g. educational institutions and airplanes). A number said that gender-neutral toilets with lockable cubicles and without urinals would be comfortable for most people, but a small minority canvassed for the inclusion of urinals to keep change to the minimum. Similar suggestions were made regarding the provision of changing areas/ cubicles in swimming areas.

*I think gender neutral toilets should indicate whether they contain stalls, urinals or both and indicate gender neutral on the door or have no gender marker. Which is a working model I've seen on many occasions and has eradicated confusion and discomfort. I think that in general people like to have the option of cubicles anyway in terms of varying levels of personal comfort with their bodies and for trans women and non-binary folks this can be advantageous for safety as well, to avoid potential harassment or microaggressions from transphobic people which sadly is common in our society at present - which can be a traumatic situation and cause undue anxiety.*

**Visitor, Chinese Polish, Queer, 31**



## Summary of key issues raised

	ISSUE	FOR	AGAINST	COMMON GROUND
GENDER IDENTITY ACCESS	<i>Restrictions should be based on gender identity</i>	<ul style="list-style-type: none"> <li>• Safety risks for trans people</li> <li>• Transgender rights</li> <li>• Wellbeing and inclusion of transgender people</li> </ul>	<ul style="list-style-type: none"> <li>• People must complete transition first*</li> <li>• Restrict access based on biological sex*</li> <li>• Prioritise dignity of women and girls</li> <li>• Single sex provision is itself an equalities</li> </ul>	<ul style="list-style-type: none"> <li>• Safety risks</li> <li>• Respect for human rights</li> </ul>
GENDER IDENTITY: BASIC PRINCIPLES	<i>A person may feel their gender is different than assigned at birth</i>	<ul style="list-style-type: none"> <li>• Transgender people exist and should be recognised</li> <li>• Gender identity can be fluid</li> </ul>	<ul style="list-style-type: none"> <li>• Sex should be defined biologically</li> <li>• Gender is not 'assigned' but 'given' by sex*</li> </ul>	<ul style="list-style-type: none"> <li>• Importance of correct definition of sex and gender</li> </ul>
	<i>Acceptance by society in that gender</i>	<ul style="list-style-type: none"> <li>• Impact of gender dysphoria</li> <li>• Transgender people should be accepted</li> <li>• Transgender experience of victimisation and exclusion</li> </ul>	<ul style="list-style-type: none"> <li>• This may impact on other vulnerable groups</li> <li>• Acceptance should not be forced or an expectation</li> <li>• Acceptance should be contingent on complete transition*</li> </ul>	<ul style="list-style-type: none"> <li>• Gender as a social construct</li> </ul>
	<i>Access to services should be based on the individual's gender identity</i>	<ul style="list-style-type: none"> <li>• This will improve equality</li> <li>• This will improve the health and wellbeing of transgender people</li> </ul>	<ul style="list-style-type: none"> <li>• Access should be based on biological sex*</li> <li>• Transgender people are a small minority and 'can't program' for this group*</li> <li>• This would exclude others for religious and cultural reasons</li> </ul>	<ul style="list-style-type: none"> <li>• This should not be in ways that infringe the rights of other people</li> <li>• Adapt services for everyone</li> <li>• Put safeguards in place to protect vulnerable groups</li> </ul>

Note that free text comments were disproportionately from those who disagreed with/opposed the principles and proposals in the survey

### Basic Principles

\* These comments are inconsistent with the legal requirements of the Equality Act 2010.

TO CIT v	<i>Safeguarding Measures (free text)</i>		<p>issue</p> <ul style="list-style-type: none"> <li>There should be separate pools for males and females</li> </ul>	<ul style="list-style-type: none"> <li>Prioritise safeguarding vulnerable groups</li> <li>Diverse options</li> <li>Importance of individual privacy</li> <li>Separate cubicles (for/against)</li> <li>Urinals (for/against)</li> </ul>
	<i>Proof of gender identity</i>	<ul style="list-style-type: none"> <li>No need for proof</li> <li>Proof should be only in instances of doubt/concern</li> <li>Proof of identification is discriminatory</li> </ul>	<ul style="list-style-type: none"> <li>Identity documents should be provided</li> <li>Self-identification should be discouraged</li> <li>Self-identification is subjective</li> </ul>	<ul style="list-style-type: none"> <li>Risks of assault</li> <li>Protect vulnerable groups</li> </ul>
	<i>Gender Neutral Facilities and Services</i>	<ul style="list-style-type: none"> <li>Hygiene issues</li> </ul>		<ul style="list-style-type: none"> <li>Gender neutral facilities are a feasible option</li> <li>Gender neutral facilities are less stigmatising</li> <li>Protection of vulnerable groups</li> </ul>

**Access to Corporation Services**

\* These comments are inconsistent with the legal requirements of the Equality Act 2010.

## 4. Key findings City Residents, Workers and Service Users

### City Residents: Response

4.1 City residents will have identified as either ‘living in the City of London’ or ‘living and working in the City of London’. 1,564 respondents self-identified as a City resident and 3,184 as a City resident and worker. However, analysis by postcode suggested that most of these respondents lived in Greater London, rather than the Square Mile (see Table 6a and 6b below), and that a little under 1,000 respondents were residents on the narrower and intended definition.

TABLE 6A: SELF-IDENTIFIED CITY RESIDENTS BY HOME POSTCODE

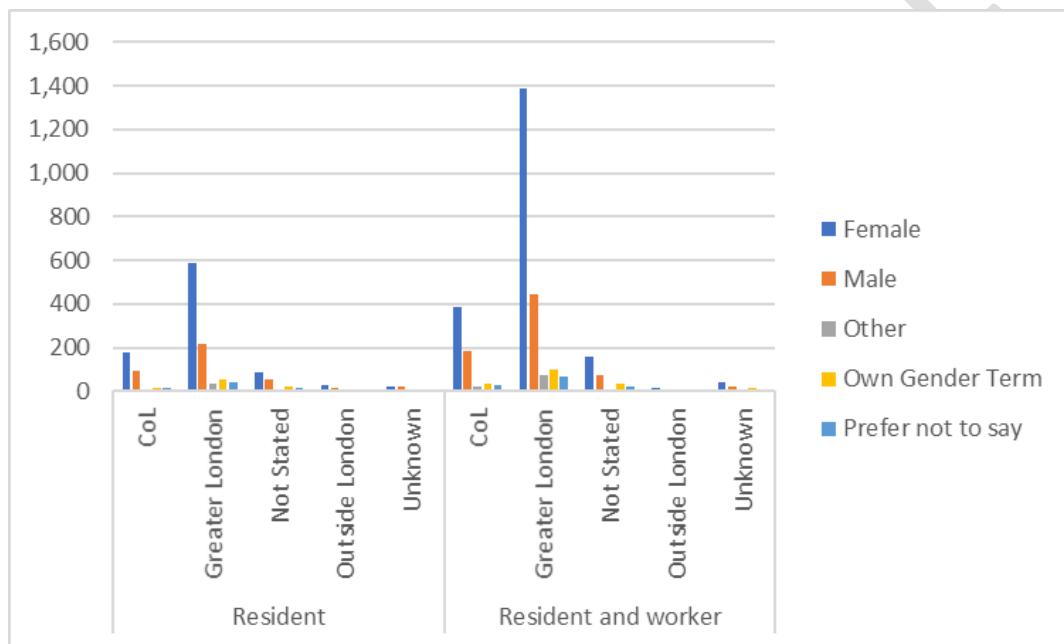


TABLE 6B: CITY RESIDENT NUMBERS BASED ON POSTCODE ANALYSIS: GRAPH

Respondent	Female	Male	Other	Own Term	Prefer not to say	Grand Total	% Total Respondents
City Resident	181	93	12	17	15	318	2%
City Resident & Worker	386	183	21	37	30	657	3%
<b>Grand Total</b>	<b>567</b>	<b>276</b>	<b>33</b>	<b>54</b>	<b>45</b>	<b>975</b>	<b>5%</b>

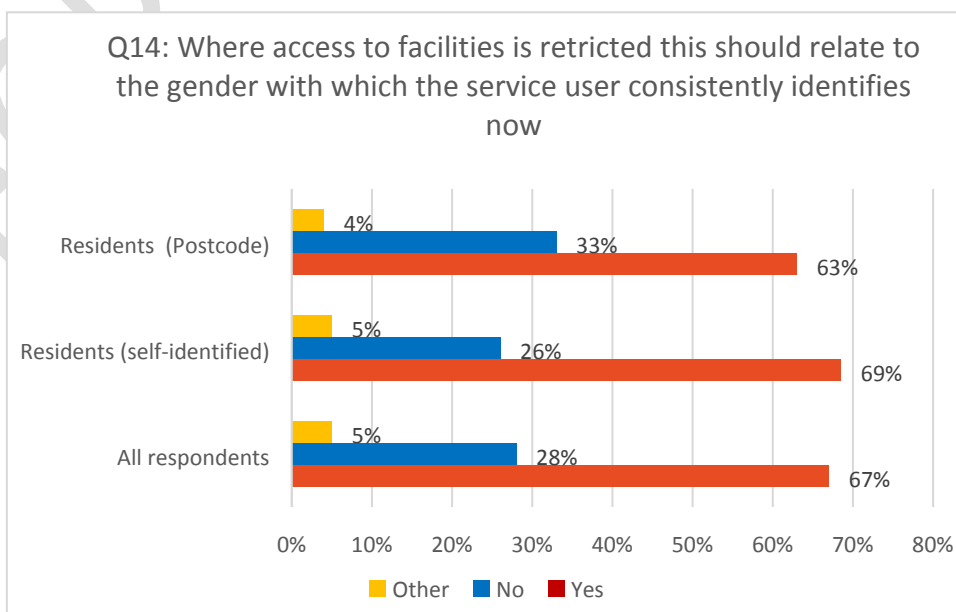
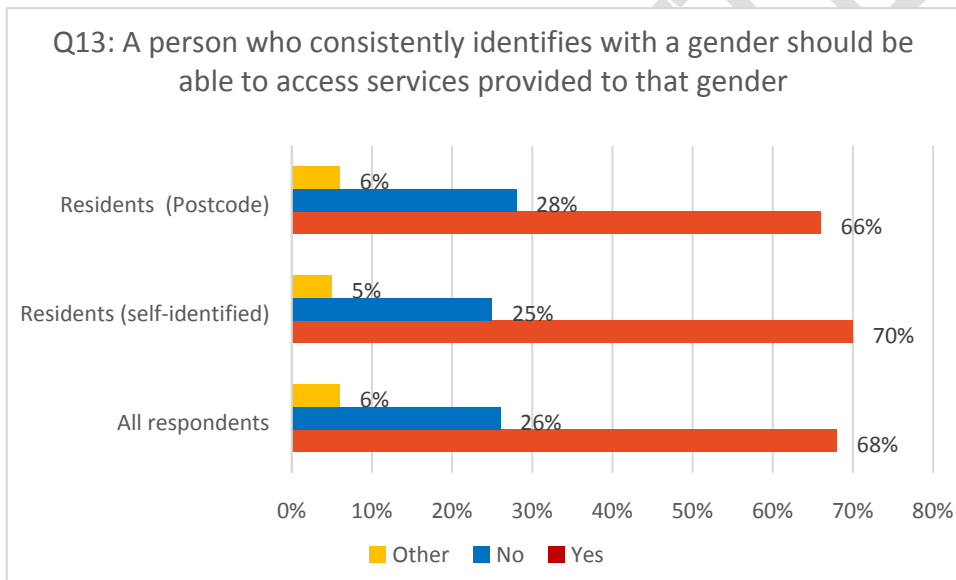
TABLE 2 CITY RESIDENTS, AS IDENTIFIED BY HOME POSTCODE

4.2 The demographic profile of this group is comparable to that for respondents generally, with 58% identifying as female, 56% as White British and 43% in the age range 25-34 (but, note, that 24% of City Residents did not provide information about their age).<sup>5</sup>

City Residents: Views on Gender Identity

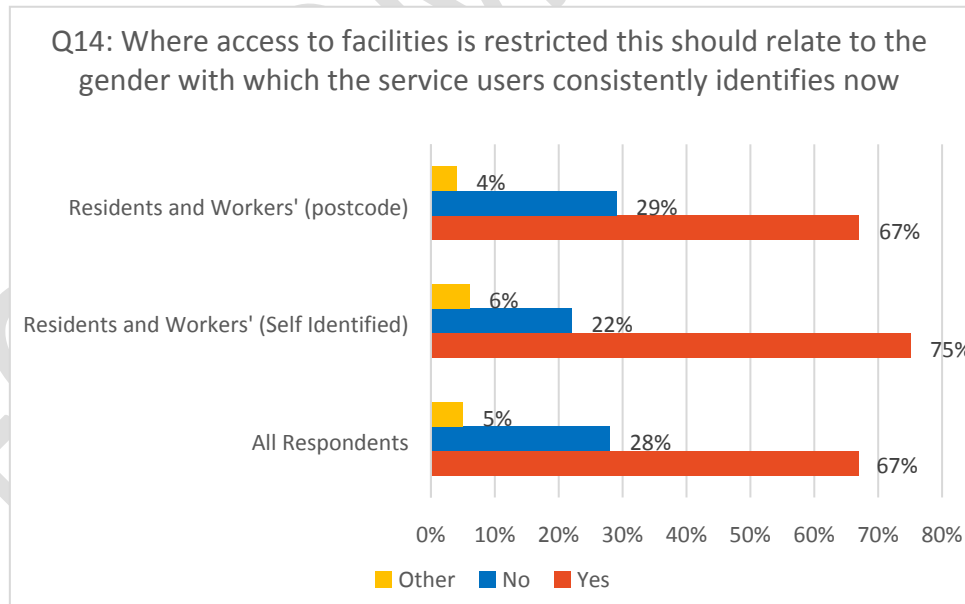
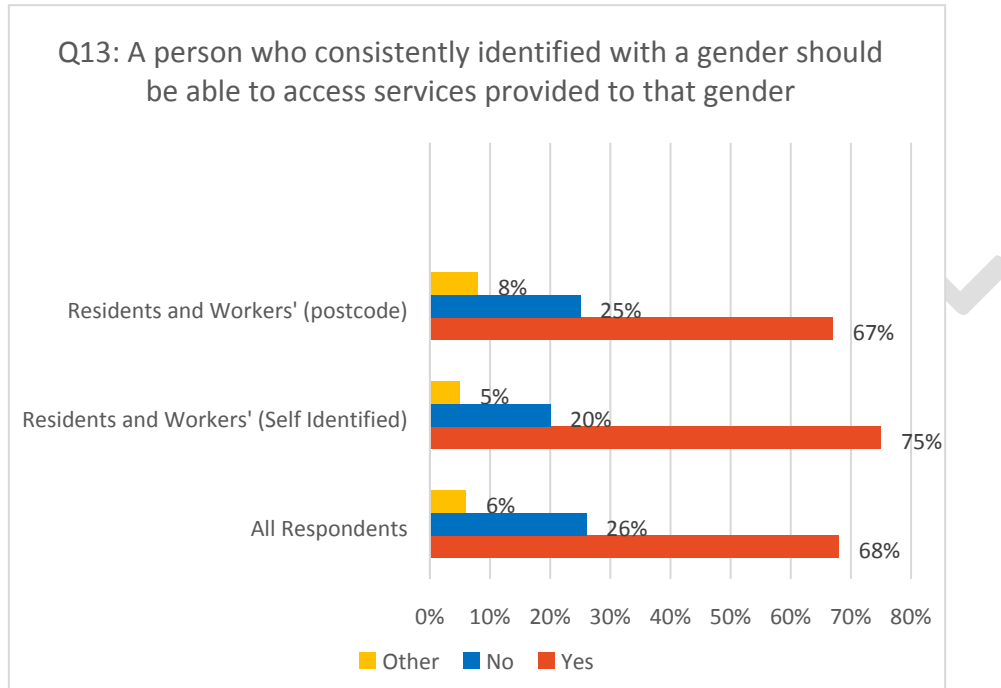
- 4.3 The views of City Residents were broadly in line with other stakeholders, with an aggregate of two thirds (65%) supporting the basic principles, contrasted with 15% who strongly disagreed with them. Two thirds of City residents strongly agreed that restrictions on access to services ‘should relate to the gender with which the service user consistently identifies now, regardless of whether that is the gender they were assigned at birth’.
- 4.4 Those who self-identified as City residents were marginally more likely to be supportive of the key propositions than respondents overall. Those identified as City residents following postcode analysis were a little less likely to be supportive, but with a majority in favour of the proposals.

‘Resident’ response compared to All Respondents – Q13 and Q14



4.5 The same overall pattern was reflected in the responses of those who self-identified as ‘Residents and Workers’ and following a postcode analysis of the responses from this group.

‘Resident and Worker’ response compared to all responses – Q13 and Q14



4.6 As with respondents in general, City residents who opposed the principles and/or proposals on access to services were much more likely to comment in the free text boxes. A sample of resident comments on access to City services on the basis of current gender identity is provided below.

<b>For</b>	<b>Against</b>
------------	----------------

<p><i>I am happy to share services for women with those not born into female bodies. I think their safety would be more compromised in male spaces than mine would be by having trans women (women) in a female space with me.</i></p> <p><b>City Resident and worker, White British, Female, Heterosexual - Straight, 31</b></p>	<p><i>I am a man (and nothing will change that) and I use male facilities - I do not expect to see ANYBODY of the opposite sex within those facilities regardless of whether they "identify as male" or not. And I'm sure most women (including my wife) don't want to see men in their facilities.</i></p> <p><b>City Resident and worker, White British Male, Heterosexual - straight</b></p>
<p><i>Not doing so [i.e. enabling access] would be unsafe for the person in question (i.e. women being forced to use men's facilities simply because they were assigned male at birth).</i></p> <p><b>City Resident and worker, Asian or Asian British: Pakistani, Female, Heterosexual - Straight, 34</b></p>	<p><i>I will no longer be able to use women only pool and changing area if men are allowed in. My nieces are not allowed to be uncovered around men and will not be able to learn to swim. Muslim girls are put at risk and discriminated against by this change.</i></p> <p><b>City Resident, Asian or Asian British: Pakistani, Female, Heterosexual-straight</b></p>
<p><i>I am "passing" meaning that others see me as a woman. For me to enter the men's room would be disruptive if not dangerous!</i></p> <p><b>Resident, Mixed - Asian and White, Female</b></p>	<p><i>This is opening-up opportunities and safe spaces for women to any man who claims to self-ID as a woman. Statistics show that women are at risk of male violence. This includes genuine transwomen - these transwomen with GRC and cis women need safe places and not to have misogynistic self-ID advocates trying to erode their rights and safe spaces.</i></p> <p><b>Resident and Worker, Female, (Ethnicity not stated)</b></p>

4.7 Almost all City Residents answered Q15<sup>6</sup> which requested that respondents note any safeguards that would be required if the policy under consultation was adopted.

4.8 City Residents noted the safeguards in the question (individual cubicle and gender-neutral toilets) and felt that these were reasonable options. Most of those who commented felt that gender neutral spaces would be the best option for inclusiveness (see para 3.14 above). Supplying individual cubicles and stalls in toilets was the most common practical suggestion for City Residents, along with changing areas/cubicles in swimming areas.

<sup>6</sup> Q15 If this policy were adopted, what safeguards, if any, do you believe the City Corporation should put in place to preserve the dignity of all service users? *For example, at swimming facilities, should changing areas have individual cubicles to allow users to dress unseen by others? And where toilets are offered on gender neutral basis, should urinals be removed, and only individual stalls be made available?*

### Service users: Response

- 4.9 18% (3781) of all respondents said that they used City Corporation Services (in addition, of course, it is a reasonable assumption that many of those identifying as City Residents or City Workers and Residents will also be users of City services).
- 4.10 A common challenge was that the survey had not provided a list of services which might be affected by the consultation, and had left it to respondents to establish this information for themselves. Comments ranged from it should not be the expectation of the respondent to list services and it was likely that the services they did use would be affected, to general terms such as 'Various', or 'All'.
- 4.11 Where respondents provide further information on their service use, by far the largest number focused on their use of swimming facilities - Hampstead Heath Ponds, Kenwood Ponds, the Parliament Hill Lido, Highgate/Female/Women's ponds/ Men's ponds/ changing rooms. This was followed by: arts centres, galleries and museums notably Barbican but also Guildhall; Public Toilets (Bathroom, Restrooms, lavatories and urinals); Green spaces (Epping Forest/Parks) and Transport services (Trains/Tube/Bus).

## 5. Conclusion

5.1 A substantial majority of respondents to the survey supported its six key propositions:

- ✓ a person may come to feel that their gender is different from that assigned at birth
- ✓ in these circumstances, they should be accepted in their stated gender identity
- ✓ in these circumstances, they should be able to access services commonly provided to the gender with which they now identify
- ✓ that, where access to services or facilities are restricted by gender, those restrictions should relate to the gender with which the service user consistently identifies now
- ✓ That the City Corporation should not require service users to provide ‘proof’ of their identity at single gender services and facilities but rely on each service user to self-identify their gender
- ✓ That the City Corporation should consider adapting facilities to be gender neutral.

This should be reflected in the development of the City Corporations approach to Gender Identity.

5.2 A significant minority of respondents did not support these propositions, and their views too should be considered. This group were much more likely to provide comments, and their views are therefore disproportionately represented in analysis of free text responses. Key messages were:

- The importance of language and clarity in the use of language (e.g. ‘sex’ and ‘gender’)
- The need to consider and address safeguarding risks.
- The need to balance the rights and interests of the transgender community against those of other protected groups under the Equality Act (e.g., sex and religion and belief)
- The need to consider the cost implications of any gender identity policy.

5.3 Respondents proposed constructive ways forward to address the issues they identified. For example, the benefits of individual lockable cubicles in gender neutral toilets. These views should be considered in the development and implementation of a Gender Identity policy.

5.4 To conclude, most respondents supported the statements posed in the survey and highlighted the need to respect all groups which would ensure equality and basic human rights were upheld. Those who were least supportive were also most ‘vocal’. Despite the differences in views, a common thread in the free text responses was the importance of the Equality Act 2010 and the need for the voices of all to be heard and considered, particularly those of vulnerable groups.



