

<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>
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### 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 (contained within separate appendices pack)**

- 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>

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