

<p>Committees: <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 Health and Wellbeing Board Hampstead Heath Consultative Committee Open Spaces and City Gardens Committee</p>	<p>Dated:</p> <p>30/04/2019 02/05/2019</p> <p>08/05/2019 13/05/2019 22/05/2019 04/06/2019 08/07/2019 15/07/2019</p>
<p>Subject: Gender Identity Policy</p>	<p>Public</p>
<p>Report of: Town Clerk and Chief Executive</p>	<p>For Decision: Establishment Committee and Policy and Resources Committee</p> <p>For Information: 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 the 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 Health and Wellbeing

Board, the Hampstead Heath Consultative Committee, and the Open Spaces and City Gardens Committee are asked to:

- consider the survey findings
- note the Gender Identity Policy and its implications for their departments.

Main Report

Background

1. In July 2018, the Establishment Committee asked that officers undertake a piece of work to develop an overarching 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 Identity 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. Between two and four times more respondents strongly supported or agreed with the key propositions than 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 transgender access to single-sex spaces. The importance of safeguarding was also a recurrent theme.

Implementation of the Policy

9. The Establishment Committee will oversee the Gender Identity Policy. The Equality and Inclusion Board, chaired by the Town Clerk, will be responsible for ensuring that it is effectively implemented.
10. Chief Officers will ensure that 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 delivery 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 Corporation’s 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 identity.

Appendices

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

Background Papers

- Equality and Human Rights Commission – Our 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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