## Glossary

The following sets out a glossary of terms and acronyms used within this report

TERM/ACRONYM	DESCRIPTION
<b>BAME</b>	Black, Asian, and minority ethnic (commonly used to refer to members of non-white communities in the UK)
<b>Cisgender</b>	A respondent whose gender identity matches their sex assigned at birth, e.g. who is not transgender
<b>Core Cohort</b>	A respondent who has answered one of the key questions in the survey Q11-Q13 Gender Identity – Basic Principles and Q14-17 Access to City Corporation Services Valid response to the survey
<b>GDPR</b>	The General Data Protection Regulation 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union and the European Economic Area
<b>Gender fluid</b>	Refers to someone who prefers to be flexible about their gender identity. They may fluctuate between genders or express multiple gender identities at the same time
<b>Gender Neutral facilities</b>	Facilities that can be accessed regardless of gender.
<b>Interested Participant</b>	A respondent who does not live, work, visit or use City Corporation service
<b>Member of the Public (MoP)</b>	An individual member of the public who did not supply their City Stakeholder status Did not answer Q7
<b>Non-Binary</b>	An umbrella term used to describe gender identities where the individual does not identify exclusively as a man or a woman. There are many included within this, such as agender, genderqueer and gender fluid.
<b>Non-Core Cohort</b>	A respondent who has not answered one of the key questions in the survey Q11-Q13 Gender Identity – Basic Principles and Q14-17 Access to City Corporation Services. An invalid response to the survey
<b>Not a gender</b>	A respondent who identified as their biological sex not by gender.
<b>Not stated</b>	Not stated indicates that the answer was blank, and the respondent did not complete the question.
<b>Relevant Expert</b>	A respondent who self-identified as a relevant expert in respect to gender identity – Answering Q1a of survey
<b>Representative</b>	A respondent who has indicated that they are a representative of a specific organisation – Answering Q1b of survey
<b>Resident</b>	<i>Self-defined:</i> A respondent who has stated that they live in the City of London <i>By postcode:</i> A respondent who provided a postcode that is in the City of London
<b>Resident and Worker</b>	<i>Self-defined:</i> A respondent who has stated that they live and work in the City of London <i>By postcode:</i> A respondent who provided a postcode that is in the City of London
<b>Respondent</b>	An individual who has completed the survey

Service User	A respondent who has stated they regularly use City Corporation services which may be affected by this consultation
Text/Phrase (related)	Text or phrase relating to sex and/ or gender but not specifically noting the respondent's own gender
Text/Phrase (unrelated)	Text or phrase not relating to sex and/ or gender, nor stating respondent's own gender
Transgender	Umbrella terms used to describe individuals who have a gender identity that is different to the sex recorded at birth. This might lead to gender dysphoria. Non-binary people may or may not consider themselves to be trans.
Transsexual	Used in the past to refer to someone who transitioned to live in the 'opposite' gender to the one assigned to them at birth. Many now prefer trans or transgender
Valid response to the survey	A respondent who has answered one of the key questions in the survey Q11-Q13 Gender Identity – Basic Principles and Q14-17 Access to City Corporation Services Also known as the Core Cohort
Visitor	A respondent who has stated that they do not live or work in the City of London. Visitors who are also service users are those who supplied a home postcode.
Worker	A respondent who has stated that they work in the City of London but are not also a resident.
Visitor	A respondent who has stated that they do not live or work in the City of London. Visitors who are also service users are those who supplied a home postcode.

## Appendix 1: Survey Questions

About You

### Question 1

1. In what capacity are you answering this consultation? As... (Please select the ONE option that best applies)

- a) A relevant expert in respect to gender identity
- b) A representative of a specific organisation
- c) An individual member of the public

### Question 2

If 1=a

2. Using the box below, please tell us about your qualifications as an expert in this field

(Free text box)

### Question 3

If 1=b

3. What is the name of the organisation you are submitting a response from?

(Free text box)

### Question 4

4. What position do you hold in the organisation?

(Free text box)

### Question 5

5. What is your organisation's interest in this consultation?

(Free text box)

### Question 6

6. Please confirm that you have been authorised by the board, management committee, or chief executive to respond on behalf of your organisation and that this is the only response that your organisation will be submitting to this consultation.

- a. Yes, I have been authorised and this will be the only response from my organisation
- b. No, I have not been authorised or my organisation may be submitting other responses

### Question 7

If 1 = c

7. Which of the following applies to you? Please select all that apply.

- a. I live in the City of London
- b. I work in the City of London
- c. I do not live or work in the City of London
- d. I live and work in the City of London

### Question 8

If 7= a or b

8. Please enter your work and/or home postcodes into the boxes below

- a. Home (Free text box)
- b. Work (Free text box)

### Question 9

9. Do you regularly use any of the City Corporation's services which may be affected by this consultation?

- a. Yes, I do
- (Please specify) (Free text box)
- b. No, I do not

**Question 10**

*If 7 = c and 9=b*

**Q.10.** You indicated that you do not live or work in the City and are not a service user. Using the box below, please explain your interest in this consultation. (Free text box)

FOR COMMITTEE

## GENDER IDENTITY – BASIC PRINCIPLES

Looking at your views on gender identity to begin with.

### Question 11

11. Do you agree or disagree with the following statement...?

A person may come to feel that their gender is different from that assigned to them at birth?

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Not sure

Please feel free to use the box below if there is anything you wish to add to expand on your answer.

(Free text box)

### Question 12

12. Do you agree or disagree with the following statement...?

A person who consistently identifies in a gender which is different to the one they were assigned at birth should be accepted by society in their stated gender identity

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Not sure

Please feel free to use the box below if there is anything you wish to add to expand on your answer.

(Free text box)

### Question 13

13. Do you agree or disagree with the following statement...?

A person who consistently identifies in a gender which is different to the one they were assigned at birth should be able to access services commonly provided to the gender with which they now identify?

- Strongly Agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Not sure

Please feel free to use the box below if there is anything you wish to add to expand on your answer.

(Free text box)

Access to City Corporation Services

**Question 14a**

14. Do you support or oppose the following proposal...?

Where access to particular services or facilities are restricted by gender, the City Corporation has it in mind that the restriction should relate to the gender with which the service user consistently identifies now, regardless of whether that is the gender they were assigned at birth.

- Strongly Support
- Support
- Neither support nor oppose
- Oppose
- Strongly oppose
- Not sure

Please feel free to use the box below if there is anything you wish to add to expand on your answer

. (Free text box)

**Question 15**

15. If this policy were adopted, what safeguards, if any, do you believe the City Corporation should put in place to preserve the dignity of all service users?

*For example, at swimming facilities, should changing areas have individual cubicles to allow users to dress unseen by others? And where toilets are offered on gender neutral basis, should urinals be removed, and only individual stalls be made available?*

(Free text box)

**Question 16**

16. Do you support or oppose the following proposal...?

The City Corporation proposes not asking service users to provide 'proof' of their gender identity at single gender services and facilities but would rely on each service user to self-identify their gender.

- Strongly Support
- Support
- Neither support nor oppose
- Oppose
- Strongly oppose
- Not sure

Please feel free to use the box below if there is anything you wish to add to expand on your answer.

(Free text box)

**Question 17**

17. Where the City Corporation provides services or facilities accessed according to the gender of the service user (for example male and female public lavatories), it should consider adapting those facilities to be gender neutral, i.e. to enable anyone to use them regardless of their gender identity?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Not sure

Please feel free to use the box below if there is anything you wish to add to expand on your answer.

(Free text box)

Question 18

**18. Please provide any further comments you would like to make about this consultation below**

(Free text box)

Demographic Information

**Gender**

A1. Do you identify as

Female

Male

Other

Prefer not to say

If you prefer to use your own term, please provide this here: \_\_\_\_\_

A2. Is your gender now the same as the gender you were assigned at birth?

Yes

No

Prefer not to say

A3 Do you identify as trans?

Yes

No

If you prefer to use your own term, please provide this here: \_\_\_\_\_

**Disability**

B1. Do you consider yourself disabled?

Yes

No

Prefer not to say

**Sexual Orientation**

C1. Do you identify as

Bisexual?

Gay man

Gay woman/lesbian

Heterosexual/straight

Other

Prefer not to say

If you prefer to use your own term, please provide this here: \_\_\_\_\_

(Free text box)

**Age**

D1. What is your current age?

Prefer not to say

(Free text box)

**Ethnicity**

E1. Do you describe your race or ethnicity as:

Arab

Asian or Asian British: Indian

Asian or Asian British: Pakistani

Asian or Asian British: Bangladeshi

Asian or Asian British: Chinese

Asian or Asian British: Other

Black or Black British: African

Black or Black British: Caribbean

Black or Black British: Other

Mixed: Asian and White

Mixed: Black and White

Mixed: Other

White: British

White: Irish

White: European

White: Gypsy or Irish Traveller

White: Other

If 'Other' or if you would prefer to use your own definition, please specify: \_\_\_\_\_

Prefer not to say

(Free text box)

**Citizenship**

F1. Of which countries are you a Citizen:

United Kingdom

Other EU

Other

Please specify: \_\_\_\_\_

Prefer not to say

(Free text box)

**Religion or Belief**

G1. Do you consider yourself to be:

Buddhist

Christian

Hindu

Jewish

Muslim

Non-religious (including Atheist, Agnostic, Humanist)

Sikh

Other

If you prefer to use your own term, please provide this here: \_\_\_\_\_

Prefer not to say

(Free text box)



## Appendix 2 – Survey Data

### GENDER IDENTITY – BASIC PRINCIPLES

Looking at your views on gender identity to begin with.

#### Question 11

11. Do you agree or disagree with the following statement...?

A person may come to feel that their gender is different from that assigned to them at birth?

Respondents	Female	Male	Other	Own Gender Term	Prefer not to say	Grand Total	Percentage %
Strongly Agree	7,487	3,848	870	1,028	475	13,708	65%
Agree	1,811	1,038	53	206	235	3,343	16%
Neither agree nor disagree	621	224	22	111	84	1,062	5%
Disagree	302	250	7	143	51	753	4%
Strongly disagree	776	669	40	312	128	1,925	9%
Not sure	128	49	4	28	15	224	1%
Not Stated	99	20	4	44	9	175	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 3 AGREEMENT TO Q11 BY GENDER

#### Question 12

12. Do you agree or disagree with the following statement...?

A person who consistently identifies in a gender which is different to the one they were assigned at birth should be accepted by society in their stated gender identity

Respondents	Female	Male	Other	Own Gender Term	Prefer not to say	Grand Total	Percentage %
Strongly Agree	7,410	3,765	860	990	445	13,470	64%
Agree	1,094	691	39	173	124	2,121	10%
Neither agree nor disagree	853	358	30	157	134	1,532	7%
Disagree	646	379	15	120	102	1,262	6%
Strongly disagree	930	831	45	334	164	2,304	11%
Not sure	184	54	5	44	22	309	1%
Not Stated	107	20	6	54	6	193	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 4 AGREEMENT TO Q12 BY GENDER

## Question 13

13. Do you agree or disagree with the following statement...?

A person who consistently identifies in a gender which is different to the one they were assigned at birth should be able to access services commonly provided to the gender with which they now identify?

Respondents	Female	Male	Other	Own Term	Prefer not to say	Grand Total	Percentage %
Strongly Agree	7,025	3,555	828	950	424	12,782	60%
Agree	789	564	44	83	62	1,542	7%
Neither agree nor disagree	391	298	20	158	101	968	5%
Disagree	802	444	27	135	121	1,529	7%
Strongly disagree	1,947	1,146	67	445	251	3,856	18%
Not sure	196	74	9	45	32	356	2%
Not Stated	74	17	5	56	6	158	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 5 AGREEMENT TO Q13 BY GENDER

## Question 14

14. Do you support or oppose the following proposal...?

Where access to particular services or facilities are restricted by gender, the City Corporation has it in mind that the restriction should relate to the gender with which the service user consistently identifies now, regardless of whether that is the gender they were assigned at birth.

Respondents	Female	Male	Other	Own Term	Prefer not to say	Grand Total	Percentage %
Strongly support	7,021	3,545	816	910	425	12,717	60%
Support	663	530	38	117	50	1,398	7%
Neither support nor oppose	266	269	28	120	72	755	4%
Oppose	649	383	15	103	93	1,243	6%
Strongly oppose	2,375	1,254	85	507	321	4,542	21%
Not sure	190	89	14	48	32	373	2%
Not Stated	60	28	4	67	4	163	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 6 AGREEMENT TO Q14 BY GENDER

## Question 16

16. Do you support or oppose the following proposal...?

The City Corporation proposes not asking service users to provide 'proof' of their gender identity at single gender services and facilities but would rely on each service user to self-identify their gender.

Respondents	Female	Male	Other	Own Term	Prefer not to say	Grand Total	Percentage %
Strongly support	6,406	3,203	796	895	400	11,700	55%
Support	663	530	38	117	50	1,398	7%
Neither support nor oppose	266	269	28	120	72	755	4%
Oppose	649	383	15	103	93	1,243	6%
Strongly oppose	2,375	1,254	85	507	321	4,542	21%
Not sure	190	89	14	48	32	373	2%
Not Stated	60	28	4	67	4	163	1%
<b>Grand Total</b>	<b>10,609</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 7 AGREEMENT TO Q16 BY GENDER

## Question 17

17. Where the City Corporation provides services or facilities accessed according to the gender of the service user (for example male and female public lavatories), it should consider adapting those facilities to be gender neutral, i.e. to enable anyone to use them regardless of their gender identity?

Respondents	Female	Male	Other	Own Term	Prefer not to say	Grand Total	Percentage %
Strongly Agree	5,445	2,934	736	857	389	10,361	49%
Agree	1,557	907	102	169	115	2,850	13%
Neither agree nor disagree	908	497	52	145	86	1,688	8%
Disagree	696	374	25	105	79	1,279	6%
Strongly disagree	2,338	1,281	73	456	303	4,451	21%
Not sure	199	82	11	30	20	342	2%
Not stated	81	23	1	110	5	220	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 8 AGREEMENT TO Q17 BY GENDER

## DEMOGRAPHIC INFORMATION

### A LITTLE MORE ABOUT YOU

#### Gender

A1. Do you identify as

Respondents	Number	Percentage%
Female <sup>7</sup>	11,224	53%
Male <sup>8</sup>	6,098	29%
Other	1,000	5%
Own Gender Term	1,872	9%
Prefer not to say	997	5%
<b>Grand Total</b>	<b>21,191</b>	<b>100%</b>

TABLE 9 RESPONDENTS BY GENDER

The graph below gives a breakdown of those respondents who choose to use their own gender term. This table also includes those who subsequently noted their identity as female or male.

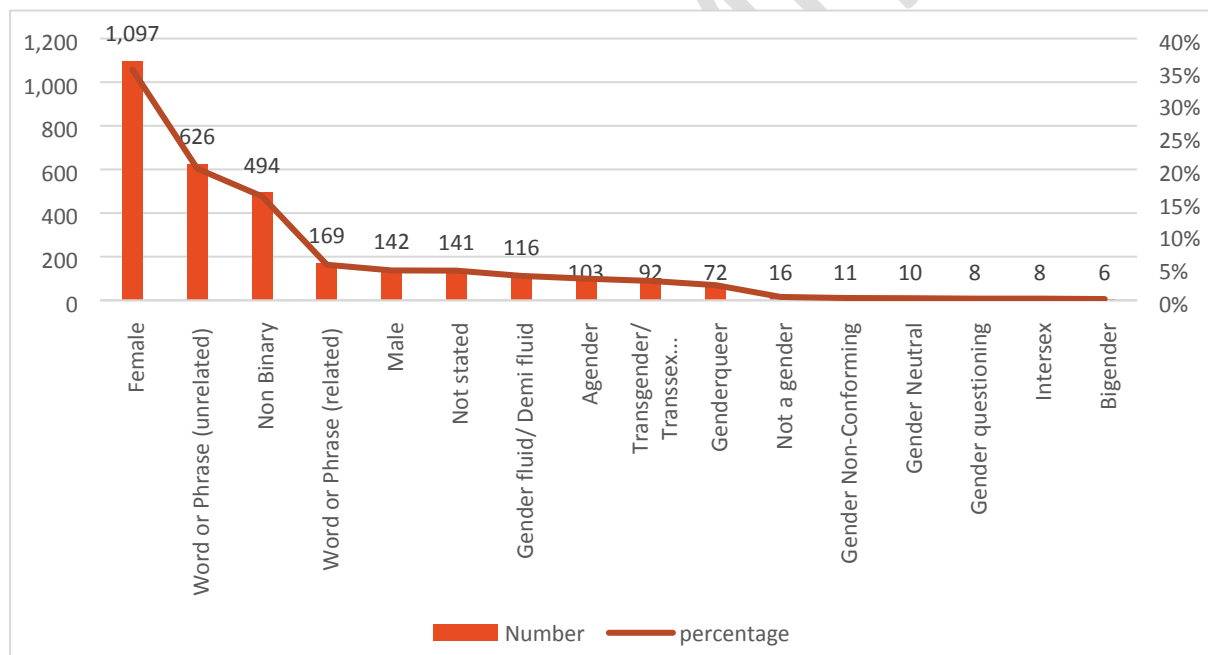


TABLE 10 RESPONDENT OWN GENDER TERM DETAILED

<sup>7</sup> Includes respondents who initially indicated *Own Term*, then specified 'female' or 'woman'. Original percentage was 48% (10,127) and increased to 53% when this group was added

<sup>8</sup> Includes respondents who initially indicated *Own Term*, then specified 'male' or 'man'. Original percentage was 28% (5,957) and increased to 29% when this group was added

## A2. Is your gender now the same as the gender you were assigned at birth?

Respondents	Number	Percentage%
Yes	15,459	73%
No	3,270	15%
Prefer not to say	2,085	10%
Not Stated	377	2%
<b>Grand Total</b>	<b>21,191</b>	<b>100%</b>

TABLE 11 RESPONDENTS CONFIRMING IF CURRENT GENDER IS SAME AS THAT AT BIRTH

Respondents	Female	Male	Other	Own Gender Term	Prefer not to say	Total	Percentage%
Yes	9,216	5,487	66	433	257	15,459	73%
No	1,055	421	759	957	78	3,270	15%
Prefer not to say	761	165	167	330	662	2,085	10%
Not Stated	192	25	8	152		377	2%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 12 RESPONDENTS CONFIRMING IF CURRENT GENDER IS SAME AS THAT AT BIRTH DETAILED

## A3 Do you identify as trans?

Respondents	Female	Male	Other	Own Gender Term	Prefer not to say	Grand Total	Percentage%
Yes	930	400	545	712	56	2,643	12%
No	9,821	5,539	299	737	314	16,710	79%
Prefer not to say	390	141	153	281	626	1,591	8%
Not Stated	83	18	3	142	1	247	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 13 RESPONDENTS TRANSGENDER STATUS

The table below notes their transgender status in correlation to Question A1 (gender identity). 712 respondents who used the option of specifying their *Own Gender Term* also identified as transgender.

Respondents	Female	Male	Other	Own Gender Term	Prefer not to say	Grand Total	Percentage%
Yes	930	400	545	712	56	2,643	12%
No	9,821	5,539	299	737	314	16,710	79%
Prefer not to say	390	141	153	281	626	1,591	8%
Not Stated	83	18	3	142	1	247	1%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 14 RESPONDENTS TRANSGENDER STATUS DETAILED

The table below considers the 12% of respondents who identified as transgender cross referenced by stakeholder group

Respondents	Female	Male	Other	Own Term	Prefer not to say	Grand Total	Percentage%
<b>Yes</b>	<b>930</b>	<b>400</b>	<b>545</b>	<b>712</b>	<b>56</b>	<b>2643</b>	
City Resident	34	29	31	34	6	134	5%
City Resident & Worker	38	18	46	68	5	175	7%
Worker	76	26	33	45	6	186	7%
Service User	121	44	92	95	7	359	14%
Visitor	39	16	20	16	3	94	4%
Expert	144	64	76	143	12	439	17%
Member of Public	1			1		2	0%
Organisation Rep	9	3	4	15	1	32	1%
Interested Participant	467	200	243	294	16	1,220	46%
Not stated	1			1		2	0%
<b>Grand Total</b>	<b>930</b>	<b>400</b>	<b>545</b>	<b>712</b>	<b>56</b>	<b>2,643</b>	<b>100%</b>

TABLE 15 STAKEHOLDERS TRANSGENDER STATUS

## Disability

*B1. Do you consider yourself disabled?*

99% of respondents consider the question of whether they were disabled and supplied an answer. 6% preferred not to say if they were or not, however 18% considered they were.

The table below illustrates respondent's confirmation on whether they are disabled. 46% (1,759) of who state yes were White British and 50% (1,903) are female.

Respondents	Expert	Member of Public	Interested Participant	Not stated	Organisation Rep	City Resident	City Resident & Worker	Service User	Visitor	Worker	Grand Total	Percentage%
Yes	507	5	1,354	3	52	258	424	645	113	434	3,795	18%
No	918	9	5,513	13	97	1,205	2,573	2,869	520	2,253	15,970	75%
Prefer not to say	150	1	406	3	9	82	135	219	49	186	1,240	6%
Not stated	15		28	1	3	19	16	67	10	27	186	1%
<b>Grand Total</b>	<b>1,590</b>	<b>15</b>	<b>7,301</b>	<b>20</b>	<b>161</b>	<b>1,564</b>	<b>3,148</b>	<b>3,800</b>	<b>692</b>	<b>2,900</b>	<b>21,191</b>	<b>100%</b>

TABLE 16 STAKEHOLDERS DISABILITY STATUS

## Sexual Orientation

*C1. Do you identify as*

Respondents	Female	Male	Other	Own Term	Prefer not to say	Total	Percentage%
Bisexual	2,995	976	377	483	136	4,976	23%
Gay man	11	1,018	15	20	10	1,074	5%
Gay woman/lesbian	1,696	7	67	82	26	1,878	9%
Heterosexual/straight	4,235	3,328	31	158	88	7,840	37%
Other	375	137	251	104	61	928	4%
Prefer not to say	931	273	61	101	607	1,973	9%
Not stated	4,235	3,328	31	158	88	7,840	37%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 17 RESPONDENTS SEXUAL ORIENTATION BY GENDER

Age

D1. What is your current age?

(Free text box)

Prefer not to say

This question allowed free text responses, which have been aggregated into standardised age bands. The response includes for the range of ages, including decimals, positive and negative numbers, in addition to text responses related and unrelated to age.

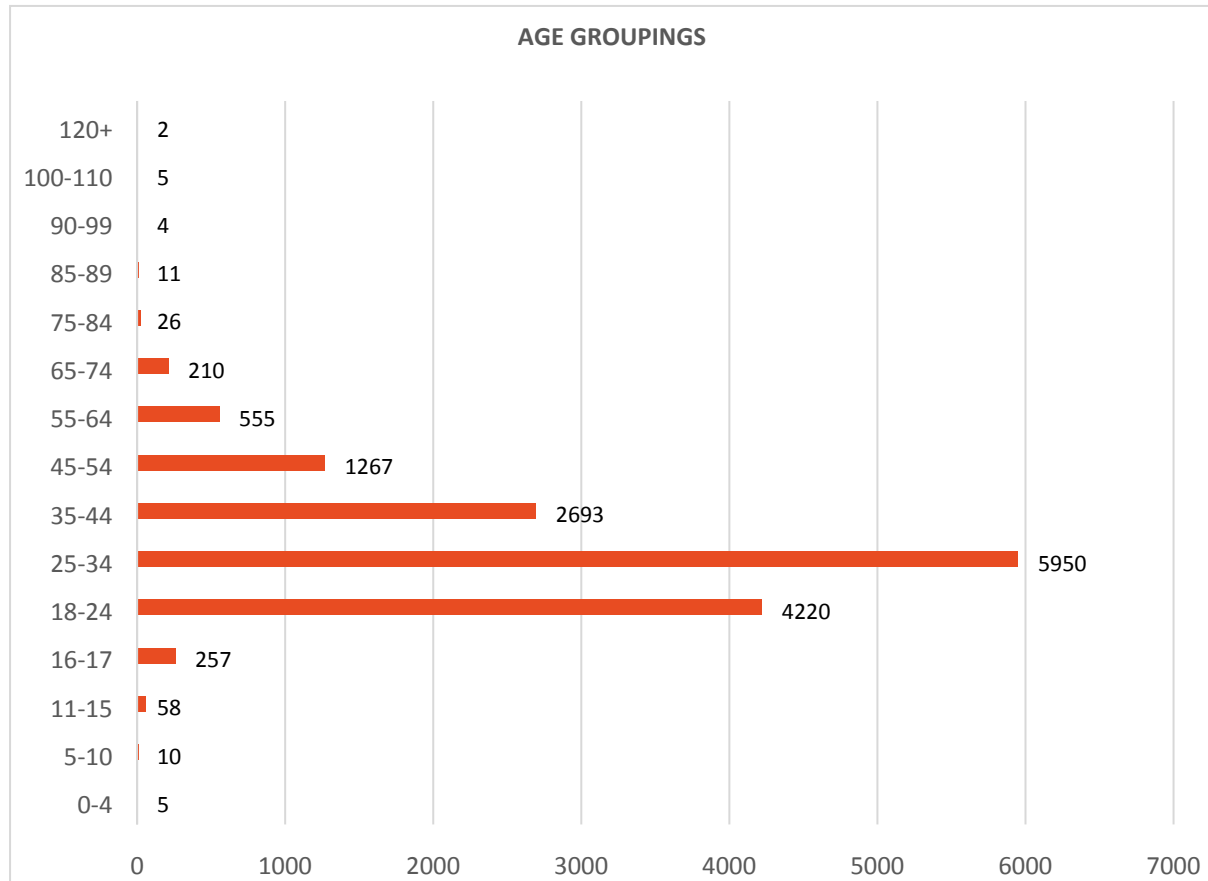


TABLE 18 RESPONDENTS AGE BANDS

A higher number of respondents were from 25-34 years age group. Not stated or information supplied in a format that couldn't be grouped into the standardised age bandings above were 5940 responses.

## Ethnicity

E1. Do you describe your race or ethnicity as:

Respondents	Female	Male	Other	Own Term	Prefer not to say	Grand Total	Percentage%
Arab	64	54	14	57	25	214	1%
Asian or Asian British: Indian	112	41	2	11	6	172	1%
Asian or Asian British: Pakistani	53	45	7	16	15	136	1%
Asian or Asian British: Bangladeshi	21	9	4	3	2	39	0%
Asian or Asian British: Chinese	51	22	7	9	4	93	0%
Asian or Asian British: Other	56	32	10	7	6	111	1%
Black or Black British: African	109	44	13	23	18	207	1%
Black or Black British: Caribbean	63	24	7	13	8	115	1%
Black or Black British: Other	28	15	7	14	8	72	0%
Mixed: Asian and White	197	85	23	30	17	352	2%
Mixed: Black and White	151	76	14	35	5	281	1%
Mixed: Other	336	170	57	101	98	762	4%
White: British	6,487	3,301	435	542	308	11,073	52%
White: Europe	1,382	974	170	209	92	2,827	13%
White: Gypsy or Irish Traveller	16	24	9	20	6	75	0%
White: Irish	521	273	32	47	20	893	4%
White: Other	1,126	665	144	265	97	2,297	11%
Prefer not to say			1			1	0%
Not Stated	451	244	44	470	262	1,471	7%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 19 RESPONDENTS ETHNICITY BY GENDER

## Citizenship

F1. Of which countries are you a Citizen:

Respondents	Female	Male	Other	Own Term	Prefer not to say	Total	Percentage %
United Kingdom	8,699	4,256	625	979	638	15,197	72%
Other EU	926	645	115	182	72	1,940	9%
Prefer not to say	661	469	113	196	240	1,679	8%
Not Stated	938	728	147	515	47	2,375	11%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 20 RESPONDENTS CITIZENSHIP STATUS BY GENDER



Religion or Belief

G1. Do you consider yourself to be:

Respondents	Female	Male	Other	Own Term	Prefer not to say	Total	Percentage%
Buddhist	130	57	10	28	11	236	1%
Christian	1,236	804	54	113	52	2,259	11%
Hindu	40	13	2	5	1	61	0%
Jewish	313	128	50	74	18	583	3%
Muslim	178	122	39	85	41	465	2%
Non-religious (Atheist, Agnostic, Humanist)	7,694	4,219	625	863	396	13,797	65%
Shinto			1			1	0%
Sikh	9	6		5	3	23	0%
Other	365	159	100	86	32	742	4%
Prefer not to say	855	287	61	113	410	1,726	8%
Not Stated	404	303	58	500	33	1,298	6%
<b>Grand Total</b>	<b>11,224</b>	<b>6,098</b>	<b>1,000</b>	<b>1,872</b>	<b>997</b>	<b>21,191</b>	<b>100%</b>

TABLE 21 RESPONDENTS RELIGION BY GENDER

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# EQUALITY ANALYSIS (EA) TEMPLATE

What is the Public Sec

What is an Equality Ar

Decision

Date

How to demonstrate c

**Deciding what needs to be assessed** [Double click here for more information / Hide](#)

**Role of the assessor** [Double click here for more information / Hide](#)

**How to carry out an Equality Analysis (EA)** [Double click here for more information / Hide](#)

## The Proposal *Click and hover over the questions to find more details on what is required*

**Assessor name:**

**Contact details:**

### 1. What is the Proposal?

A City Corporation Gender Identity (GI) Policy

### 2. What are the recommendations?

That the GI Policy will support the City Corporation to deliver its duties under the Equality Act 2010 effectively.

### 3. Who is affected by the Proposal? *Identify the main groups most likely to be directly or indirectly affected by the recommendations.*

The proposal will directly affect transgender City residents, workers and visitors (including those in transition). There will be an indirect impact for other service users, particularly those who use single sex facilities and services.

**Age** [Double click here to add impact / Hide](#)

[Check box if NOT applicable](#)

#### Key Demographic statistics:

The Square Mile has proportionately more residents aged 25-69 than Greater London and fewer young people. Summaries of the City of London [age profiles from the 2011 Census can be found on our website](#)

The City resident population is projected to grow steadily, with greatest growth amongst the over 65 years group over the next decade.

Those under 18 and over 65 years are concentrated in areas of deprivation in the east and north of the City.

City Workers tend to be younger, aged between 20-50 years of age. The younger age profile is consistent with the findings of prior independent reports and reflects the fact that finance and insurance industries represent a large % of the City workforce.

Demographics projections and analysis can be found on the [Greater London Authority website in the London DataStore](#). The site details statistics for the City of London and other London authorities at a ward level:

- [Population projections](#)

*NB: These statistics provide general data for these protected characteristics.*

## Age

### Additional Equalities Data (Service level or Corporate) *Include data analysis of the impact of the proposals*

There is no reliable data currently available on gender identity by age for residents, workers or visitors in the City of London. Some young people identify with a gender other than that assigned to them at birth.

### What is the proposal's impact on the equalities aims?

The GI Policy does not have a disproportionate impact on a particular age group.

The GI Policy will not apply to schools who will develop their own policies.

### What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

N/A

**Key demographic statistics:**

Day-to-day activities can be limited by disability or long-term illness - In the City of London as a whole, 89% of the residents feel they have no limitations in their activities – this is higher than both in England and Wales (82%) and Greater London (86%). In the areas outside the main housing estates, around 95% of the residents responded that their activities were not limited. Extract from summary of the [2011 Census relating to resident population health for the City of London can be found on our website](#).

City workers tend to be healthier than the general population and this is largely due to their younger age profile, although lifestyle choices (such as drinking, smoking and diet) may have a negative impact.

The 2011 Census identified that for the City of London’s resident population:

- 4.4% (328) had a disability that limited their day-to-day activities a lot
- 7.1% (520) had a disability that limited their day-to-day activities a little.

Source: 2011 Census: [Long-term health problem or disability, local authorities in England and Wales](#)

Disability and health inequality amongst residents tends to be geographically concentrated in pockets of deprivation such as Portsoken in the east and north of the City.

*NB: These statistics provide general data for these protected characteristics.*

**Disability**

**Additional Equalities Data (Service level or Corporate)** *Include data analysis of the impact of the proposals*

There is no reliable data currently available on gender identity and disability for residents, workers or visitors in the City of London.

Some disabled people may identify with a gender other than that assigned to them at birth.

Research shows that trans people are more likely than the general population to experience mental health issues. The disability provisions under the Equality Act 2010 protect those with a ‘physical or mental impairment which has a substantial and long-term adverse effect on ... ability to carry out normal day-to-day activities.’

**What is the proposal’s impact on the equalities aims?**

The GI Policy may have a positive affect on the mental health of trans people, because it improves access to services and facilities and contributes to tackling stigma and discrimination.

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?**

Implement the GI policy and make sure that disabled trans people are aware of the policy and can access services/facilities.

## Pregnancy and Maternity [Double click here to add impact / Hide](#)

Check box if NOT applicable

### Key borough statistics:

Under the theme of population, the [ONS website](#) has a large number of data collections grouped under:

- [Conception and Fertility Rates](#)
- [Live Births and Still Births](#)
- [Maternities](#)

*NB: These statistics provide general data for these protected characteristics.*

[Double click here to show borough wide statistics / hide statistics](#)

## Pregnancy and Maternity

**Additional Equalities Data (Service level or Corporate)** *Include data analysis of the impact of the proposals.*

The GI Policy is not expected to impact pregnancy and maternity.

### What is the proposal's impact on the equalities aims?

No impact.

### What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

Not applicable.

## Race [Double click here to add impact / Hide](#)

Check box if NOT applicable

### Key demographic statistics:

White British residents comprise 57.5% of the total population, followed by White – Other at 19%.

The second largest ethnic group amongst residents is Asian (12.7%), this group is divided between Asian-Indian (2.9%), Asian-Bangladeshi (3.1%), Asian-Chinese (3.6%) and Asian-Other (2.9%). The City has the highest % of Chinese people of any authority in London and the second highest in England & Wales.

These Asian communities tend to be concentrated geographically in the east and north of the City.

[See ONS Census information](#) or [Greater London Authority projections](#)

The City of London has a relatively small Black population comprising 2.6% of residents. This is considerably lower than the Greater London wide percentage of 13.3%.

City workers are largely white (79%), compared to Asian ethnicity (12%), black groups (5%), mixed race (3%) and Arab origins (1%).

*NB: These statistics provide general data for these protected characteristics.*

## Race

**Additional Equalities Data (Service level or Corporate)** *Include data analysis of the impact of the proposals.*

There is no reliable data currently available on gender identity by race for residents, workers or visitors in the City of London.

### What is the proposal's impact on the equalities aims?

No direct impact on race or ethnicity.

### What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

Develop a better understanding of the potential impact of multiple levels of discrimination and mitigation to address these.

## Religion or Belief [Double click here to add impact / Hide](#)

[Check box if NOT applicable](#)

### Key demographic statistics – sources include:

The ONS website has a number of data collections on [religion and belief](#), grouped under the theme of religion and identity.

[Religion in England and Wales provides a summary of the Census 2011 by ward level](#)

The City is a religiously diverse area, with a wider range of religious/faith identities than England as a whole. In the City, 45.3% of residents identify as Christian, with 34.2% stating that they have no religion. The next largest group is Islam (5.5%), followed by Judaism (2.3%), Hindus (2%), Buddhists (1.2%) and Sikhs (0.2%).

Since 2011 the Christian population has fallen by approximately 10% and those with no religion risen by roughly the same figure.

*NB: These statistics provide general data for these protected characteristics.*

## Religion or Belief

### Additional Equalities Data (Service level or Corporate)

There is no reliable data currently available on gender identity and religion or belief for residents, workers or visitors in the City of London.

The GI Policy may challenge beliefs about single sex services and facilities in some religious communities. The GI Policy could therefore have a challenging impact on the use of services and facilities by members of those communities.

### What is the proposal's impact on the equalities aims?

The proposal is consistent with the Equality Act 2010 provisions on religion and belief.

### What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

Religious worship is exempt from the provisions of the Equality Act 2010.

The Public Sector Equality Duty includes a responsibility to 'foster good relations between people who share a relevant protected characteristics and persons who do not share it', and the City may want to consider what opportunities the GI Policy creates for dialogue with and between different communities.

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**Sex** [Double click here to add impact / Hide](#)

[Check box if NOT applicable](#)

### Key demographic statistics:

At the time of the [2011 Census the usual resident population of the City of London](#) could be broken up into:

- 4,091 males (55.5%)
- 3,284 females (44.5%)

A number of demographics and projections for demographics can be found on the [Greater London Authority website in the London DataStore](#). The site details statistics for the City of London and other London authorities at a ward level:

- [Population projections](#)

*NB: These statistics provide general data for these protected characteristics.*



## Sex

**Additional Equalities Data (Service level or Corporate)** *Include data analysis of the impact of the proposals*

Some males and females who use single-sex facilities have concerns about and/or are uncomfortable with trans access to those facilities (as illustrated by some of the responses to the City Corporation's GI Survey).

### What is the proposal's impact on the equalities aims?

Sex is a protected characteristic under the Equality Act 2010.

The Act also has a strong inclusive presumption for trans people with respect to single sex services and facilities.

### What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

The City Corporation should consider exclusion of trans people from single-sex services in exceptional circumstances where this is a proportionate means to a legitimate end.

The Public Sector Equality Duty includes a responsibility to 'foster good relations between people who share a relevant protected characteristics and persons who do not share it', and the City may want to consider what opportunities the GI Policy creates for dialogue with and between different groups in the community.

Page 6

## Sexual Orientation and Gender Reassignment [Double click here to add impact / Hide](#)

[Check box if NOT applicable](#)

### Key demographic statistics:

It is estimated that 10% of the UK population belong to the lesbian, gay and bisexual communities in the UK. Stonewall have estimated that 1% of the UK population are Transgender or identify as non-binary or gender fluid.

Please refer to:

- [Sexual Identity in the UK – ONS 2014](#)
- [Measuring Sexual Identity – ONS](#)

*NB: These statistics provide general data for these protected characteristics.*

## Sexual Orientation and Gender Reassignment

**Additional Equalities Data (Service level or Corporate)** *Include data analysis of the impact of the proposals*

There is currently no reliable data on the numbers of transgender people living, working or visiting the City of London.

The GI policy was strongly supported by trans respondents to the GI Survey.

**What is the proposal's impact on the equalities aims?** *Look for **direct impact** but also evidence of **disproportionate impact** i.e. where a decision affects a protected group more than the general population, including **indirect impact***

The GI policy will have a positive impact on transgender inclusion, and for LGBTQ

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?**

As it implements the policy, the City Corporation may have opportunities to

## Sexual Orientation and Gender Reassignment

rights (noting that this is a diverse community, and includes people who do not support the policy, as was reflected in a minority of responses to the GI Survey).

The policy highlights the challenges for public authorities of responding to new understandings of and expectations about gender, with implications for the Public Sector Equality Duty. For example, how people who identify themselves as ‘non-binary’ or ‘gender fluid’ are covered by a gender identity policy.

promote dialogue between Trans, LGBT and Women’s groups, which would be beneficial in fostering good relationships.

It would be beneficial to have more data on gender identity in the City, while recognising the challenges of monitoring on a trans classification.

There are legal limits to the degree to which people who identify as non-binary or gender fluid can be covered by this policy. However, the policy can commit to do whatever is possible (within the current limits of the law) to address issues for people who identify as non-binary/gender fluid as a matter of policy.

## Marriage and Civil Partnership [Double click here to add impact / Hide](#)

[Check box if NOT applicable](#)

Key borough statistics - sources include:

[The 2011 Census contain data broken up by local authority on marital and civil partnership status](#)

*NB: These statistics provide general data for these protected characteristics.*

[Double click here to show borough wide statistics / hide statistics](#)

## Marriage and Civil Partnership

**Additional Equalities Data (Service level or Corporate)** *Include data analysis of the impact of the proposals*

There were no obvious impacts upon marriage and civil partnership arising from the proposed draft policy.

**What is the proposal’s impact on the equalities aims?** *Look for **direct impact** but also evidence of **disproportionate impact** i.e. where a decision affects a protected group more than the general population, including **indirect impact***

No negative impact

**What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?**

Non-applicable

## Additional Impacts on Advancing Equality & Fostering Good Relations [Double click here to add impact / Hide](#)

Check box if NOT applicable

This section seeks to identify what additional steps can be taken to promote these aims or to mitigate any adverse impact. Analysis should be based on the data you have collected above for the protected characteristics covered by these aims. In addition to the sources of information highlighted above – you may also want to consider using:

- Equality monitoring data in relation to take-up and satisfaction of the service

- Equality related employment data where relevant
- Generic or targeted consultation results or research that is available locally, London-wide or nationally
- Complaints and feedback from different groups.

[Double click here to show borough wide statistics / hide statistics](#)

## Additional Impacts on Advancing Equality & Fostering Good Relations

### Additional Equalities Data (Service level or Corporate)

Are there any additional benefits or risks of the proposals on advancing equality and fostering good relations not considered above?

What actions can be taken to avoid or mitigate any negative impact on advancing equality or fostering good relations not considered above? Provide details of how effective the mitigation will be and how it will be monitored.

Non-applicable

## Conclusion and Reporting Guidance

### This analysis has concluded that...

The proposed policy provides a statement of the City Corporation's Public Sector Equality Duty under with the Equality Act 2010 with respect to Gender Assignment.

The City should also consider what opportunities the launch and implementation of a Gender Identity Policy creates for fostering understanding, dialogue and good relations between different equality groups.

The GI policy is an important tool in delivering the Equality Act 2010 and Chief Officers should draw up plans to promote trans equality in their service areas, with impact monitored and appropriate accountability and governance. Monitoring should also look out for evidence of any negative impact on service use by other protected groups.

There is little data on gender identity and how it intersects with other protected characteristics. It would be beneficial to build this evidence base where practicable.

## Outcome of analysis - [check the one that applies](#)

### Outcome 1

No change required where the assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

**Outcome 2**

Adjustments to remove barriers identified by the assessment or to better advance equality. Are you satisfied that the proposed adjustments will remove the barriers identified?

**Outcome 3**

Continue despite having identified some potential adverse impacts or missed opportunities to advance equality. In this case, the justification should be included in the assessment and should in line with the duty have 'due regard'. For the most important relevant policies, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

**Outcome 4**

Stop and rethink when an assessment shows actual or potential unlawful discrimination.

**Signed off by Director:**

**Name:**

**Date:**

# Agenda Item 12

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	30 April 2019
<b>Subject:</b> Equality and Inclusion Update – Including Pay Gap	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Information</b>
<b>Report author:</b> Tracey Jansen, Amanda Lee-Ajala and Carol Simpson – Human Resources, Town Clerk's Department	

## Summary

This report sets out the City of London Corporation's second year of reporting the pay gap differential with regards to gender, ethnicity and disability. The report also sets out the current work of the Diversity and Business Engagement (D&BE) Lead Officer and a general update on equality and inclusion initiatives since the last report to this Committee.

## Recommendation

Members are asked to:

- Note the gender, ethnicity and disability pay gaps for 2018, and that a more detailed analysis is planned to identify any further actions to redress any imbalances.
- Note the general equality and inclusion update from the D&BE Lead Officer with particular attention to signing up for the Stonewall Diversity Champions programme and Diversity Networks.
- Note the planned Equality and Inclusion Conferences for September 2019.

## Main Report

### Background

1. Mandatory gender pay gap reporting was first introduced in March 2017. The City Corporation has elected to also produce ethnicity and disability pay gap figures to sit alongside the gender pay gap.
2. The D&BE Lead Officer provides an update of what has been achieved to date and plans for the future in the area of equality and inclusion; and the work of our Diversity Networks.
3. The first planned Equality and Inclusion Conference is to be focused on the topic of Intersectionality. Intersectionality was put forward as a topic at the recent Away Day of the Staff Diversity Networks, and will consider how discrimination can overlap when a person has multiple protected characteristics.
4. The second conference will focus on building strategies and skills for Staff Diversity Network Leads/Sponsors and provide a learning forum for best practice for D&I and HR professionals.

## Gender, Ethnicity and Disability Pay Gaps 2018

5. The gender, ethnicity and disability pay gaps as at March 2018 are attached as Appendices 1, 2 and 3. It is important not to confuse the pay gap differential with equal pay. The pay gap shows the difference in the average (mean or median) pay of one group compared to another; irrespective of job role or seniority e.g. female and male employees. Whereas equal pay concerns pay differences between two groups e.g. between male and female employees performing the same or similar work, or work of equal value.
6. This report sets out the information on the respective pay gaps in the following format:
  - average pay gap as a mean average
  - average pay gap as a median average
  - average bonus pay gap as a mean average
  - average bonus pay gap as a median average
  - proportion in receipt of a bonus payment
  - proportion of the overall group divided into four groups, from lowest to highest pay.
7. The pay gap calculation is based on total pay, so for example includes responsibility allowances in schools, unsocial hours payments and market forces supplements. The Committee is reminded that the grades which determine basic pay are defined by the job evaluation scheme. The bonus pay gap includes performance related payments i.e. eligible employees may earn: Grades A – C, a recognition award; and Grades D – J, a contribution based payment.
8. We have now had clarification from London Councils about how the calculations should be made in relation to ethnicity and disability pay gaps (which are non-statutory) and have updated the 2017 figures as reported to the last Committee meeting accordingly. We have now prepared both the 2017 and 2018 figures (outlined below), under the methodology suggested by London Councils.

### Summary Table: Gender, Ethnicity and Disability Pay Gaps 2018

Note: Bracketed figures represent the 2017 pay gap.

Protected characteristic	Mean hourly rate	Mean Bonus Rate
<b>Gender Pay Gap (based on 100% of the workforce)</b> The difference between women's pay and men's pay as a percentage of men's pay	6.4% lower (8.1% lower)	13.2% lower (14% lower)
<b>Ethnicity Pay Gap (based on 81.7% of the workforce)</b> BAME employees' pay and white employees pay as a percentage of white employees' pay	20% lower (26.6% lower)	6.2% lower (33.2% lower)
<b>Disability Pay Gap (based on 78.6% of the workforce)</b> Pay of employees who have declared a disability and the pay of employees who have declared they do not have a disability as a % of the pay of employees who have declared they do not have a disability	8.7% lower (11.6% lower)	26.8% lower (21.9% lower)

9. It is important to note, that staff are not obliged to disclose their ethnicity or disability and some staff are unwilling to disclose or do not use employee self-service to input their data on to City People. Regular reminders are sent to staff to add and/or update their personal and sensitive data on City People, but there will always be a small core of staff who chose not to do so. Casual employees are unlikely to use self- service in the same way as other staff, and as part of the draft Equality and Inclusion Action Plan 2019/20 we have included an action to address those areas who have large casual workforces and other particular areas where reporting is low to improve the level of reporting of personal data. This in turn will provide greater accuracy to our pay gap reporting. Chief Officers have already been encouraged to add their own data to self-service.
10. As noted last year, the majority of bonus payments relate to contribution pay. This year Chief Officers have been written to in advance of the end of year appraisal cycle reminding them of our bonus pay gaps and asking them to bear these in mind when moderating the proposed awards and in the distribution of awards across the grades. They have been asked to complete an equality test of relevance to guide this process and identify any unintended disparity.

## **Gender Pay Gap**

11. This is the second year of mandatory reporting the Corporation's Gender Pay Gap (Appendix 1)<sup>1</sup>. Whilst it is positive news that the average pay for women across the organisation has increased (i.e. the gender pay gap has reduced by 1.7%), we continue through our Equality and Inclusion Action Plan to work to reduce our gender pay gap.
12. Women who received a bonus did so at the same rate as men at 12%. However, the bonus payments women received were on average 13.2% lower than their male counterparts, an improvement of 0.8% on the previous year.

## **Ethnicity Pay Gap**

13. The government ran a consultation exercise on mandatory ethnicity pay reporting from 11 October 2018 to 11 January 2019 and are presently analysing the feedback received. New legislation could be introduced from April 2019, with the first annual reporting date occurring in April 2020. The Corporation's Ethnicity Pay Gap is at Appendix 2.
14. The ethnicity pay gap mean hourly rate is 20% lower, the difference between BAME pay and white employees pay as a percentage of white employees' pay. Whilst the bonus pay gap is 6.2% lower. As our annual workforce profile reports have identified, the number and proportion of ethnic minority staff at more senior levels is disproportionately lower than it is for white staff. The draft Equality and Inclusion Action Plan includes measures that we intend to introduce, to address and reduce the pay gap identified.

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<sup>1</sup> Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 (SI 2017/172). Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353) (the Public-Sector Regulations). Mandatory reporting by employers who employ a headcount of 250 or more employees on the "snapshot date" in the year to which the required information relates: 31 March for government departments, the armed forces, local authorities, NHS bodies as cited in Schedule 2 of the Public Sector Regulations and 5 April for all other private, voluntary and public sector employers.

## Disability Pay Gap

15. At present there is no mandatory requirement to produce a Disability Pay Gap. However, in January 2019 the parliamentary committee for Business, Energy and Industrial Strategy made the recommendation that this should be made a requirement in time for publication in 2020. This corresponds with the government's plans to get one million more disabled people into work over by 2027<sup>2</sup>.
16. The City Corporation's Disability Pay Gap is at Appendix 3. The disability pay gap mean hourly rate is 8.7% lower, the difference between those employees who have declared a disability as a percentage of the pay of those who have declared they do not have a disability. Whilst the bonus gap is 26.8% lower. Noting that as with the ethnicity pay gap, the draft Equality Inclusion Action Plan includes measure that we intend to introduce to address and reduce the pay gap identified.

## E&I Action Plan updates

### Diversity Champions

17. On the 26 March 2019 the City Corporation officially signed up for the Stonewall Diversity Champions programme. This is the UK's leading employers' programme for ensuring all LGBT staff, customers, clients and service-users are accepted without exception.
18. The City Corporation will now receive tailored support and a framework to help create a workplace where LGBT staff can thrive. Working closely with Stonewall, will be enable learning best practice from leading employers and progress towards being an inclusive workplace.
19. In addition to this there is also access to a library of research and best practice guides, monthly newsletter updating on Stonewall event and campaigns, guidance and support through the submission process of the Equality Index.
20. The D&BE Lead Officer is currently meeting with Web, Social media, Comms and Recruitment teams to ensure the UK Diversity Champions logo is used for internal and external branding including job posts, emails and newsletters and is communicated publicly.
21. In line with the Attracting Talent project this will also give the City Corporation access to Stonewall's Proud Employers website, a jobs board for LGBT candidates. This has 13,000 views per month and will help to attract diverse talent for all levels of the organisation. Five adverts are available for free in the first year of membership.
22. Four tickets have been secured for the Stonewall London Workplace conference 2019, where there will be a combination of workshop, discussion and challenge style sessions to give delegates a variety of learning opportunities - to look at topics as well as, share ideas with others. The key themes on the day will be Trans inclusion, understanding and celebrating identities, supporting staff, embedding LGBT inclusion into marketing and inclusive leadership.

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<sup>2</sup> 'Improving lives: the future of work, health and disability', Department for Work and Pensions strategy, 2017.



## Move towards becoming Disability Leaders

23. The City Corporation has successfully achieved Disability Confident Employer status by virtue of self-assessment. Therefore, the next step is to become a Disability Confident Leader subject to initiating independent validation of this assessment. This process for validation will involve validators looking at each of the criteria and the evidence previously provided in the Disability Confident Employer self-assessment so that they are assured that the core actions have been delivered against.
24. When the application to become a Disability, Confident Leader is submitted a short narrative on what will be conducted to show commitment as a Leader. Therefore, alongside getting processes in place for Diversity champions, the D&BE Lead Officer is meeting with those previously involved in the Disability Confident Employers process to formulate the relevant back story to strengthen this process.
25. As a Disability Confident Leader, there will be an expectation that the City Corporation will encourage other employers to make the journey to become Disability Confident. The main advantage of fulfilling this process is that it will aid the development of stronger links with City businesses across the City.

## Staff Diversity Networks

26. The D&BE Lead Officer had the first of the planned annual awaydays on the 18 March 2019 with the Staff Diversity networks chairs and leads. Attended by most network chairs or leads the afternoon session focused on branding, building a marketing business plan that sends a consistent message and how to boost attendance as well as collaborative working. There was also a demonstration on how Team sites can be utilised to benefit the networks and their members. The Disability and Women's network sites have since been set up with updated content.
27. The Carers network have now rebranded to become the Carers and Parent network and had a launch event on the 29 March 2019, attracting many new members who have now signed up to join the group. This will provide a more joined up approach to caring in the wider sense taking into account carers and employee rights as well as providing a wider support network and sharing of information and experiences. The Disability Inclusive Network (DIN) has also rebranded to become the Disability and Wellbeing Network (DAWN). The Chair is currently in discussion about next steps to relaunching the network.
28. The Staff Diversity Networks are working in collaboration with City Well to host an event ***Make time for mental health*** event at Mansion House on 14 May 2019. The Networks have where possible secured speakers and will have a stall during the event to encourage increased membership.
29. Within the previous update it was suggested that the budgets for all the Networks be held in once central place; by the D&BE Lead Officer. An arrangement has since been established whereby special codes will be assigned to each network making end of year arrangements as seamless as possible, enabling the current system to remain.

## **Diversity Network Conferences**

30. Two conferences are currently being planned to be held during Inclusion Week 23-27 September 2019, in the Livery Hall on the 23<sup>rd</sup> and 24<sup>th</sup>. The first event will be themed around Intersectionality giving delegates an opportunity to learn more about the topic through hearing perspectives from a range of speakers, followed by a panel session giving them the chance to ask their own questions and identify actions.
31. This event will be open to all City Corporation staff and will be run twice in one day to enable as many people from different locations to attend.
32. The second conference is proposed to enable the City Corporation to keep in close contact with organisations across the City that are at a similar stage in their D&I and networking journeys. It is therefore proposed that two half day sessions are run over one day, the morning session will focus on building strategies and skills for Staff Diversity Network Leads/Sponsors and the afternoon will be a forum for best practice for D&I and HR professionals.
33. Both sessions will be open to City Corporation Staff Diversity Leads/sponsors and Network and D&I Leads across the city. Both will be put together by Jeito Consulting and the D&BE Lead Officer who have agreed to invite their contacts. This will be a charged event for city businesses (TBE). Lunch and refreshments will be provided.
34. The overall objectives of these events will be to: boost the energy, resilience, skills and impact of the Staff Diversity Networks; build and continue to engage a community of D&I/HR Leaders across the city; increase the impact of the City Corporation as being at the centre of the city community; and continue to improve impact internally.

## **Conclusion**

35. The pay and bonus pay gaps have reduced in March 2018 reports. This reflects initiatives included in the Equality and Inclusion Action Plan. Whilst reporting of ethnicity and disability employee self-service is relatively high (81.7% and 78.6%), greater accuracy could be achieved in pay and bonus pay gap reporting if all those in scope added their personal data on City People. We send out communication to all employees periodically and more frequently on City People encouraging them to enter their personal data explaining that we collate it for statistical purposes to inform and help measure our progress against our Equality and Inclusion Action Plan. We have included a special initiative in the draft Equality and Inclusion Action Plan to try to improve the level of reporting. A more detailed analysis of the pay gaps will be reported to a future meeting of the Committee.
36. The revised Equality and Inclusion Action Plan for 2019-20 is drafted and currently subject to consultation with the Staff Networks, the HR community and other interested parties.
37. Work of the D&BE Lead Officer is progressing with a number of activities planned in the coming months.

## **Appendices**

Appendix 1: Gender Pay Gap March 2018  
Appendix 2: Ethnicity Pay Gap March 2018  
Appendix 3: Disability Pay Gaps March 2018

## **Background Papers**

Equality and Inclusion Update report to Establishment Committee, 26 February 2019  
Gender Pay Gap report to Establishment Committee, 26 February 2018

### **Tracey Jansen**

Assistant Director of Human Resources  
T: 020 7332 3289  
E: [tracey.jansen@cityoflondon.gov.uk](mailto:tracey.jansen@cityoflondon.gov.uk)

### **Amanda Lee-Ajala**

Diversity and Engagement Lead Officer  
T: 020 7332 1406  
E: [amanda.Lee-Ajala@cityoflondon.gov.uk](mailto:amanda.Lee-Ajala@cityoflondon.gov.uk)

### **Carol Simpson**

Strategic HR Project Manager  
T: 020 7332 3482  
E: [carol.simpson@cityoflondon.gov.uk](mailto:carol.simpson@cityoflondon.gov.uk)

**Appendix 1: The Corporation’s Gender Pay Gap (“snap shot” date of 31 March 2018)**

<b>Pay rates</b>	<b>Gender pay gap - the difference between women's pay and men's pay as a percentage of men's pay</b>		
Mean hourly rate	6.4% Lower		
Median hourly rate	1.4% Lower		
<b>Pay quartiles</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
Proportion of women and men in the <b>upper quartile</b> (paid above the 75th percentile point)	42.2%	57.8%	100%
Proportion of women and men in the <b>upper middle quartile</b> (paid above the median and at or below the 75th percentile point)	50.3%	49.7%	100%
Proportion of women and men in the <b>lower middle quartile</b> (paid above the 25th percentile point and at or below the median)	51%	49%	100%
Proportion of women and men in the <b>lower quartile</b> (paid below the 25th percentile point)	44.7%	55.3%	100%
<b>Bonus pay</b>	<b>Bonus Gender Pay Gap - the difference women's bonus and men's bonus as a % of men's bonus</b>		
Mean bonus	13.2% Lower		
Median bonus	5.9% Lower		
<b>Bonuses paid</b>	<b>Women</b>	<b>Men</b>	
Who received bonus pay	12%	12%	

## Appendix 2: The Corporation's Ethnicity Pay Gap ("snap shot" date of 31 March 2018)

Pay rates	BAME pay gap - the difference between BAME employees' pay and white employees pay as a percentage of white employees' pay			BAME pay gap - BAME employees' pay as a percentage of white employees' pay	Hourly rate of pay for BAME employees	Hourly rate of pay for white employees	Difference £
Mean hourly rate	20% Lower			80%	£19.10	£23.87	£4.77
Median hourly rate	17.8% Lower			82.2%	£17.01	£20.70	£3.69
Pay Quartile Information				Workforce composition			
Pay quartiles	BAME	White	Total	BAME headcount	White headcount	Non disclosed headcount	Total headcount
Proportion of BAME and white employees in the <b>upper quartile</b> (paid above the 75th percentile point)	7%	77%	84%	88	947	201	1236
Proportion of BAME and white employees in the <b>upper middle quartile</b> (paid above the median and at or below the 75th percentile point)	13%	74%	87%	164	920	152	1236
Proportion of BAME and white employees in the <b>lower middle quartile</b> (paid above the 25th percentile point and at or below the median)	20%	64%	84%	244	794	197	1235
Proportion of BAME and white employees in the <b>lower quartile</b> (paid below the 25th percentile point)	18%	53%	71%	228	653	355	1236
Bonus pay	Bonus BAME Pay Gap - the difference BAME employees' bonus and white employees' bonus as a % of white employees' bonus			Bonus BAME Pay Gap - BAME employees' bonus as a % of white employees' bonus	Bonus pay of BAME employees	Bonus pay of white employees	Difference £
Mean bonus	6.2% Lower			93.8%	£1,523.31	£1,624.59	£101.28
Median bonus	1.4% Lower			98.6%	£1,095.60	£1,110.96	£15.36
Bonuses paid							
BAME paid bonus as % of all BAME	8%						
White paid bonus as % of all White staff	15%						
Black, Asian and Minority Ethnic (BAME) includes employees recorded in the following categories (categories taken from the 2001 Census): Asian/Asian British (inc Chinese), Black/Black British, Mixed/Multiple Heritage and Other Ethnic Group (i.e.: all other categories than that of White British and White Other). For the calculations exclude any employees whose ethnicity is not known.							

Note: A significant proportion of employees in the lower quartile are casual employees and are therefore less likely to enter their ethnicity information on City People.

### Appendix 3: The Corporation's Disability Pay Gap ("snap shot" date of 31 March 2018)

Pay rates	Disability pay gap - the difference between the pay of employees who have declared a disability and the pay of employees who have declared they do not have a disability as a % of the pay of employees who have declared they do not have a disability			Disability pay gap - the pay of employees who have declared a disability as a percentage of the pay of employees who have declared they do not have a disability	Hourly rate of employees who have declared they have a disability	Hourly rate of employees who have declared they do not have a disability	Difference £
Mean hourly rate	8.7% Lower			91.4%	£21.10	£23.10	£2.00
Median hourly rate	8.1% Lower			92%	£18.56	£20.19	£1.63
Pay Quartile Information				Workforce composition			
Pay quartiles	Disabled	Not disabled	Total	Disabled headcount	Not disabled headcount	Non disclosed headcount	Total headcount
Proportion of disabled and not disabled employees in the <b>upper quartile</b> (paid above the 75th percentile point)	2%	80%	82%	25	984	227	1236
Proportion of disabled and not disabled employees in the <b>upper middle quartile</b> (paid above the median and at or below the 75th percentile point)	3%	79%	82%	38	982	216	1236
Proportion of disabled and not disabled employees in the <b>lower middle quartile</b> (paid above the 25th percentile point and at or below the median)	3%	77%	80%	41	955	239	1235
Proportion of disabled and not disabled employees in the <b>lower quartile</b> (paid below the 25th percentile point)	3%	67%	70%	38	824	374	1236
Bonus pay	Bonus Disability Pay Gap - the difference between the bonus paid to employees who have declared a disability and employees who have not declared a disability as a % of employees who have declared a disability.			Bonus Disability Pay Gap - Pay of employees who have declared a disability as a % of pay of employees who have declared they do not have a disability	Bonus pay of employees who have declared they have a disability	Bonus pay of employees who have declared they do not have a disability	Difference £
Mean bonus	26.8% Lower			73.2%	£1,186.67	£1,620.34	£433.67
Median bonus	0%			100%	£1,095.60	£1,095.60	£0
Bonuses paid							
Disabled paid bonus as % of all Disabled	10.6%						
Non disabled paid bonus as % of all Non disabled staff	14.1%						
For the calculations exclude any employees for whom disabled/not disabled is not known.							

Note: A significant proportion of employees in the lower quartile are casual employees and are therefore less likely to enter their disability information on City People.

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	30/04/2019
<b>Subject:</b> Code of Conduct and Conflicts of Interest	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Decision</b>
<b>Report author:</b> Carol Simpson – Human Resources, Town Clerk’s Department	

## Summary

At the Establishment Committee of 9 July 2018, Members received a report detailing the Declaration of Interest process for Officers. A further report was presented on 29 October 2018 with revised guidelines on the Declaration of Interests and Register of Interests for Chief Officers and Senior Managers at Grades I and J to reflect the Members request that declarations made by these senior managers should mirror where possible the categories of declarations made by Members.

This report is for consideration and approval of revisions to the Code of Conduct and a separate Conflicts of Interest Policy. Previously the Declaration of Interest process sat within the Code of Conduct. This has enabled the Code of Conduct to focus on the principle standards and behaviours of Officers, whilst the separate Conflicts of Interests Policy provides a more comprehensive approach to matters pertaining to conflicts or potential conflicts.

## Recommendation

Members are asked to approve the revisions to the Code of Conduct and the introduction of a new Conflicts of Interest Policy.

## Main Report

### Background

1. A comprehensive review of the Code of Conduct has not taken place since 2012. The most recent updates in 2018 related to the declaration of interest process for officers and senior managers in response to an internal audit; and to reflect legislative changes such as General Data Protection Regulation (GDPR).
2. Officers are bound by the City of London Corporation (City Corporation) Code of Conduct as employees and many aspects also apply to other workers including casual workers, agency workers and consultants<sup>1</sup>. The Code sets out expectations in terms of their conduct both within the organisation and as a representative of the City Corporation.
3. A separate Conflicts of Interest Policy enables a more comprehensive overview of circumstances in order to prevent, counter or deal with actual or potential conflicts of interest. Albeit whether the interest is pecuniary or non-pecuniary, resulting in personal gain or benefit to an individual Officer or others.

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<sup>1</sup> For relevant parts of the Code that relate to volunteers, these will be reflected in a Volunteers Guide.

## Current Position

4. Upon reviewing the Code of Conduct this has provided the opportunity to draw out Officers obligations under existing terms and conditions of employment or engagement i.e. declaring criminal convictions in accordance with the DBS Code of Practice and driving offences during employment/engagement.
5. The Code of Conduct notably does not address the responsibility that all employees and other workers have to safeguard the welfare of children, young people and adults at risk, to report allegations or concerns.
6. The Code of Conduct does not provide sufficient depth to the complexity of the range of potential conflicts of interest across the City Corporation. To avoid ambiguity a stand-alone Conflicts of Interest Policy is warranted to ensure understanding, transparency and impartiality.

## Proposals

7. The proposed Code of Conduct and Conflicts of Interest Policy share commonalities in regard to:
  - The implied duties serving the employer with good faith and fidelity.
  - The duty to report immediately circumstances that could reasonably be expected to impact on an individual's role (inside or outside of work).
  - To direct media enquiries to the Media Team for a response.
  - For Officers to periodically review the latest document versions (and any related documentation).
  - That substantive contraventions may result in disciplinary proceedings or appropriate action which could result in dismissal from employment or termination of engagement.
  - The City Corporation requirements around confidential information.
  - The need to report any impropriety or material breaches of procedure.

## 8. Code of Conduct

Clarifications made to the Code of Conduct (Appendix 1). The highlights are:

### i. **Conflicts of Interest**

A summary of the most common areas in which conflict of interests may occur and the obligation to declare; and directing Officers to the Conflicts of Interest Policy for more detailed information.

### ii. **Criminal convictions and driving offences**

Corresponding with Officers existing terms of condition of employment or engagement, the declaration of criminal convictions in accordance with the DBS Code of Practice and driving offences during employment/engagement.

### iii. **Relationships**

Clarification that Officers who are also residents of the City Corporation are not precluded from appropriately raising matters with Members in relation to local matters in their own time. This is correspondingly reflected in the Conflicts of Interest Policy.



**iv. Other Employment Matters**

Employees/other workers occupying posts requiring registration with a statutory or professional body i.e. Social Workers; maintain their registration requirements and provide evidence to the line manager. They must also adhere to any duty to report to their line manager any matters with a bearing on their registration or membership.

**v. Bribery, Corruption and Fraud**

Clarification that employees and other workers must not act fraudulently, whether in relation to finances, resources or other assets such as seeking to claim entitlement to a government benefit or service by misrepresenting their true circumstances or falsification of records to secure a form of benefit whether financial or otherwise, albeit for themselves or others.

**vi. Health and Safety and Wellbeing**

Setting out the City Corporation's holistic and proactive approach to health, safety and wellbeing through the adoption of preventative measures to safeguard physical health and mental wellbeing.

**vii. Safeguarding**

Serving as a reminder that under the Safeguarding Policy it is the responsibility of all Officers whatever their role or service to safeguard the welfare of children, young people and adults at risk; and how to report allegations or concerns.

**9. Conflicts of Interest Policy**

The Conflicts of Interest Policy (Appendix 2) lifts the relevant sections on conflicts of interest from the existing Code of Conduct and provides a more comprehensive overview of what constitutes a conflict or potential conflict coupled with the administration of declarations.

Principle areas of clarification made:

**i. Relationships**

Clarification that employees' and other workers must not abuse their position of trust to access records relating to themselves, their close relatives or those with whom they have a close personal relationship and the appropriate process on how to request their own data.

**ii. Secondary employment, running a business, or other outside commitments**

A new requirement, where the City Corporation grants paid time off work to undertake public duties (for up to 12 days maximum in any year) under the Special Leave and Time Off Policy. Where a fee is gained, or allowance paid this will need to be paid to the City Corporation e.g. a tribunal panel member day rate fee, or financial loss shown in respect of a local councillor's annual allowance. However, where an employee elects to take annual leave or unpaid leave (as opposed to Special Leave with pay), this requirement does not apply. This requirement will correspondingly need to be reflected in the Special Leave and Time Off Policy.

**iii. Procurement Activities and Contractors/Potential Contractors**

A separate City Procurement, Contract and Tendering Declaration Form (Officers), is proposed to be used by employees and other workers involved in procurement activities at the start of each procurement exercise. This enables a separation of declarations non-procurement related and procurement related, in respect of processing personal data.

In addition, it is not acceptable for employees and other workers with buying responsibilities to use their own, relatives or friend's personal loyalty cards while making purchases on behalf of the City Corporation or service users.

**iv. Circumstances to complete a Declaration of Interest Form**

This section summaries the circumstances in which the majority of conflicts of interests will arise and declaration arrangements. Noting that senior managers (Chief Officers and senior managers at grades I and J) have a wider range of categories upon which to make declarations (Establishment Committee report, October 2018)<sup>2</sup>.

**v. Circumstances to complete a Register of Interest Form**

Chief Officers will continue to complete a Register of Interest Form, which is reported to the Establishment Committee and becomes part of the public record, as named individual records are available in open committee papers.

For Senior Managers at Grades I and J, their declarations are not being made publicly available, so their disclosures will be encapsulated within the Declaration of Interest Form (Officers) and reviewed by the Director of HR and Town Clerk.

**vi. Raising Concerns and Whistleblowing**

Serving as a reminder to Officers of the ability to raise any concerns around misconduct or the lawfulness of any action or proposed action with the appropriate manager or Chief Officer at a local level; or alternatively use the Whistleblowing Policy where there's a need to raise the issue outside the management chain.

## **10. Compliance and monitoring**

Each Chief Officer oversees the annual Declaration of Interest notification reminder process<sup>3</sup> within their department. Whereas Corporate HR / HR Contact will issue the Declaration and Register of Interest Form for new starters at the conditional offer stage of recruitment or as a result of a promotion or change of role. It is planned to keep a record of declarations in CityPeople Managers' self-service in due course to enable global level reporting and monitoring of compliance.

## **11. Consultation**

Consultation has been undertaken with the City Corporation's recognised trade unions, these being Unite and the GMB; and the Senior Managers Group representatives for senior management.

## **12. Communications**

The intranet HR Topics section will be a point of reference for both staff and managers to locate instructions and guidance related to declarations of interest, including Declaration and Register of Interests FAQs (Appendix 3).

An annual communications campaign, endorsed by the Town Clerk, will be undertaken to raise general awareness to promote compliance.

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<sup>2</sup> However, senior managers unlike Members will not be required to make declarations in respect of their spouse, civil partner, or person living as such as it would be disproportionately intrusive to request the same information for Officers where there is no legislative requirement for them to do so.

<sup>3</sup> The office of the Director of HR co-ordinates Chief Officers' Declarations of Interest process.

### **13. Conclusion**

The public is entitled to demand conduct of the highest standard. City Corporation employees have an obligation to avoid conflicts between their private interests and their duty to the City Corporation, particularly where this could result in a detrimental outcome or in any way weaken public confidence.

### **Appendices**

- Appendix 1 - Code of Conduct
- Appendix 2 - Conflicts of Interest Policy
- Appendix 3 - Declaration and Register of Interests FAQs

### **Background Papers**

- Declarations of Interest, Establishment Committee, 09/07/2018
- Declaration of Interests and Register of Interests: Chief Officers and Senior Managers at Grades I & J, Establishment Committee, 29/10/2018

### **Carol Simpson**

Strategic HR Project Manager

T: 020 7332 3482

E: [carol.simpson@cityoflondon.gov.uk](mailto:carol.simpson@cityoflondon.gov.uk)

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# Code of Conduct

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## Scope

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1. The Code of Conduct (the 'Code') applies to all employees and other workers (including casual workers, agency workers and consultants)<sup>1</sup> and their conduct both within the organisation and when dealing with other organisations as a representative of the City of London Corporation. For ease of reference the term "employees and / or other workers" will be used unless otherwise stated as applying only to employees or specified other workers.
2. Where there are additional requirements in the policy applicable to Chief Officers and senior managers at grades I and J (including any other employees and other workers with the same level of seniority); for ease of reference the term "Senior Management" will be used, unless it is stated as applying only to part of this group.
3. As far as possible, employees must also comply with the Code if they are appointed as a representative of the City Corporation on any organisation, trust or company in addition to the requirements of such bodies.
4. The principles detailed below set common standards for all employees and other workers, but individual Chief Officers may wish to issue further guidance specifically relating to their departmental service requirements, which will supplement but not contradict the principles contained in this Code.
5. The Code does not affect an employee's and other worker's rights and responsibilities under the law. These principles should be taken in conjunction with requirements set down by any employees or other worker's professional bodies obligations.
6. The Code cannot cover every eventuality and if in any doubt or any additional guidance is required, employees and other workers should consult their line manager, who may seek advice as necessary from Corporate HR or their HR contact.

## Standards

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7. Employees and other workers are expected to give the highest possible standard of service to the public, service users, Members, management and colleagues; and where it is part of their duties, to provide advice to Members, management and colleagues to do so with impartiality and in good faith.
8. This will be achieved in part through the demonstration of effective and appropriate behaviours defined internally, and adherence to the Principles of Public Life i.e. selflessness, objectivity, accountability, openness, leadership, honesty and integrity in which the public, Members, or managers can trust. Employees and other workers are expected to conduct themselves with the reasonably held belief that the City Corporation is not likely to fundamentally undermine the required relationship of trust and confidence between themselves and the organisation.

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<sup>1</sup> For relevant parts of the Code that relate to volunteers, see Volunteers Guide.

9. There is an implied duty in employment and casual worker contracts to serve the employer with good faith and fidelity (i.e. the duty: not to disrupt the employer's business, not to compete, not to solicit customers, not to entice employees, not to misuse the employer's property; and the duty: of confidentiality, to account and to disclose wrongdoings); the duty to: obey lawful and reasonable instructions, to be adaptable and to exercise reasonable care and skill. Equivalent provisions will be included in contracts with other workers.
10. Employees and other workers must immediately inform their line manager in writing if, during their City Corporation employment / engagement circumstances arise (during or outside of working hours) that could reasonably be expected to impact on their capability, capacity and/or suitability to carry out the duties and responsibilities of their role.
11. Employees and other workers must not conduct themselves in a way that brings or could bring the City Corporation, Members, service users, partners and colleagues into disrepute or cause reputational damage; so that it is likely to destroy or seriously damage the relationship of trust and confidence between them.
12. All employees and other workers should refer any press or media enquiries directly to the Media Team, without engagement. Any article, publication or interview given on City Corporation policy or activity must be properly authorised by the Director of Communications or Head of Media.
13. To ensure compliance with the Code of Conduct, employees and other workers should periodically familiarise themselves with the latest version and any documents referred to therein. Employees and other workers should also have read and understood the conditions under which they are engaged, including all local policies, which take into account all legislation and any local and national schemes where applicable. This Code and corporate policies are contained within the Employee Handbook.
14. Any substantive contravention of this Code may result in disciplinary proceedings, and those disciplinary proceedings may result in dismissal. For other workers not falling within the scope of disciplinary procedures appropriate action will be taken. In addition, certain cases such as those involving bribery, corruption or fraud may also be referred to the Police and subject to a criminal investigation. Where the offence involves financial irregularities then the City Corporation will aim to recover its assets.
15. Employees and other workers shall not during or at any time after their employment / engagement with the City Corporation ending (except in the proper course of their duties or unless required by law), disclose or otherwise make use of any confidential information relating to the City Corporation's business, strategy, policies or finances, including personal information relating to service users, Members or employees or other workers. (See Disclosure of Information below).
16. Employees and other workers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management potential deficiencies in the provision of service. Employees and other workers must report impropriety or any material breaches of procedure to the appropriate manager. The

Whistleblowing Policy is also available to employees who feel they need to raise an issue outside of the management chain.

17. The Director of Human Resources will be responsible for the interpretation, advice and management of this Code on behalf of the City Corporation.

## **Conflicts of Interest**

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18. All City Corporation employees and other workers must remain beyond suspicion and ensure that they are not placed in a position that risks, or appears to risk, conflict between their private interests and their City Corporation duties.
19. The Conflicts of Interests Policy sets out the process to report the type of incidents which may give rise to conflicts of interest including for example: relationships, personal interests, secondary employment or running a business, outside commitments, and the giving or receiving of sponsorship (whether awarded from outside or by the City Corporation), procurement activities, gifts and hospitality. In addition, where employees and other workers self-identify any other type of conflict / potential conflict of interest these should be disclosed as soon as they become aware of them.
20. Senior management are required to make disclosures or confirm a nil return on a wider range of categories than employees and other workers; this is in line with their responsibilities for the activities of the City Corporation, its workforce and for advising Members on the potential implications of political decisions.
21. An employee wishing to undertake additional employment will require permission in advance from their Chief Officer. The City Corporation will not prevent an employee from undertaking additional employment providing it does not conflict with the interests of, or in any way weaken public confidence in the City Corporation and does not in any way affect performance of their duties and responsibilities whilst they are at work; or where their current position could confer advantage to their private interest/personal gain. If there is a conflict the manager can ask an employee to discontinue with conflicting additional work or business interests; noting that the permission given to undertake an additional role does not preclude the City Corporation taking action in response to its impact on their work performance.

## **Disclosure of Information**

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22. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public.
23. Most Committee agendas and most reports and background papers are required by law to be available for public inspection. Detailed guidance is available from the Town Clerk's department. Obstruction of a member of the public who wishes to exercise their lawful rights to access documents may be a criminal offence. If in doubt, refer to the Town Clerk or Comptroller for advice.



24. The public are specifically excluded from certain proceedings of Committees or meetings associated with the business of any Committee. No employee or other worker shall communicate to the public, the confidential content of such proceedings or any document relating to the City Corporation, unless required by law or expressly authorised by the Town Clerk to do so. Equally, no employee or other workers shall disclose confidential information to other employees or other workers who have no reason to know.
25. Employees and other workers have a responsibility to protect and not disclose commercially sensitive information unless required to effectively perform their duties. Guidance should be sought from the appropriate Chief Officer.
26. Employees and other workers have a duty to maintain confidentiality and must not disclose any information obtained in the course of their employment or engagement to any third party for any unauthorised reason.
27. Employees and other workers should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
28. Employees and other workers must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, such information which is stored on computer systems must also only be disclosed in accordance with the requirements of the Data Protection Act. A disclosure which complies with the requirements of the Whistleblowing Policy will be regarded as authorised disclosure.

## **Political Neutrality**

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29. Employees and other workers serve the City Corporation as a whole and must not allow their own personal or political opinions to interfere with their work. They must serve all Members and colleagues; and must ensure that the individual rights of all Members and employees are respected. Employees and other workers whether or not politically restricted, must follow every lawfully expressed policy of the City Corporation. Where a City Corporation employee or other worker holds a politically restricted post such restriction is deemed to be incorporated in their contract of employment / engagement. (See Politically Restricted Posts Policy).

## **Criminal convictions and driving offences**

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30. Prospective employees and other workers will be asked to disclose convictions on their City Corporation in accordance with the DBS Code of Practice. Employees and other workers must declare actual convictions including driving offences during their employment. The existence of convictions will not preclude the appointment of candidates to the City Corporation unless relevant to the post.

31. During the course of employment or engagement, if required by the City Corporation due to the nature of their role, employees and other workers will be subject to repeat criminal record disclosure checks. (Refer to the Disclosure and Barring Service Policy for detailed guidance).

## **Relationships**

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### **Relatives and close personal relationships**

32. Employees and other workers must declare using the Declaration of Interest Form (Officers) any close personal relationships they have with any candidates for appointment to a vacancy (as they become aware of them); a Member; contractor/potential contractor; City Corporation partner organisation; a service user; or as a manager / supervisor with an employee and other worker or vice versa to ensure that potential problems are avoided. Similarly, where a relationship is formed in the workplace and there is potential for conflict to arise, this should be declared. Any such disclosures will be dealt with sensitively.
33. To avoid accusations of impropriety employees and other workers should not be involved in the administration or decision-making in any City Corporation employment or service provision matters for relatives and anyone with whom they have a close personal relationship, including a child. (See Conflicts of Interests, Relationships).

### **Other employees / workers and managers**

34. All employees and other workers have a responsibility to act in a way that ensures dignity and respect for their colleagues. All employees and other workers are expected to adhere to the standards of behaviour as set out in the City Corporation's relevant Policies and Procedures. In particular not to unlawfully discriminate against colleagues, or engage in any form of harassment i.e. sexual, racial.
35. The City Corporation recognises that employees and other workers who work together may have or form close personal relationships. While it does not wish to interfere with these personal relationships, the City Corporation does expect all such employees and other workers to behave in an appropriate and professional manner at work.
36. Employees and other workers with their managers have a mutual responsibility to ensure good working relationships in compliance with the policies and procedures contained in the Employee Handbook. As part of this, employees and other workers should carry out any reasonable and lawful requests that their manager makes and to do so to the best of their ability; and behave courteously, reasonably and fairly in all dealings with their managers. Managers should endeavour to reasonably support employees and other workers in the proper performance of their duties, including assistance, where necessary, in working with others; and behave courteously, reasonably and fairly in all dealings with their teams.

## **Members**

37. Employees and other workers are responsible to the City Corporation as an authority through its Chief Officers and the Town Clerk and Chief Executive as the Head of Paid Service. The role of some employees is to give advice and information to Members and for all employees and other workers to implement the policies determined by the City Corporation.
38. Mutual respect between employees, other workers and Members is essential, and relationships should be conducted on a constructive and professional basis. In this regard, the City Corporation has adopted a Protocol on Member / Officer Relations.
39. Employees and other workers should self-declare any relationship they have with a Member in the interest of transparency and must not lobby Members inappropriately in relation to personal issues affecting either their employment or other matters personal to them. This does not preclude employees who are also residents of the City Corporation, from raising matters in relation to local matters, appropriately in their own time.

## **Public and Service Users**

40. Employees and other workers should always remember their responsibilities to the public and service users they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals as defined by the policy statements of the City Corporation. All stakeholders (e.g. residents, service users and city workers) have a right to be treated with fairness and equality.
41. Where an employee or other worker is either a relative or in a close personal relationship with a member of the public or service user, such relationships must be declared promptly to the line manager or senior manager to determine the appropriate action. (See Relatives and Close Personal Relationships above and Conflicts of Interest Policy).

## **The Press and the Media**

42. Employees and other workers must not deal directly with the press or the media unless they have been expressly authorised by the Director of Communications or the Head of Media. All media enquiries received by officers must be immediately referred to the Media Team, without engaging with the journalist. Any article, publication, or interview given on aspects of City Corporation policy or activity must be properly authorised by the Director of Communications or the Head of Media.

## **Other Employment Matters**

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43. Employees and other workers occupying posts which require registration with a statutory body (e.g. the Health and Care Professions Council (HCPC) Register of Social Workers), or

any other mandatory membership, must ensure they maintain the necessary criteria to retain the relevant level of registration and provide evidence to their line manager accordingly. In addition, an employee or other worker must adhere with any duty to report issues with a bearing on their registration or membership and inform their line manager accordingly.

44. Employees and other workers shall dress in line with the appropriate standards set by individual departments. Any special clothing, including personal protective clothing and equipment, or uniform provided by the City Corporation must be worn where required.
45. Employees and other workers should ensure that they are display their corporate identification pass at all times with their photo clearly visible whilst on City Corporation premises and remove it on departure. Passes must be made available for inspection by security personnel and comply with any security requests or instructions whilst on City Corporation premises. (Refer to Security Policy, People).
46. All employees, other workers and volunteers are expected to notify their line manager if they are going to be absent from work; agency workers must inform their agency who will then notify the City Corporation. (See, Sickness Absence Policy).
47. All employees and other workers must be accurate in timekeeping at work, undertaking time recording where this is a requirement.

## **Equality and Inclusion**

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48. All City Corporation employees and other workers must ensure that the City Corporation's policies relating to equality and inclusion are complied with in addition to the requirements of the law. Such policies would include the: Equal Opportunity Policy, Lone Working Policy (incorporating the Preventing Violence Policy) and Grievance Procedure, Recruitment and Selection Policy and Managing People Policy. All members of the local community, customers and colleagues have a right to be treated with fairness and equity.

## **Data Protection, Information Technology and Security**

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49. The City Corporation encourages the use of appropriate technology to achieve efficient and effective services. Employees and other workers must ensure that they use technology professionally, appropriately and responsibly and follow the City Corporation's procedures in relation to the use of technology and access to / storage of information in relation to the General Data Protection Regulation and the Data Protection Act.
50. This also applies to external facing technology including social media which due to its nature means any comments posted either directly about or that could be associated with the City Corporation should be regarded as public, whether made in a work or private capacity. Comments should not damage the reputation of the organisation, Members, employees, other workers or service users, or contravene the Equal Opportunity Policy. (See, Social Media Policy).

51. The City Corporation processes personal data collected in respect of the processes cited within the Code of Conduct in accordance with its Data Protection Policy (Employees) and Employee Privacy Notice. Data collected is held securely, accessed by and disclosed to individuals only for the purposes of conducting the relevant process (i.e. to ratify declarations, to investigate reported breaches) and related processes (where relevant), and as required by law.
52. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the corporate Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Disciplinary Procedure.
53. All employees and other workers must undertake such data protection training as required by the Corporation's Data Protection Officer.

## **Intellectual Property**

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54. Intellectual property is a generic term that includes inventions and patents, creative writings and drawings, photographs and images. If these are created by an employee or other worker during the course of employment or engagement, then as a general rule the property belongs to the City Corporation. Specific arrangements may exist locally.
55. Any matter or thing capable of being patented under the Patents Act 1977 whether made, developed or discovered by an employee, either alone or with others, whilst in the performance of their duties should be disclosed to the City Corporation through the appropriate Chief Officer, and subject to the provisions of the Patents Act, it will belong to and be the absolute property of the City Corporation.

## **Bribery, Corruption and Fraud**

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56. Employees and other workers must be aware that it is a serious criminal offence (and an act of gross misconduct) for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee or other worker to demonstrate that any such rewards have not been corruptly obtained. Such acts may compromise the impartiality of the City Corporation and cause reputational, legal and financial damage.
57. It is important to avoid the perception as well as the fact of bribery or corruption. Employees and other workers must comply with all applicable bribery and corruption laws.
58. Employees and other workers will not offer, promise, give, request, or agree to receive, or accept any bribes:
  - in the course of their employment;
  - when conducting City Corporation business; or
  - when representing the City Corporation in any capacity.

59. A bribe means a financial payment or other forms of reward or advantage, whether direct or indirect, that is intended to induce or influence, or has the effect of inducing or influencing, an individual, company or public body (whether in the UK or abroad) to perform their functions, including business and public duties, improperly. Improper performance includes:
- not acting in good faith;
  - not acting impartially; and
  - not acting in accordance with a position of trust.
60. Employees and other workers must not act fraudulently, whether in relation to finances, resources or other assets. For instance employees and other workers should not directly or indirectly seek to claim entitlement to a government benefit or service (e.g. heating and housing benefits, carer and disability benefits, Blue Badge etc.) from the City Corporation, government department or other local authority by misrepresenting their true circumstances or falsification of records to secure a form of benefit whether financial or otherwise for themselves or others.

## **Use of Financial Resources and Property**

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61. Employees and other workers must ensure that they use all City Corporation funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money and to avoid legal challenge to the City Corporation.
62. All employees and other workers should be aware of and adhere to the City Corporation's Financial Regulations, Procurement Code and the Acceptable Use of IT Policy.
63. Employees and other workers must not steal, misuse, wilfully damage or take off site without permission, anything that belongs to the City Corporation.
64. Employees and other workers must not use City Corporation resources to recognise or reward colleagues without the approval of their Chief Officer.

## **Health and Safety and Wellbeing**

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65. The City Corporation as a responsible employer is committed to supporting and encouraging employees to be healthy and resilient individuals. The City Corporation has chosen to adopt a holistic and proactive approach to workplace health, safety and wellbeing, adopting preventative measures; to safeguard the physical health and mental wellbeing of employees and other workers.
66. Employees and other workers are expected to ensure that a safe working environment is maintained and prevent the risk of injury to themselves and others in accordance with the City Corporation's Health and Safety Statement, occupational health and safety policies and guidance including any local arrangements. Employees and other workers are also expected to be proactive in reporting significant hazards or danger. They should inform their line manager in the first instance or other appropriate senior person.

67. The City Corporation has an Alcohol and Drugs Misuse Policy (see Employee Handbook) which is aimed at ensuring that employees and other workers are fit to work to perform their duties.

## **Safeguarding**

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68. All employees and other workers have a responsibility to safeguard the welfare of children, young people and adults at risk, whatever the role of the individual, or the City Corporation service or department they work in.
69. Any allegations or concerns that children and adults may be suffering significant harm should be raised promptly with your line manager and the City Corporation's Children and Families Service or Adult Social Care Service (see Safeguarding Policy).

## **Professional Indemnity**

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70. If an employee, former employee or volunteer (for the purpose of this paragraph, the term 'employee's refers to the narrow definition of employed staff), is subject to a claim for professional negligence from third parties, in relation to work they carried out as part of their duties for the City Corporation (including voluntary work approved by a Chief Officer carried out in connection with the City Corporation); they will be indemnified in relation to claims for damages and reasonable legal costs (subject as follows) for breaches of professional duty arising from the bona fide execution of their duties in accordance with current policies of the City Corporation. The City Corporation reserves the right to decide whether to defend (or contribute to the costs of defending) a legal action brought against an employee.

## **Raising Concerns and Whistleblowing**

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71. The City Corporation is committed to the highest possible standards of probity. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about the conduct of any aspect of the City Corporation's work to come forward and voice those concerns to us. It is recognised that most cases will have to proceed on a confidential basis.
72. Where employees or other workers have concerns around misconduct or the lawfulness of any action or proposed action, they should raise their concerns to the appropriate manager or Chief Officer without delay.
73. The Whistleblowing Policy is also available to employees and other workers who feel they need to raise an issue outside of the management chain. Any suspicion of wrongdoing will be treated seriously and will be reviewed and analysed in accordance with the Whistleblowing or Complaints Policy, considering the Public Interest Disclosure Act, the Human Rights Act and if appropriate the City Corporation's Anti-Fraud and Corruption Strategy.

74. City Corporation employees, agency workers, and contractors should be aware that they have statutory protection against victimisation and dismissal under the Public Interest Disclosure Act 1999 (PIDA)<sup>2</sup>, if they speak out genuinely against corruption and malpractice at work (see, Regulation of Investigatory Powers Policy and Procedure). Further information on how to make a disclosure is contained in the Whistleblowing Policy.

## **Links / Other resources**

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- Acceptable Use of IT Policy
- Alcohol and Drugs Misuse Policy
- Anti-Fraud and Corruption Strategy
- Conflicts of Interest Policy
- Data Protection Policy (includes the Employee Privacy Notice)
- Disciplinary Procedure
- Disclosure and Barring Service Policy
- Equal Opportunity Policy
- Financial Regulations
- Gifts and Hospitality Declaration Form
- Grievance Procedure
- Health and Safety Statement
- Physical and Verbal Abuse Policy
- Politically Restricted Posts Policy
- Procurement Code
- Protocol on Member/Officer Relations
- Recruitment and Selection Policy
- Regulation of Investigatory Powers Policy
- Safeguarding Policy
- Security Policy - People
- Sickness Absence Policy
- Social Media Policy
- Whistleblowing Policy

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<sup>2</sup> PIDA was further strengthened by the Enterprise and Regulatory Reform Act 2013.



# Conflicts of Interest Policy

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## Scope

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1. The Conflicts of Interest Policy applies to all employees and other workers i.e. casual workers, agency workers, consultants, prospective employees under conditional offer of employment, service providers and third-party advisors. For ease of reference the term “employees and / or other workers” will be used in the policy unless otherwise stated as applying only to employees or specified other workers.
2. Where there are additional requirements in the policy applicable to Chief Officers and senior managers at grades I and J (including any other employees and other workers with the same level of seniority); for ease of reference the term “Senior Management” will be used, unless it is stated as applying only to part of this group.
3. As far as possible, employees and other workers must also comply with the policy if they are appointed as a representative of the City of London Corporation on any organisation, trust or company in addition to the requirements of such bodies.
4. The principles detailed below set common standards for all employees and other workers, but individual Chief Officers may wish to issue further guidance specifically relating to their departmental service requirements, which will supplement but not contradict the principles contained in this policy.
5. This policy does not affect employees and other workers rights and responsibilities under the law. These principles should be taken in conjunction with requirements set down by any employee and other workers professional bodies obligations and the City Corporation’s Code of Conduct.
6. Whilst the policy tries to cover as many aspects of business conduct as possible, it is recognised that issues will arise which will not fit precisely into the categories described. Where this is the case employees should consult their line manager, who may seek advice as necessary from Corporate HR or their HR contact.

## Standards

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7. Employees and other workers are expected to give the highest possible standard of service to the public, service users, Members, management and colleagues; and where it is part of their duties to provide advice to Members and colleagues, to do so with impartiality and in good faith.
8. This will be achieved in part through the demonstration of effective and appropriate behaviours defined internally, and adherence to the Principles of Public Life i.e. selflessness, objectivity, accountability, openness, leadership, honesty and integrity in which the public, Members, or managers can trust. Employees and other workers are expected to conduct themselves with the reasonable held belief that the City Corporation is not likely to fundamentally undermine the required relationship of trust and confidence between themselves and the organisation.

9. There is an implied duty in employment and casual worker contracts to serve the employer with good faith and fidelity (i.e. the duty: not to disrupt the employer's business, not to compete, not to solicit customers, not to entice employees, not to misuse the employer's property; and the duty: of confidentiality and to account); the duty to: obey lawful and reasonable instructions, to be adaptable and to exercise reasonable care and skill. Equivalent provisions will be included in contracts with other workers.
10. Employees and other workers must immediately inform their line manager in writing if, during their City Corporation employment / engagement circumstances arise (during or outside of working hours) that could reasonably be expected to impact on their capability, capacity and / or suitability to carry out the duties and responsibilities of their role.
11. Employees and other workers must not conduct themselves in a way that brings or could bring the City Corporation, Members, service users, partners and colleagues into disrepute or cause reputational damage, so that it is likely to destroy or seriously damage the relationship of trust and confidence between them.
12. All employees and other workers should refer any enquiries from journalists directly to the Media Team, without engagement. Any article, publication or interview given on City Corporation policy or activity must be properly authorised by the Director of Communications or Head of Media.
13. In cases of doubt about what constitutes a conflict of interest, employees and other workers should always try to establish in advance the validity of a particular action by consulting their line manager. However, if an employee or other worker initially acted in good faith, then later considered the action to be contrary to the spirit of this policy, they should inform their line manager at the earliest opportunity who may seek advice as necessary from Corporate HR or their HR contact.
14. To ensure compliance with the Conflicts of Interest Policy, employees and other workers should periodically familiarise themselves with the latest version and any documents referred to therein. Any substantive contravention of this policy may result in disciplinary proceedings, and those disciplinary proceedings may result in dismissal. For other workers not falling within the scope of disciplinary procedures appropriate action will be taken. In addition, certain cases such as those involving bribery, corruption or fraud may also be referred to the police and subject to a criminal investigation. Where the offence involves financial irregularities then the City Corporation will aim to recover its assets.
15. Employees and other workers shall not during or at any time after their employment / engagement with the City Corporation ending (except in the proper course of their duties or unless required by law), disclose or otherwise make use of any confidential

information<sup>1</sup> relating to the City Corporation's business, strategy, policies or finances, including personal information relating to service users, Members or employees or other workers. (See Code of Conduct, Disclosure of Information).

16. Employees and other workers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management potential deficiencies in the provision of service. Employees and other workers must report impropriety or any material breaches of procedure to the appropriate manager. The Whistleblowing Policy is also available to employees who feel they need to raise an issue outside of the management chain. (See below, Raising Concerns and Whistleblowing).
17. The Director of Human Resources will be responsible for the interpretation, advice and management of this procedure on behalf of the City Corporation.

## Conflicts of Interest

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18. A 'conflict of interest' is a set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act could be impaired or influenced by another interest they hold. Conflicts can be financial or non-financial and may be:
  - **Insignificant:** trivial and does not create a real risk of conflict of interest;
  - **Perceived or potential:** reasonably perceived or where there is the real possibility of a future material conflict, between one or more interests; or
  - **Actual:** if there is a material conflict between one or more interests.
19. For details of the circumstances to make a disclosure, when and who should make a disclosure; see below at: Circumstances to complete a Declaration of Interest Form; and in addition, for Chief Officers: Circumstances to complete a Register of Interest Form.
20. Detailed below are the most typical areas in which conflicts of interest arise but these are not exhaustive. An employee or other worker should self-declare any other actual or potential conflict, as where there is a risk of improper conduct caution is always advisable.

## Relationships

21. Candidates when making an employment application must disclose on the application form whether they are related to a Member and detail any other connection to the City Corporation. Deliberate omission to make such a disclosure will disqualify the

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<sup>1</sup> Information obtained in the course of employment / engagement should not be used for personal gain or benefit, nor should it be passed on to others who might use it in such a way.

candidate and if the omission is discovered after appointment, they may be liable to dismissal.

22. Employees and other workers involved in making appointments must ensure that these are made on the basis of merit and must declare to their line manager or senior manager any relationship between the candidate and themselves to avoid any possible accusation of bias. It is unlawful for an employee or other worker to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. These principles and the City Corporation's procedures are detailed in the Recruitment and Selection Policy.
23. The City Corporation reserves the right, where such a relationship exists between employees or other workers, to ensure that the persons concerned are not employed in a situation where one would be responsible for managing the other. Alternative mitigating measures may be introduced to ensure that appropriate reporting lines are in place.
24. Any close personal relationships employees and other workers have with a Member, a contractor / potential contractor; a worker in a City Corporation partner organisation, a service user, or as a manager / supervisor with an employee and other worker or vice versa should be declared to ensure that potential problems including any perceptions of unfairness are avoided. Any such disclosures will be dealt with sensitively.
25. Employees and other workers should not be involved in decisions relating to employment matters such as discipline, promotion or pay adjustments for any other employee or other worker who is a relative, partner or someone they have a close personal relationship with. Nor, any situation which could potentially involve a conflict of interest in work roles, for example the countersigning of invoices against purchase orders raised by someone with whom they have a close personal relationship.
26. On no account must employees and other workers be directly involved in the administration or decision-making on a matter or application on behalf of the City Corporation involving their close relative (including a child), or any other person with whom they have a close personal relationship. Should such a situation arise, employees and other workers must inform their line manager or senior manager to determine appropriate action.
27. Neither must employees and other workers abuse their position of trust to access records relating to themselves, their close relatives or those with whom they have a close personal relationship (refer to the Code of Conduct section: Data Protection, Information Technology and Security).

## **Personal Interests**

28. Employees and other workers must declare to their Chief Officer, any financial or non-financial interests that could bring about conflict with the City Corporation's interests

using the Declaration of Interest Form (Officers) and submit it to the appropriate Chief Officer. Employees and other workers should be mindful not to place themselves in a situation which could compromise their continuing professional duty to the interests of the City Corporation.

29. Employees and other workers are required to serve the City Corporation and must not allow their personal political opinions to interfere with their work. (Refer to the Code of Conduct section: Political Neutrality and the Politically Restricted Posts Policy).
30. Employees and other workers should self-declare any relationship they have with a Member in the interest of transparency and must not lobby Members inappropriately in relation to personal issues affecting either their employment or other matters personal to them. (Refer to, Protocol on Member/Officer Relations). This does not preclude employees who are also residents of the City Corporation, from raising matters in relation to local matters, appropriately in their own time.
31. Employees and other workers must declare membership of any organisation not open to the public (with formal membership and commitment of allegiance); which has secrecy about rules and / or membership, and / or conduct. For example, the Freemasons, a Society / Trust or an organisation with regular gatherings or meetings not open to members of the public who are not a member of the organisation.
32. In the main employees and other workers do not need to disclose membership of a Livery company, City Company without Livery, Guild or Company seeking Livery Membership, apart from senior management. (See below, Circumstances to Complete a Declaration of Interest Form).

## **Secondary employment, running a business, or other outside commitments**

33. Employees and other workers off-duty hours are their personal concern, but they should not subordinate their duty to private interests so as to put themselves in a position where duty and private interests' conflict.
34. An employee or other worker who wishes to take up secondary employment, running a business or work (paid or unpaid), whether this is external or internal to the City Corporation (e.g. acting as an independent contractor or an independent consultant) requires Chief Officer agreement in advance.
35. An employee or other worker who wishes to take on outside commitments (e.g. becoming a school Governor in their local area, or a board member or trustee of a charity linked to the City Corporation, acting as a volunteer) requires Chief Officer's approval in advance. Refer to: Examples of Conflicts of Interest (appended) and for public duties the Special Leave and Time Off Policy.

36. When making such declarations employees and other workers must indicate the approximate time commitment involved or the relevant timescale; and must also notify of any subsequent change of circumstances.
37. The City Corporation will not automatically preclude the undertaking of additional employment, but any such employment must not, in the view of the City Corporation:
  - conflict with or react detrimentally to the City Corporation's interests, (for example, if their official duties overlap in some way with their proposed work);
  - in any way weaken public confidence in the conduct of the City Corporation's business;
  - interfere with the employee's or other worker's ability to undertake their role, e.g. cause a breach of the Working Time Directive or place demands on the individual such that they cannot perform at their full capacity for the City Corporation;
  - make use of information or material to which the employee or other worker has access by virtue of their position.
38. No outside work of any sort should be undertaken in the office or in Corporation working hours, and use of City Corporation facilities, equipment or materials. The use of telephones, photocopiers or IS systems for outside work is forbidden.
39. If there is a conflict the manager can ask for an employee or other worker to discontinue with conflicting business interests. In the event of a detrimental impact on the employee or other worker's City Corporation duties, the prior approval of a declaration does not preclude any action being taken in response to its impact on their work performance.
40. Any work undertaken on behalf of the City Corporation or which contributes to the work of the City Corporation or is requested / delivered on the basis of being an employee or other worker at the City Corporation and which attracts a fee or is paid e.g. a presentation or lecture, will need Chief Officer approval and the fees will need to be paid to the City Corporation. In the case of a Chief Officer, approval from the Town Clerk is required.
41. In circumstances where the City Corporation grants paid time off work to undertake public duties for up to 12 days maximum in any year, this requires Chief Officer approval (see the Special Leave and Time Off Policy). Where a fee is gained or allowance paid from these duties and City Corporation paid time off has been given, the fee will need to be paid to the City Corporation (e.g. a tribunal panel member day rate fee), or financial loss shown (e.g. in excess of a local councillor's annual allowance) in order to receive paid time off for Special Leave.
42. In addition, senior management are required to make disclosures or confirm a nil return on a range of specified categories, relating to their outside commitments. See below, Circumstances to complete a Declaration of Interest Form.

## **Sponsorship – Giving and Receiving**

43. Where an outside organisation wishes to sponsor or is seeking to sponsor a City Corporation activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
44. Where the City Corporation wishes to sponsor an event or service: neither an employee or other worker, nor any partner, spouse, relative or other person in a close relationship; must benefit from such sponsorship in a direct way without there being full disclosure to a Chief Officer. Any such disclosure should be made using the Declaration of Interest Form (Officers). Similarly, where the City Corporation through sponsorship, grant aid, financial or other means gives support in the community; employees and other workers should ensure that impartial advice is given and that there is no conflict of interest involved.

## **Procurement Activities and Contractors / Potential Contractors**

45. At the start of each procurement exercise where a conflict arises the relevant Contract Lead/City Procurement has the responsibility to co-ordinate the timely completion of the Contract and Tendering Declaration Form (Officers) by employees and other workers involved in procurement activities i.e. benchmarking activities, specification writing, supplier identification, sourcing, evaluation and selection, decision making and governance forums. (See below, Circumstances to complete a Declaration of Interest Form).
46. Employees and other workers who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a direct or indirect pecuniary interest with a contractor who is either engaged or proposed to be engaged by the City Corporation; they should declare that interest using the Contract and Tendering Declaration Form (Officers) at the earliest opportunity and send this to the Commercial Director for City Procurement with a copy to their line manager and Chief Officer.
47. Orders and contracts must be awarded in accordance with the principles of best value as contained in the City Corporation's Procurement Code. All procurement undertaken by the City Corporation must accord equal treatment and consideration to all organisations competing for its contracts. This involves undertaking the procurement in accordance with the rules, procedures and guidance we publish and applying them equally to all participants without favour.
48. Employees and other workers must ensure that no special favour is shown to businesses operated or controlled by, for example current or recent former employees or other workers, their partners, close relatives or associates in awarding contracts whether to businesses run by them or employing them in a senior or relevant managerial capacity.



49. Employees and other workers who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
50. Where a Chief Officer in conjunction with the Commercial Director for City Procurement feels that any relationship is substantive, the Chief Officer will notify the Town Clerk who will then decide if Members need to be informed. The Chief Officer will determine any appropriate safeguards, including removing the officer in the engagement or supervision of the contractor, taking advice from the Town Clerk as appropriate.
51. Existing consultants, service providers, third party advisors may wish to express interest in contracts that the City Corporation advertises for tender, which may include projects they are already advising on. Alternatively, they may be providing advice or consultancy services to other firms who may wish to tender for the City Corporation's services. These situations naturally give rise to conflicts of interest i.e. advisors to the City Corporation are bidding directly (individually or through their company); or advising outside companies bidding for City Corporation contracts. Any such conflicts should be reported at the earliest opportunity to the Commercial Director for City Procurement, the original appointing manager (i.e. for the consultant, service provider, third party advisor) and the relevant Chief Officer; in order to assess the potential risk and impact of the conflict and determine an appropriate course of action where applicable.
52. It is not acceptable for employees and other workers with buying responsibilities to use their own, relatives or friend's personal loyalty cards while making purchases on behalf of the City Corporation or service users.

## **Gifts and Hospitality**

53. There can be little doubt that the acceptance of gifts or hospitality by employees and other workers from persons who have, or may seek to have, dealings with the City Corporation would be viewed by the public with grave suspicion and would make the employee or other worker concerned and the City Corporation extremely vulnerable to criticism (refer to the Code of Conduct section: Bribery and Corruption).
54. An employee or other worker should tactfully refuse any personal gift which is offered to them or a close relative by, or indirectly attributable to any person or body who has, or may have, dealings of any kind whatsoever with the City Corporation or, who has applied, or may apply, to the City Corporation for any kind of decision.
55. The only exceptions to this rule are:
  - Small gifts of only token value often given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, pens, pencils and similar articles of use in the workplace (up to a maximum value of £20); or

- Small gifts of only token value given on the conclusion of a courtesy visit or visit by / to dignitaries, (up to maximum value of £20).
  - Working meals which are permissible provided the employee or other worker has the approval of the Chief Officer.
  - Chief Officers or appropriate employee or other worker nominated to represent them can attend work related functions as the City Corporation representative.
56. Employees and other workers offered or in receipt of gifts in the course of their work must complete the Gifts and Hospitality Declaration Form (available on the intranet under Tools and Apps). The completed form will need to be sanctioned by the line manager in advance, unless of a tokenistic value as outlined above.
  57. If there is any doubt about whether a gift may be accepted, the gift should be politely and tactfully refused.
  58. In the event of an employee or other worker receiving a gift without warning, which does not fall in any of the exceptions mentioned above, this should immediately be reported to their Chief Officer who will be responsible for deciding whether the gift should be returned.
  59. Employees and other workers should only accept offers of hospitality if there is a genuine need to impart information or represent the City Corporation in the community, establish or maintain good business relationships, and / or improve the image and reputation of the City Corporation.
  60. Acceptance by employees and other workers of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the City Corporation gives advance consent.
  61. Where visits to inspect equipment or review services by undertaking site visits etc. are required, employees and other workers should ensure that the City Corporation meets the cost of such visits to avoid jeopardising the integrity of subsequent procurement decisions.
  62. Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant; and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of hospitality.
  63. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the City Corporation should be seen to be represented.
  64. An employee and other worker prior to receipt of any hospitality must complete the Gifts and Hospitality Declaration Form (available on the intranet under Tools and Apps). The completed form will need to be sanctioned by the line manager in advance, unless of a tokenistic value as outlined above.

65. When receiving authorised hospitality employees and other workers should be particularly sensitive as to its timing in relation, for example, to decisions which the City Corporation may be taking affecting those providing the hospitality.
66. When hospitality has to be declined the offer should be courteously but firmly declined and it should be explained to the other party the procedures and standards operating within the City Corporation.
67. Any gifts and hospitality offered but declined, unless of a tokenistic value, should be recorded on the Gifts and Hospitality Declaration Form; this ensures transparency and acts as protection for the employee and other worker concerned.

## Circumstances to complete a Declaration of Interest Form

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68. Employees and other workers must complete a Declaration of Interest Form (Officers), including the approximate time taken per annum or the relevant timescale where applicable, to declare:
  - **Relationships:** Employees and other workers must declare any close relationships they have with any candidates for appointments, a Member, contractor; or as a manager / supervisor with an employee and other worker or vice versa. Where such relationships exist employees and other workers must not be involved in the administration or decision-making on a matter or application on behalf of the City Corporation, nor in the provision of a reference for them to the City Corporation; both in the interest of transparency and to avoid the potential for accusations of impropriety.
  - **Personal interests:** Any financial or non-financial interests that could bring about conflict with the City Corporation's interests; for instance membership of any organisation not open to the public.
  - **Secondary employment, running a business, or other outside commitments (paid / unpaid):** Before they are entered into, together with the approximate time taken per annum or the relevant timescale.
  - **Sponsorship – Giving and Receiving:** Any benefit derived by an employee or other worker, their partners, spouse or relative or anyone else in a close personal relationship where the City Corporation gives support in the community through sponsorship or an event or service, grant aid, financial or other means.
  - **Any conflict / potential conflict of interest:** That employees and other workers self-identify as soon as they become aware of them.
69. In addition to the above, senior management are required to make disclosures or confirm a nil return on a wider range of categories than employees and other workers including the approximate time taken per annum or the relevant timescale where applicable. This is commensurate with their responsibilities for the activities of the City

Corporation, its workforce and for advising councillors on the potential implications of political decisions, these are set out below:

- **Land**<sup>2</sup>, any beneficial interest in land within the area of the City Corporation.
  - **Licenses** (alone or jointly with others) to occupy land in the area of the City Corporation for a month or longer.
  - **Corporate tenancies**, where to their knowledge (a) the landlord is the City Corporation; and (b) the tenant is a body in which the employee or other worker has a beneficial interest.
  - **Securities**<sup>3</sup>, where (a) the body to their knowledge has a place of business or land in the area of the City Corporation; and (b) either: (i.) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body (whichever is the lower); or (ii.) if the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
  - **Membership of:** a Livery company, City Company without Livery, Guild or Company seeking Livery Membership.
  - **Think tank membership**, an organisation one of whose principal purposes include the influence of public opinion or policy and which is likely to seek to affect the policy of the City Corporation, or which may have an impact on its services or stakeholders.
  - **Membership of:** a professional association or body.
  - **Trade association membership**<sup>4</sup>, whether as an individual or company owner.
70. The Contract and Tendering Declaration Form (Officers) should be used to report relationships of a direct or indirect pecuniary nature with external contractors or potential contractors to the Commercial Director for City Procurement and copied to the line manager and relevant departmental Chief Officer. (See above, Procurement Activities and Contractors / Potential Contractors).
71. In the event a declaration is made that impacts on contract and/or tendering processes and outside of such processes, both the Contract and Tendering Declaration Form (Officers) and the Declaration of Interest Form (Officers) will need to be completed; and vice versa.

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<sup>2</sup> 'Land' excludes any interest or right which does not carry with it a right (solely or jointly with another person) for them to occupy it or receive an income).

<sup>3</sup> 'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society. A beneficial interest arises where there is a right to the economic benefit of the securities i.e. a right to the income from the securities or a share of it and a right to the proceeds of sale or part of the proceeds.

<sup>4</sup> Trade association membership as either a sole trader or as a company i.e. company owner.

72. Employees and other workers should note a separate reporting process for declarations regarding the receipt or offer of hospitality and gifts, which are to be recorded using the Gifts and Hospitality Declaration Form (available on the intranet under Tools and Apps).
73. Managers may seek further advice as appropriate from Corporate HR / HR contact, Legal, Audit or Procurement according to the nature of the guidance sought.

## When to complete and who should complete a Declaration of Interest Form

74. Employees and other workers should make declarations: as soon as a new matter to declare arises; a change / potential change in circumstances (including notifying their line manager and Chief Officer when there is a cessation regarding a previous declaration); and annually by specified groups of staff as set out below. If in doubt about what to disclose, the general principle should be to disclose.
75. Where an employee or other worker is in doubt as to whether they have an actual or potential conflict, they should seek advice from their line manager or Chief Officer. Employees and other workers are encouraged to err on the side of transparency and openness.
76. **A Declaration of Interest Form (Officers)** must be completed in the following circumstances:

Self-declaration	Specified staff groups	Chief Officers
<p>On joining, promotion, change of role (where applicable) and then annual reminders for all employees and other workers working for the City Corporation who must <i>self-declare</i> as soon as they become aware of a perceived, potential or actual conflict; or a change including the cessation of an existing declared conflict.</p> <p>The responsibility for avoiding any conflict of interest lies with the individual, however there will also be an annual Chief Officer reminder. See Circumstances in which a Declaration of Interest must be made above.</p>	<p>On joining, promotion, change of role (where applicable) and then annually thereafter (unless the employee or other worker notifies changes in the interim period).</p> <p>Annually following a Chief Officer communication for the following employees and other workers groups:</p> <ul style="list-style-type: none"> <li>• Senior managers at grades I and J (including any other employees with the same level of seniority)</li> <li>• Sourcing, Category Management and Commercial Contract Management staff within City Procurement</li> <li>• City Surveyors</li> <li>• Internal Audit</li> <li>• Staff with buying responsibilities i.e. responsible for purchasing goods, services or works on behalf of the City Corporation</li> </ul> <p>Where the employee and other worker has no declaration to make, they <b>must</b> submit a nil return.</p>	<p>On joining, promotion, change of role (where applicable) and then annually thereafter (unless the Chief Officer notifies changes in the interim period).</p> <p>Annually following a communication by the office of the Director of HR with returns reviewed by the Town Clerk.</p> <p>Where there are no declarations to make, they <b>must</b> submit a nil return.</p> <p>If a Chief Officer has a new declaration or changes to make to an existing declaration, they must self-declare these by advising the Town Clerk at the earliest opportunity. Any new work (paid/unpaid) will need to be approved by the Chief Officer's employing committee and the Establishment Committee.</p>
<p><b>Note:</b> Should a declaration made on the Declaration of Interest Form also have an impact regarding contract and/or tendering processes, then that information should be recorded on <b>both</b> the Declaration of Interest Form (Officers) and the Contract and Tendering Declaration Form (Officers), detailed below.</p>		

77. The completed Declaration of Interest Form (Officers) is submitted to the employee or other worker's line manager for comments then referred to the Chief Officer to confirm whether the declaration is acceptable, acceptable subject to specified conditions or not acceptable and ensure the communication of their decision. The Chief Officer will make the final decision on any declarations made, seeking advice where required.
78. Each Chief Officer oversees the annual Declaration of Interest notification reminder process<sup>5</sup> within their department. Whereas Corporate HR / HR Contact will issue the Declaration and Register of Interest Form for new starters at the conditional offer stage of recruitment or as a result of a promotion or change of role. The returned form will be passed to the appointing manager which is normally the line manager for processing, and then referred on to the Chief Officer as described above.
79. Similarly, each Chief Officer will complete a Declaration of Interest Form to make a new declaration or changes to an existing declaration; to be approved by the Town Clerk. Any new work (paid/unpaid) will need to be approved by the Chief Officer's employing committee and the Establishment Committee.
80. **A Contract and Tendering Declaration Form (Officers)** must be completed as detailed below:
- Annually by Sourcing, Category Management and Commercial Contract Management staff within City Procurement, who must also notify as soon as a conflict of interest arises or changes to line management during the year.
  - Annually by all City Surveyors staff, who must also notify as soon as a conflict of interest arises or changes to line management during the year.
  - At the start of each procurement exercise, declarations of interests by employees and other workers involved should be recorded in the minutes of meetings with City Procurement staff and any external procurement advisors. If a conflict arises, then a declaration form should be completed.
81. Should a declaration made on the Contract and Tendering Declaration Form (Officers) also have an impact outside of contract and/or tendering processes, then that information should also be recorded on the Declaration of Interest Form (Officers), detailed above.
82. **A Contract and Tendering Declaration Form (External)** is required to be completed by existing consultants, service providers and third-party advisors to declare any conflicts of interest at each procurement exercise. For further advice refer to City Procurement.

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<sup>5</sup> The office of the Director of HR co-ordinates Chief Officers' Declarations of Interest process.

## **Circumstances to complete a Register of Interest Form**

83. Chief Officers must also complete a Register of Interest Form to declare the nature of involvement and the approximate time spent on: outside paid work, voluntary work and interests affecting their working life. Where they have no declaration to make, they must submit a nil return.
84. Chief Officers must complete the Register of Interest Form (Chief Officers) annually, the administration for this process is co-ordinated by the office of the Director of HR, and the form is reviewed by the Town Clerk. The Director of HR then reports on the Chief Officers Register of Interests to the Establishment Committee. This information becomes part of the public record, as named individual records are available in open committee papers.
85. However, if there are any new declarations to be made in the intervening time these must be declared at the earliest opportunity and the same principles apply. Any new work (paid/unpaid) will need to be approved by the Chief Officer's employing committee and the Establishment Committee.

## **Raising Concerns and Whistleblowing**

86. The City Corporation is committed to the highest possible standards of probity. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about the conduct of any aspect of the City Corporation's work to come forward and voice those concerns to us. It is recognised that most cases will have to proceed on a confidential basis.
87. Where employees or other workers have concerns around misconduct or the lawfulness of any action or proposed action, they should raise their concerns to the appropriate manager or Chief Officer without delay.
88. The Whistleblowing Policy is also available to employees and other workers who feel they need to raise an issue outside of the management chain. Any suspicion of wrongdoing will be treated seriously and will be reviewed and analysed in accordance with the Whistleblowing or Complaints Policy, considering the Public Interest Disclosure Act, the Human Rights Act and if appropriate the City Corporation's Anti-Fraud and Corruption Strategy.
89. City Corporation employees, agency workers, and contractors should be aware that they have statutory protection against victimisation and dismissal under the Public Interest Disclosure Act 1999 (PIDA)<sup>6</sup>, if they speak out genuinely against corruption and malpractice at work (see, Regulation of Investigatory Powers Policy and Procedure). Further information on how to make a disclosure is contained in the Whistleblowing Policy.

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<sup>6</sup> PIDA was further strengthened by the Enterprise and Regulatory Reform Act 2013.

## List of Appendices

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Conflicts of Interest, forms and guidance:

- Appendix 1 - Declaration of Interest Form (Officers)
- Appendix 2 - Contract and Tendering Declaration Form (Officers)
- Appendix 3 - Register of Interest Form (Chief Officers)
- Appendix 4 - Declaration and Register of Interests FAQ's
- Appendix 5 - Examples of Conflicts of Interest
- Appendix 6 - Managers Guide, Declaration and Register of Interests

## Links / Other resources

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- Anti-Fraud and Corruption Strategy
- Code of Conduct
- Data Protection Policy (includes the Employee Privacy Notice)
- Disciplinary Procedure
- Employee Privacy Notice
- Equal Opportunity Policy
- Financial Regulations
- Gifts and Hospitality Declaration Form
- Politically Restricted Posts Policy
- Procurement Code
- Protocol on Member/Officer Relations
- Recruitment and Selection Policy
- Regulation of Investigatory Powers Policy and Procedure
- Special Leave and Time Off Policy
- Whistleblowing Policy



# Declaration and Register of Interests

## FAQ's

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The following Frequently Asked Questions on the Declaration of Interests and Register of Interests process accompany the Conflicts of Interest Policy and cover some common queries. If you require advice on whether something should be declared, then please speak to your line manager in the first instance. Alternatively, you can contact your Human Resources Business Partner (HRBP) / HR contact.

To note that the receipt or offer of a gift or hospitality, apart from some low value exceptions as stated in the Conflicts of Interest Policy, may give rise to a conflict of interest. These must be declared using the Gifts and Hospitality Declaration Form located under Tools and Apps on the Intranet.

## Declaration of Interest process

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### **What if I am not sure whether I need to complete a Declaration of Interest Form?**

Speak to your line manager. Caution is always advisable, all interests should be declared at the earliest opportunity where there is a risk of perceived or potential conflicts, or what is apparent as an actual conflict. Volunteering such information may avoid the risk of future challenges or misunderstandings.

### **What should I do if there's a change to a submitted Declaration of Interest Form?**

Notify your line manager in writing at the earliest opportunity.

### **Should I complete a Declaration of Interest Form if I have nothing to declare?**

Please refer to the Conflicts of Interest Policy section 'When to complete and who should complete a Declaration of Interest Form' for details of who is required to complete a form annually; noting that if you meet the requirements to make an annual declaration but have nothing to declare you should submit a 'nil' return.

### **When don't I need to complete a Declaration of Interest Form?**

You do not require permission to undertake the exempt activities listed below, either as a one off or as part of the annual Declaration of Interest process:

- Acting as a referee in a personal capacity.
- Membership of a residents' association, unless a representative in an official capacity such as a board member or on a management committee.
- When nominated to be a representative of the City Corporation, for example on an external Committee.

- Professional body membership\* i.e. i.e. ACCA, CIPD, Law Society, RICS; unless a representative in an official capacity such as a privy council member, board member or on a management committee due to being nominated by the City Corporation.
- Member of a charity or carrying out unpaid community work\*, unless you are a board member, trustee or in a decision-making position including financial management.
- Membership of a Livery company, Livery Company City Company without Livery, Guild or Company seeking Livery Membership\*.

*\* However Chief Officers and Senior Managers at Grades I and J must always make these disclosures, irrespective of their relationship to the third-party organisation.*

### **Will I be reminded of the need to declare interests?**

Yes, there will be an annual communication from your Chief Officer. However, it is your responsibility to declare any interests in advance where you know of them; and as new interests arise or existing one's cease these should be declared at the earliest opportunity.

### **When my Declaration of Interest Form is being reviewed, what does this mean?**

The relevant Chief Officer will review the interest disclosed, whilst it is impossible to give a complete list of factors, they will consider due the range of potential conflicts. Points they could consider include:

- How the interest might impact upon service delivery and the employee's duties i.e. whether work can be re-distributed to avoid an interest becoming prejudicial.
- Any concerns relating to fatigue due to excessive working hours i.e. regarding health and safety at work, or a breach of the Working Time Regulations.

Please note that further information or documentation may be required from you to assist in the review and decision-making process.

### **What happens if my declared interest is in conflict / potential conflict with my role?**

If your Chief Officer considers a risk does exist, in the majority of cases a solution will be reached to mitigate the risk, for example:

- Making a professional judgement to note the declaration, but nevertheless allowing participation in a meeting.
- Putting in place specific work supervision requirements to ensure impartiality.
- Ensuring you do not receive the documentation for the agenda item where an interest has been declared.
- Restricting your involvement in associated discussions or meetings; and excluding you from the decision-making process such as a procurement panel / committee item decision.
- Removing you from an activity altogether.

To note, that if the Chief Officer reviewing the declaration cannot reach a decision following a discussion with the employee, they will seek appropriate advice i.e. HR, legal, audit and / or procurement according to the nature of the guidance sought.

Where there is a significant risk with an actual conflict this could require you to remove the external conflict e.g. resign from an external board. In extreme cases an Officer may be removed from the Corporation following the appropriate procedure/process.

Where a Chief Officer in conjunction with the Commercial Director for City Procurement feels that any relationship to be significantly detrimental with regards to the procurement process, they will determine any appropriate safeguards, including removing the employee in the engagement or supervision of a contractor. Any such substantive concerns will be notified the Town Clerk who will advise if the matter should be referred for information or a decision to the Establishment Committee.

### **What happens if I fail to disclose an interest?**

You are required to provide complete and accurate information on interests to be declared. If you realise you have inadvertently missed an interest out, you must bring this to the attention of your line manager at the earliest opportunity to mitigate any potential conflict arising. Ultimately a deliberate intention to omit i.e. hide relevant information for inclusion in the declaration of interest may constitute misconduct and result in disciplinary action being taken against you by the City Corporation.

### **Who has access to the Declaration and/or Register of Interest Form?**

For employees and Senior Managers at Grade I and J, the Declaration of Interest forms and associated documentation will be held confidentially within Corporate HR as part of the employee's personnel record. However, whilst their Register of Interest Form will be held on the Chief Officer's personnel file, this information additionally becomes part of an open public record as reported in Establishment Committee papers annually.

### **How long will records of my declarations of interest be kept?**

These will be retained for the same duration as the employee's personnel file, which is current financial year plus 6 financial years; unless the employee is in a role working with children / vulnerable adults then 35 years applies, or there is a requirement to retain due to litigation.

### **If I think there's been a breach of the conflicts of interest rules, what should I do?**

There are a number of ways in which a concern can be raised. Employees are urged to consider the nature of the concern, whether it involves their immediate management, the seriousness and sensitivity of the issues involved.

Where employees are reasonably concerned about a matter, they are encouraged to raise this in the first instance with their line manager whenever possible. All managers have a responsibility to act on concerns raised. Alternatively, staff can use the City Corporation's Whistleblowing Policy to raise an issue outside of the management chain. See 'Raising Concerns and Whistleblowing'.

Additionally, employees may wish to make use of the free and confidential employee assistance programme. The helpline is confidential and can provide support on a wide range of work issues.

## Register of Interests: Chief Officers

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### **Why do I need to complete a separate Register of Interest Form?**

Chief Officers are entrusted with high level decision-making powers in relation to higher risk activities e.g. management of large-scale budgets and investment decisions, placement of contracts and responsibility for procurement; as it is regarded that a greater degree of protection needs to be put in place to protect the City Corporation's interests and reputation.

Chief Officers are therefore required to complete a Register of Interest Form (in addition to completing the Declaration of Interest Form), to declare the nature of involvement and the approximate time spent on: outside paid work, voluntary work and interests affecting their working life. This information is then reported to the Establishment Committee and becomes part of the public record, in open committee papers.

### **Who reviews the Register of Interest declarations?**

The Register of Interest process is co-ordinated by the office of the Director of HR, and the form is reviewed by the Town Clerk who makes an assessment of the potential risk and impact of any declaration. This information becomes part of the employee's personnel record.

The Director of HR submits a report on the Register of Interest declarations by Chief Officers to the Establishment Committee who then review the approximate time spent on outside voluntary and / or paid work, or interests for potential conflicts. This information becomes part of the public record, as named individual records are available in open committee papers.

### **What if my Register of Interest declaration may put me at personal risk?**

Chief Officers can seek to exempt their personal interests from the Register of Interests being in the public domain, if they consider that having this information on record might put them or others at risk. If this is the case, they should discuss the matter in the first instance with their line manager.

## Links / Other resources

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Policies:

- Code of Conduct
- Conflicts of Interest Policy
- Data Subjects' Rights Policy
- Whistleblowing Policy

Forms:

- Declaration of Interest Form (Officers)
- Register of Interest Form (Chief Officers)
- Contract and Tendering Declaration Form (Officers)

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	30 April 2019
<b>Subject:</b> Buying Additional Leave Scheme – Review of 1-year Trial	<b>Public</b>
<b>Report of:</b> Chrissie Morgan, Director of HR	<b>For Decision</b>
<b>Report author:</b> Colette Hawkins, Town Clerks	

## Summary

In December 2017 the Establishment Committee approved a 1-year trial of the Buying Additional Leave Scheme. The scheme went live in March 2018 and a review of the trial year has been undertaken.

2% of the workforce took part in the scheme which is in line with the external research.

The scheme has been well received across all areas of the organisation, both at the City of London Corporation and at the institutions, as well as across the grades.

## Recommendation

Members are asked to:

- Approve the recommendation to make the Buying Additional Leave scheme permanent

## Main Report

### Background

1. In December 2017 the Establishment Committee approved a one year trial of a Buying Additional Leave Scheme. This commenced 1 March 2018.

### Current Position

2. Research showed that on average take up of buying additional leave schemes is 2% of an organisation.
3. Based on the headcount of the City of London Corporation, 3,750 (excluding City of London Police Officers and teachers), 75 requests were submitted during the trial. This has equated to 2% of employees which is in line with the research.

4. The majority of requests were made by employees working within the Open Spaces Department (16 requests). Appendix 1, graph 1 shows the actual split across the departments where requests were made.
5. The highest number of requests (18) was for employees in Grade C, this was closely followed by Grade B with 17 requests and Grade E with 15 requests (see Appendix 1, graph 2 for additional break down across the grades). No Chief Officers took part in the scheme.
6. Across the organisation, employees paid a total of £44,137.05 to purchase additional leave. This has equated to 278.5 days and 381 hours (this is differentiated to take into account how employee's annual leave is calculated based on their contractual working pattern).
7. The money is returned to the departments salary budget and can be used to pay for agency cover if required.
8. Examples of why employees purchased additional annual leave include attending a wedding being held abroad, extended family holiday and additional time to complete household tasks.
9. The trial has highlighted that the wording in the scheme needs to be made clearer to ensure that employees understand that the cost of any additional annual leave must be paid within the leave year that it was purchased. The scheme guidance will be updated accordingly.

### **Recommendation**

10. The buying additional leave scheme has been well-received across the organisation and at all levels. There has been no significant resource impact to provide this scheme, and no departments have advised that they have suffered any detrimental impact in running their service by allowing employees to purchase additional leave.
11. It is recommended that the Establishment Committee approve that the buying additional leave scheme is made permanent.

### **Corporate & Strategic Implications**

12. This scheme was developed as part of the Attracting Talent project and the Pay and Reward review.
13. It supports the Corporate Plan outcome number 3: people have equal opportunities to enrich their lives and reach their full potential; and outcome number 8: we have access to the skills and talent we need. This scheme has the potential to improve employee's work-life balance and will provide them with the flexibility to achieve this.

## **Resource Implications**

14. The trial has not identified any significant resource implication for either the HR teams or the pay office team as requests have been spread out across the year.

## **Equality Implications**

15. A test of relevance, as required by the Public Sector Equality Duty (PSED) was undertaken at the start of the feasibility study which identified no negative impact to any protected characteristic. Positive impacts of this scheme were identified for some protected characteristics, for example age and disability, as use of this scheme could improve work-life balance. This has been reviewed following the end of the trial and no changes have been made.

## **Conclusion**

16. The buying additional leave scheme has been well-received across the organisation. It allows employees the flexibility to increase their annual leave to improve their work-life balance.

## **Appendices**

- Appendix 1 – Graphs

## **Background Papers**

- Establishment Committee 5 December 2017: Buying Additional Leave Scheme
- Public Sector Equality Duty Test of Relevance – Buying Additional Leave

## **Colette Hawkins**

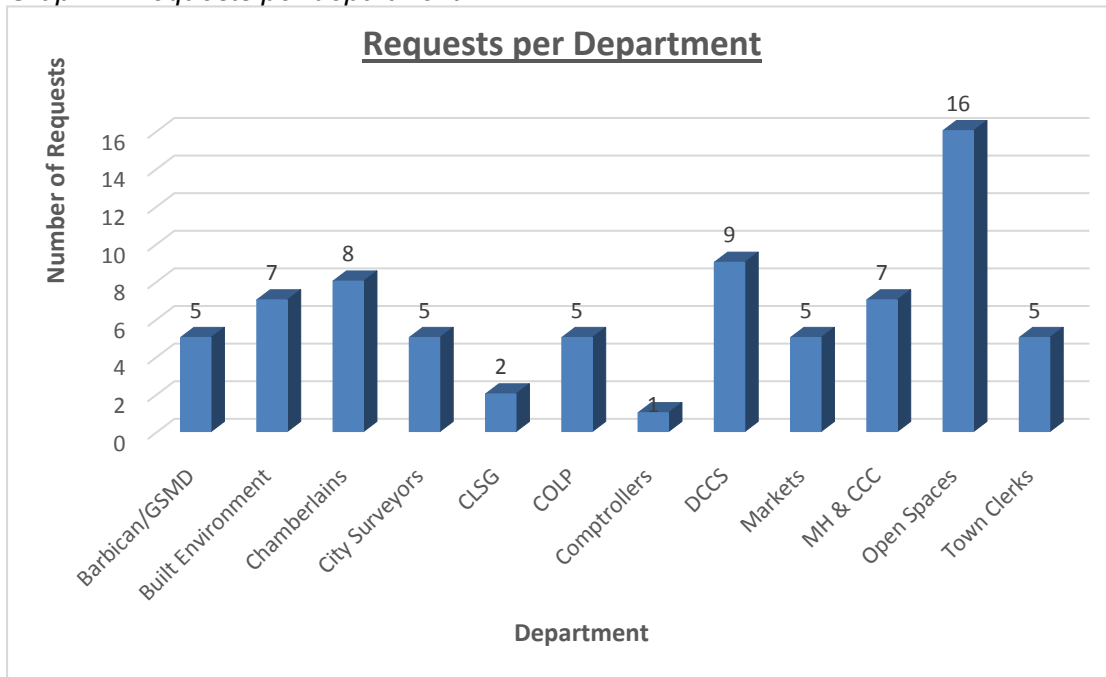
Strategic HR Projects Manager  
Town Clerks Department

T: 020 7332 1553

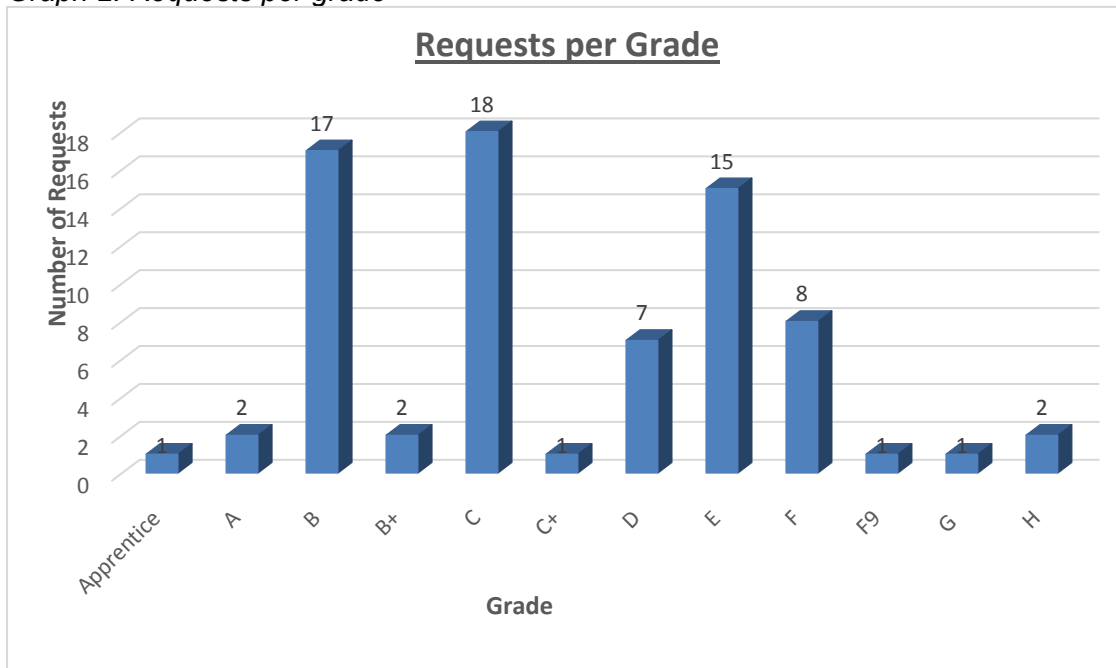
E: [colette.hawkins@cityoflondon.gov.uk](mailto:colette.hawkins@cityoflondon.gov.uk)

## Appendix 1 – Graphs

Graph 1: Requests per department



Graph 2: Requests per grade





<b>Committee</b>	<b>Dated:</b>
Establishment Committee	30 April 2019
<b>Subject:</b> City of London Corporation Schools – Update Report	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Information</b>
<b>Report author:</b> Tracey Jansen, Town Clerks Department	

## Summary

This report advises the Committee of a number of employment matters in relation to the three City of London Corporation Schools. A pay award of 1% will apply to teaching staff with effect from September 2019. Revised Capability and Probation Procedures have been agreed for teaching staff to align with those agreed for other city corporation staff. There has been a review of the responsibility allowances applicable to teaching staff which now separately identifies those duties that form part of the substantive role, from those extra duties that can be undertaken any teacher. The Government’s recent announcement that employer contributions to the Teachers’ Pension Scheme are expected to increase by 43% from September 2019. The Head Teachers and their Chairmen have had an initial meeting with officers in the City Corporation to discuss the implications of this. A new Trade Union Recognition Agreement has been agreed with the National Education Union and the City Corporation. The Agreement is in relation full and part time teachers on the teacher’s salary scale, and all teaching members of the senior management teams but excluding the Head Teachers, student teachers and visiting teachers.

## Recommendation

Members are asked to note the report.

## Main Report

### Background

1. The Boards of Governors for the three City Corporation schools’ terms of reference include ‘*responsibility for all school matters*’. The Establishment Committee terms of reference include ‘*consideration of submissions of the Board or Boards of Governors relating to teaching staff, which, inter alia, may have to be finally submitted to the Court of Common Council*’. In addition, ‘*to approve any increase in the salaries for teachers at the three City Schools if they are in excess of that recommended by the School Teachers’ Review Body and any proposed changes to the basic salary structure or restructuring of the common pay spine for teachers*’. This report provides the Establishment Committee with an update on employment matters in relation to the three City Corporation schools.

## **Current Position**

### **Teacher's Pay Award 2019/20**

2. The Teachers Pay Panel comprises the Chairmen of the Boards of Governors who have delegated power to agree the pay award for staff on the teachers' main grade, senior management teams and increases to responsibility allowances. For the academic year 2019 – 2020 the Teachers Pay Panel has agreed an award of 1% on pay and responsibility allowances. This award reflects the increase to the employer contribution to the Teachers' Pension Scheme, costs which must be borne by the schools (see also paragraph 8 below). In addition, all of the schools have short, medium and long term financial commitments to be met. The schools are committed to keeping costs at a minimum and all have increased their fees to offset these rising costs, whilst being mindful of affordability of fees and the impact that this will have on parents and families in what are very uncertain times. The independent school sector continues to struggle, many have had no pay awards or very minimal ones for a number of years. This is the first time in the last 10 years that our teaching staff have been awarded less than City Corporation staff and they have either had the same or more in previous years.

### **Probation and Capability Procedure**

3. Members will recall that we reported on the revised probation and capability procedure for City Corporation staff last year. These have now been adapted to apply to teaching staff and following consultation with the common rooms, the revised procedures applicable to the teaching staff have been agreed by the Boards of Governors at all three schools.

### **Review of Responsibility Allowances**

4. A cross school review of responsibility allowances has been undertaken and identified that there were two types of duties that received a responsibility allowance:
  - those that form part of a substantive role e.g. Head of a department;
  - those that are extra to the specific teaching role that could be undertaken by any teacher.
5. The former allowances are allocated to a role, therefore when a teacher is recruited and appointed, they receive the allowance that is associated specifically with that role. As such removing or changing them would be a change to terms and conditions. These have now been reviewed by Head Teachers to ensure that there is consistency across the schools. The changes will be implemented during the summer term.
6. With regards to the extra duties, each school determines and holds their own list of extra duty roles. This means that some are similar across schools, but they can also be unique to an individual school. This part of the review has resulted in revised administrative arrangements to ensure that there is consistency in how these roles are offered to staff, reviewed and removed.
7. The final part of the exercise has been to review the senior management teams as the Head Teachers wanted to have a similar model applicable to all three

schools. The revised structures, which will broadly follow the structure at the City of London Freemen's Schools has been agreed by the Boards of Governors at their meetings in February and March 2019. It is expected that the revised structures will be in place for the Autumn term.

### **Teachers' Pension Scheme**

8. The Government's recent announcement that employer contributions to the Teachers' Pension Scheme are expected to increase by 43% from September 2019 has caused widespread concern in the independent school sector. As a result, the Independent School Bursars Association, collaborating with the Association of Governing Bodies of Independent Schools and the Independent Schools Council, have worked quickly to provide an alternative pension scheme for those schools faced with existential threats by the scale of the increase.
9. The three City Corporation schools can manage the short term effects of this increase through a mix of fee increases, cost management, and lower teacher pay rises, but further increases and the compound effect of this on their budgets led to the Governing bodies requesting that the issue be looked at by officers to provide options for consideration.
10. An initial meeting with officers from HR, Chamberlains, Comptrollers, Heads Teachers, Bursars and Chairmen has taken place to: consider a range of options to be explored; governance and decision making and the implications of the corporation being the employer. The group will meet again in the Summer term. The Teachers' Pay Panel has confirmed to the Common Rooms that the Governing Bodies have unanimously agreed not to make any recommendations to re-consider the current arrangements for Teachers' Pension Scheme membership for the academic year 2019/20 and acknowledged that appropriate pension provision for teachers is an essential element of the schools' approach to the recruitment and retention of excellent teachers.

### **Trade Union Recognition Agreement with the National Education Union**

11. The previous Trade Union Recognition Agreement applicable to teaching staff was with the former Association of Teachers and Lecturers (ATL). The terms of that Agreement included that if the ATL ceased to exist or upon its merger with another union, the Agreement would automatically terminate. In January 2018 the ATL merged with the former National Union of Teachers to form the National Education Union (NEU). Discussions were already underway before the proposed merger to revise the Agreement with the ATL but had not finalised at the point of the merger. The Boards of Governors therefore agreed to extend the Agreement until the end of the Spring Term 2018 in order for the discussions to be concluded. The extended discussions have in fact been on-going since then. This has meant that since the Summer Term of 2018 there has been no Agreement in place although the Teachers' Pay Panel agreed to meet with Common Rooms and the NEU Regional Officer for the purposes of discussing their pay claim.
12. We have now successfully concluded the outstanding issues with the NEU and common rooms and a new Agreement became effective from 1 April 2019. The new Agreement is largely the same but now includes the senior management

teams who were the only group of Corporation staff not covered by a collective agreement or collective representation. The new Agreement has been updated to recognise that new technology means that there do not need to be meetings when business can be conducted effectively by email and this already works well in practice. In addition, the Agreement is also explicit that working collaboratively as opposed to an adversarial way, is in the best interests of staff.

## **Proposals**

13. There are a number of employment matters facing the schools and it is proposed that there are further reports back to the Establishment Committee as necessary.

## **Corporate & Strategic Implications**

14. The Boards of Governors are aware of the unique status of the three City schools in that they are not deemed to be fully independent and are owned by the City of London Corporation who is the employer of all the staff employed at the schools. This means that the decision to make changes to terms and conditions of employment including pensions is a matter for the City of London Corporation. Governing Boards, Establishment Committee, Policy and Resources and, ultimately, Court of Common Council would need to agree and approve any changes to the current arrangements

## **Implications**

15. Having a Trade Union Recognition Agreement in place allows the City Corporation to enter into collective agreements on the specified terms and conditions of employment. The alternative would be to enter into individual consultation on changes to contractual terms and conditions of employment, which would be onerous for all concerned. The NEU could in any event seek to secure statutory recognition which might not have resulted in the agreement that we have reached on a voluntary basis.

## **Conclusion**

16. This report provides an update on various employment matters in relation to teaching staff at the three City Corporation schools. Further updates will be made to the Committee as necessary.

## **Appendices**

None

## **Tracey Jansen**

Assistant Director of Human Resources

T: 020 7332 3289

E: [tracey.jansen@cityoflondon.gov.uk](mailto:tracey.jansen@cityoflondon.gov.uk)

<b>Committee(s)</b>	<b>Dated:</b>
Establishment Committee	30 April 2019
<b>Subject:</b> Developments in Employment Law	<b>Public</b>
<b>Joint report of:</b> Director of HR and the Comptroller & City Solicitor's	<b>For Information</b>
<b>Report authors:</b> Carol Simpson, Town Clerk's HR Jillian Bradbeer, Comptroller & City Solicitor's	

## Summary

As media headlines continue to be dominated with all matters related to Brexit, it is important that UK employment legislation developments are not overlooked.

The purpose of this report is to update Members on developments in employment law and implications for the City of London Corporation, including: i. updates following the last employment legislation report to Committee on 15 January 2018; ii. known forthcoming changes; and iii. future changes.

## Recommendation

Members are asked to note the report.

## Main Report

### Update on employment law developments from 2018

**1. Gender pay gap reporting<sup>1</sup>** – Implementation date: 30 March 2018

The City Corporation's second annual gender pay gap return was published ahead of 30 March 2019 and a separate report to this Committee details the findings.

**2. Taxation of termination payments** – Two stage implementation: 6 April 2018 and 6 April 2020

Employers need to pay Income Tax and Class 1 National Insurance Contributions (NICs) on PILONS (payments in lieu of notice) for all termination payments, whether or not they are contractual payments<sup>2</sup>. This was effective from 6 April 2018.

It was originally intended to impose Class 1A NIC employer charges on termination payments of more than £30,000 at the same time; whereas such payments currently only attract income tax. However, the 2018 Budget subsequently confirmed that this will not now take place until April 2020<sup>3</sup>.

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<sup>1</sup> The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

<sup>2</sup> Finance Act 2017 amends Chapter 3, Part 6 of The Income Tax (Earnings and Pensions) Act 2003 (ITEPA).

<sup>3</sup> As an amendment to s10 of the Social Security Contributions and Benefits Act 1992. The amendment specifies that a Class 1A charge will apply to termination payments that count as employment income under section 403 ITEPA, provided the earner also pays Income Tax on that termination payment.

**3. Public sector exit cap and repayment arrangements** – Consultation closes: 3 July 2019

The government originally proposed in 2016 to introduce powers to cap exit payments in the public sector at £95,000<sup>4</sup>, with the aim of helping public sector employers to ensure exit payments represent value for money to the taxpayer who funds them. Whilst the regulations to enact these changes were expected to be effective from 6 April 2018, this lapsed. Consultation has now commenced from 10 April until 3 July 2019.

**4. Data protection changes** – Implementation date: 25 May 2018

Implementation of the General Data Protection Regulations and the Data Protection Act 2018; to ensure effective data protection measures, given developments in information technology and the digital economy.

**5. Trade union facility time** – Implementation date: 31 July 2018

A new requirement to report annually on paid time off provided to trade union representatives<sup>5</sup>. These figures are included within the City Corporation Audited Statement of Accounts.

**6. Salary sacrifice limitation** – Implementation date: 4 October 2018

Following the introduction of the government's Tax-Free Childcare Scheme, all employer assisted childcare voucher schemes closed to new joiners from 4 October 2018<sup>6</sup>.

**7. Trade union check off arrangements** – Implementation date: deferred

The proposed new arrangements for check-off for public-sector employers<sup>7</sup>, aimed at reducing the administrative costs to employers were originally due to be effective from 10 March 2018; however, these have not yet been made into a Statutory Instrument.

### Forthcoming changes

**8. Brexit implementation date** – To be confirmed

If there is no deal the European Union (Withdrawal) Act 2018 (EUWA) brings across the powers from EU Directives so that UK workers will continue to benefit from UK rights that derive from EU law<sup>8</sup>. In the long term, the UK will be able to amend or repeal any retained EU law.

It remains unclear how big an impact a no deal Brexit will have on recruitment strategies as a result of the loss of EU workers in key sectors. There is no definitive figure in terms of the numbers of EU workers within the City Corporation's workforce. Those who can prove they have resided in the UK for 5 years can make an application under the EU Settlement Scheme<sup>9</sup> allowing them to remain indefinitely (this does not require employer sponsorship).

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<sup>4</sup> The Small Business, Enterprise and Employment Act 2015 is amended by Section 41 of the Enterprise Act. Current consultation on draft Public Sector Exit Payment Regulations proposes a cap on the value of any exit payment of £95,000.

<sup>5</sup> The Trade Union (Facility Time Publication Requirements) Regulations 2017 (SI 2017/328).

<sup>6</sup> Exceptions being only for existing employees who registered by 24 August 2018 and had at least one salary deduction before the scheme closed, who are able to continue as childcare voucher scheme members.

<sup>7</sup> The Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2017.

<sup>8</sup> Noting exceptions of: i). the Insolvency Protection Directive 2008/94/EC in a no-deal scenario will leave UK and EU employees working outside the UK in an EU country, subject to variations in protection according to the country they work in; and ii). the statutory framework that applies to European Works Councils 2009/38/EC would require a reciprocal agreement from the EU to continue to function in their present form within the UK.

<sup>9</sup> EU workers must have started living in the UK by 31 December 2020 to apply (or by the date the UK leaves the EU without a deal). The deadline to apply will be 30 June 2021, or 31 December 2020 if the UK leaves the EU without a deal.

Those who do not meet this requirement can apply for temporary status, allowing them to remain until they have accrued enough residency to be granted settled status. An intranet page provides information for relevant staff to keep them apprised of the current situation and this will be updated as necessary.

In the event of a no-deal, it will remain important to remain alert to developments of EU employment legislation, particularly so in respect of the impact upon staff based in EU countries albeit on a temporary or permanent basis.

## 9. **Independent review of the Modern Slavery Act 2015** – Final report: end of March 2019

The government has commissioned an independent review of the Modern Slavery Act 2015 to strengthen and enhance the current legislation as modern slavery evolves. Engagement on all phases of the review is now complete. Expert advisers and reviewers are now considering the evidence for the final report to lay before Parliament.

## 10. **The Good Work Review** – Implementation date: Various

In December 2018 the government published the Good Work Plan, an independent review of working practices conducted by Matthew Taylor. The aim of the review is to ensure all work in the UK economy is fair and decent with scope for development where possible.

The majority of Taylor's proposals were accepted by the government but will require consultation and legislation to implement. Some of the primary accepted proposals are cited below, including references to effective dates where the government has already taken steps to regulate:

- Consultation to streamline the employment status tests so they are the same for employment and tax purposes.
- Extension of the right to written particulars to all workers from day one<sup>10</sup>, and amendments to the mandatory statement information (effective from 6 April 2020).
- Extension of the right to an itemised payslip to all workers from day one; showing hours worked for workers whose wages vary (effective from 6 April 2019)<sup>11</sup>.
- Changes to the rules on continuous employment, so that a break of up to four weeks (currently one week) between contracts will not interrupt continuity.
- An increase in the holiday pay reference period from 12 weeks to 52 weeks<sup>12</sup> to take account of holiday variations (effective from 6 April 2020).
- Agency workers must be given specific information ("key facts") to help them make informed choices about the work they accept.
- Provision for agency workers of the right to request a contract (after 12 months with the same hirer) for more predictable and secure working conditions.
- Right to request a contract that guarantees hours for those on zero-hour contracts who have been in post for 12 months which better reflects hours worked.
- Lowering the threshold required for a request to set up Information and Consultation arrangements from 10% to 2% of employees<sup>13</sup> (effective from 6 April 2020).
- A reversal of the burden of proof in employment tribunal hearings regarding employment status i.e. the employer must prove the individual is not entitled to the relevant rights.
- The introduction of a scheme to publicly name employers who fail to pay out on tribunal awards.

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<sup>10</sup> Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018.

<sup>11</sup> Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) Order 2018 and Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) (No. 2) Order 2018.

<sup>12</sup> Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018.

<sup>13</sup> Employment Rights (Miscellaneous Amendments) Regulations 2019, the current 15 employee minimum threshold will remain.

- An increase in the level of penalty that can be levied against employers for their aggravated breaches<sup>14</sup> (effective from 6 April 2019).

The City Corporation will need to be prepared to make a number of adjustments to its practices, employment policies and procedures as appropriate; and ensure monitoring of compliance to avoid falling foul of legislative breaches.

#### **11. Non-disclosure agreements changes** – Consultation closes: 29 April 2019

Non-Disclosure Agreements (NDAs) originated to protect intellectual property when employees moved from one company to another. However, recent media coverage has emphasised that such agreements are frequently used to silence victims of bullying, harassment (including sexual harassment) and discrimination in the workplace. As a result, the government is now consulting<sup>15</sup> on tightening the rules around the use of NDAs and confidentiality clauses. In the interim it still remains legitimate to enter into an NDA. The NDA cannot prevent the employee reporting to the police, regulatory authorities or whistleblowing. Solicitors must consider the interests of their client and the public, where there is a conflict between the two, then prioritise the interest of the public.

#### **12. Ethnicity pay reporting** – Implementation date: proposed 6 April 2020

The government ran a consultation exercise on mandatory ethnicity pay reporting from 11 October 2018 to 11 January 2019 and are presently analysing the feedback received. New legislation could be introduced from April 2019 with the first annual reporting date occurring in April 2020. If implemented this is likely to be a much more complex exercise than gender pay reporting. There are many different ethnic groups, staff are not obliged to disclose their ethnicity and many staff are unwilling to disclose it. A separate report to this Committee details the findings of the City Corporation's ethnicity pay gap.

#### **13. Parental bereavement time off and pay** – Implementation date: 6 April 2020

The Parental Bereavement (Leave and Pay) Act 2018 provides at least two weeks' leave for employees following the loss of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy. This extends beyond parents to include adopters, foster parents and guardians, as well as more informal groups such close relatives or family friends who have taken responsibility for the child's care in the absence of parents.

The City Corporation's maternity leave and pay arrangements apply (subject to meeting eligibility requirements), where an individual has a stillbirth during or after the 16<sup>th</sup> week prior to the expected week of childbirth (EWC).

### **Future changes**

#### **14. Grandparental leave** – Implementation date: On hold

The government announced that its plans to extend shared parental leave and pay to working grandparents were shelved whilst it carries out a wider review of the entire Shared Parental Leave (SPL). However, grandparents can exercise their rights to ordinary parental leave albeit in very limited circumstances i.e. where they have formal parental responsibility for a child either by adopting a child or by a residence order. Alternatively, there is the option of making a statutory request for flexible working, or taking a period of unpaid leave.

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<sup>14</sup> Employment Rights (Miscellaneous Amendments) Regulations 2019 increase to the maximum level of penalty that ETs can impose in instances of an aggravated breach, from £5,000 to £20,000.

<sup>15</sup> Gov.uk consultation: Confidentiality clauses, measures to prevent misuse in situations of workplace harassment or discrimination.



The City Corporation under the Special Leave and Time Off Policy may grant up to a maximum of 5 days total paid compassionate / emergency dependants leave in any one leave year. Furthermore in exceptional circumstances only, additional paid leave may be granted of up to 10 days per year if approved by the Chief Officer after consulting with the Director of HR.

- 15. Increase of state pension age brought forward** – Implementation date: Proposed between 2037 and 2039

The Pensions Act 2007, 2011 and 2014 put in place provisions to increase the state pension age<sup>16</sup>. However, in July 2017 the government announced proposals to bring forward the increase in pensionable age to 68 to between 2037 and 2039 instead of between 2044 and 2046. These proposed changes would have to be approved by Parliament before they are agreed.

- 16. Statutory code to tackle sexual harassment at work** – Implementation date: To be confirmed

A report by the Women and Equalities Commission (a parliamentary committee) on Sexual Harassment in the Workplace makes recommendations for a more proactive no-tolerance approach to workplace sexual harassment. This includes a new duty on employers to prevent harassment, supported by a statutory code of practice outlining the steps they can take to do this and raising awareness of the area.

- 17. Extension of redundancy protection for women and new parents** – Implementation date: To be confirmed

The government commenced a 10 week consultation period from 25 January to 5 April 2019 recommending changes to the Maternity and Parental Leave etc. Regulations (1999) (“MAPLE”)<sup>17</sup>. Women on maternity leave currently have special protection in a redundancy situation. It is now proposed to extend this protection to throughout the pregnancy and to continue for up to six months after they return to work, thereby allowing the new mother to reestablish herself back into the workplace. The government will also seek views on giving the same rights to parents returning from adoption leave and shared parental leave.

- 18. Whistleblowers protected when applying for jobs in children's social care sector** – Implementation date: To be confirmed

The Children and Social Work Act 2017 includes a provision that provides protection from discrimination to job applicants who have previously made a protected disclosure when applying for children's social care local authority roles.

- 19. Re-introduction of employment tribunal fees** – Proposal

A tribunal fee structure was introduced in 2013 but then ruled unlawful by a landmark 2017 Supreme Court judgment: R (on the application of Unison) v Lord Chancellor. Fees were charged for filing the claim and then for the hearing of the claim, totalling £1,200 typically.

The cessation of fees has led to a sharp rise in claims which when coupled with a shortage in employment tribunal judges, has resulted in some cases taking 12-18 months to be heard. This leaves businesses with cases hanging over them and witnesses finding it difficult to recall events when giving evidence. The government is now considering introducing a new fee scheme at a much reduced rate, but there are no immediate plans to do this.

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<sup>16</sup> The Default Retirement Age (DRA) was phased out in October 2011.

<sup>17</sup> Employers currently have an obligation to offer women on maternity leave a suitable alternative vacancy where one is available, this gives woman on maternity leave priority over other employees who are also at risk of redundancy.

## Conclusion

20. Many of the proposals cited are either at consultation stage or require parliamentary approval, with the most significant employment law changes anticipated to take effect from April 2020 or beyond.

The legal debate will evolve arising around modern ways of working, and their incompatibility with our current employment status tests, especially within the gig economy. It is therefore important to start to ascertain the potential implications for the City Corporation employment policies, procedures and practice; in order to be leading from a position of good employment practice.

This report does not contain a full statement of the law and it does not constitute legal advice. Legal advice should be sought, when needed, from the Comptroller and City Solicitor's department.

## Background Papers

Developments in Employment Law, Establishment Committee, 15 January 2018 (Public).

**Carol Simpson**  
**Strategic HR Projects Manager**

T: 020 7332 3482

E: [carol.simpson@cityoflondon.gov.uk](mailto:carol.simpson@cityoflondon.gov.uk)

**Jill Bradbeer**  
**Principal Lawyer**

T: 020 7332 1669

E: [jillian.bradbeer@cityoflondon.gov.uk](mailto:jillian.bradbeer@cityoflondon.gov.uk)

<b>Committee(s):</b> Establishment Committee	<b>Date(s):</b> 30 <sup>th</sup> April 2019
<b>Subject:</b> Operation of the Scheme of Delegations October 2018 – March 2019	<b>Public</b>
<b>Report of:</b> Chrissie Morgan - Director of Human Resources	<b>For Information</b>
<b>Report author:</b> Marion Afoakwa – Human Resources, Town Clerks	

## Summary

In line with the Scheme of Delegations the report provides information on any redundancies, early retirements (including those made under the '85-year rule'), ill health retirements and Market Forces Supplements (MFS) approved in the reporting period 1 October 2018 to 31 March 2019.

## Recommendation(s)

Members are asked to:

- Note the actions taken under delegated authority.

## Main Report

### Background

1. In line with the Scheme of Delegations, the report provides information on redundancies, early retirements (including those made under the '85-year rule'), ill health retirements and MFS payments this reporting period.
2. There have been 7 redundancies in this reporting period.
3. There have been no ill health retirements.
4. There have been no early retirements including those made under the '85-year rule'.
5. 21 new Market Forces Supplements were agreed during this period.
6. In the last 12 months (April 2018 - March 2019) there have been 15 redundancies and no ill health retirements.
7. Appendix 1 (within the confidential section of the agenda) provides a table summarising the information.

## **Conclusion**

8. The Establishment Committee is asked to note the actions taken under delegated authority.

## **Appendices**

Appendix 1 (within the confidential section of the agenda) - table summarising information for the period October 2018 to March 2019

Marion Afoakwa  
Assistant Director of HR & Corporate Change  
T : 020 7332 1554  
E : [marion.foakwa@cityoflondon.gov.uk](mailto:marion.foakwa@cityoflondon.gov.uk)

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