

Report to: Personnel Committee



Date of Meeting 4th July 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Transgender Visibility

Report summary:

To provide an update on the actions required to implement the HR implications of the Council Motion on Transgender Visibility which was agreed at Council on 22nd February 2023.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Committee agree:

- That the Council will not implement the Stonewall Diversity Champions programme due to concerns raised.
- That staff views on the introduction of a staff network to support non-binary and transgender employees is explored as part of the planned staff survey later this year.
- That the Council will continue to ensure the completion of mandatory equality, diversity and inclusion training for staff and explore specific training once available.
- That the Member Development Panel review equality, diversity and inclusion training for members.
- To the introduction of a new Trans Equality Policy, as shown at Appendix 1.

Reason for recommendation:

To implement the HR actions agreed as part of the Council Motion, taking into account the findings of the recent research.

Officer: Jo Fellows, HR Manager (jfellows@eastdevon.gov.uk)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country, and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure, and Culture

Equalities impact High Impact

These actions would have a high equality impact. The completion of a detailed impact assessment forms part of this work, particularly relating to policy development/implementation and the provision of training.

Climate change Low Impact

Risk: Medium Risk; To be considered as part of planned impact assessment.

Links to background information [Agenda for Council on Wednesday, 22nd February, 2023, 6.00 pm - East Devon](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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Report in full

1. At Council on 22nd February 2023 a Motion was agreed regarding transgender visibility, with the following HR-related actions agreed:
 - 1.1. Agree in principle to sign up to Stonewall's Diversity Champions Programme for employers, and delegate authority to the Human Resources Manager to bring a report to Personnel Committee on the implications of this.
 - 1.2. Ensure all Council equalities and safeguarding policies include provisions for transgender employees who are transitioning, including information on confidentiality, dress codes and using facilities such as toilets, with related guidance for line managers.
 - 1.3. Ensure all equality, diversity and inclusion training provided to Council members and officers includes adequate reference to the equalities issues faced by transgender and non-binary people, for example on the use of correct pronouns, privacy and confidentiality, and the needs and experiences of trans and non-binary people.
2. This report summarises the work undertaken to date on these actions and highlights where further work and/or decisions are required.
3. The Council's HR system has a facility to enable staff to self-record their gender. Currently the percentage of employees who identify as female is 50.77% whilst employees who identify as men is 49.24%. There is an option on the application form to voluntarily state whether this was the employee's sex at birth but as yet our HR System provider has not adapted the system to allow reporting on this element although this has been requested by a number of customers and a further update is awaited.
4. The Equality Act, which the Council adheres to, protects people from discrimination on the basis of the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, and sexual orientation.

5. Stonewall's Diversity Champions Programme

- 5.1. Stonewall Equality Limited is a lesbian, gay, bisexual, and transgender rights charity. In 2001 it launched its Diversity Champions programme. Employers sign up to the programme at a cost of circa £3000. Employers then work with the charity to ensure that their policy and practices assist the transgender and non-binary community to be comfortable in the workplace by addressing outright discrimination. Employers who pay to join the scheme receive a logo to use on promotional materials, are listed on a "proud employers" careers site, have access to resources, can get their policies reviewed for transgender and non-binary inclusivity and are advice on gender neutral language. Employers are also entered into the charity's Workplace Equality Index and Global Workplace Equality Index where they are benchmarked against other companies, which is published as an annual rundown of the top 100 employers for transgender and non-binary inclusion.
- 5.2. Research has shown that the charity has led on a lot of successes for the transgender and non-binary community. Of particular note is the campaign to repeal the law banning homosexuality in the armed forces, amendments to the 2002 Adoption and Children Bill which treated lesbian and gay couples the same as heterosexuals, equalisation of the age of consent to 16 years old, recognition of anti-gay hate crimes through the Criminal Justice Act 2003 and introduction of the Civil Partnership Act.
- 5.3. However, in recent years from 2021 onwards, the charity has received heavy criticism and controversy which has been widely reported and has resulted in many high-profile organisations not renewing their Diversity Champions subscription. Much of the controversy is described as relating to their 'controversial advice' and 'trans-extremism', with concerns that their programme is incompatible with upholding the Equality Act. Organisations that have ceased their membership include the Cabinet Office, ACAS, BBC, The Equality and Human Rights Commission, DVLA, OFCOM, Dorset Police and the Department of Education.
- 5.4. Considering the concerns raised, we have sought information from other councils on whether they have or plan to use the Stonewall Programme. The survey, via South West Councils, yielded the following results from seven authorities (2 district, 2 unitary, 2 county and 1 fire and rescue service):
- 3 had joined the Stonewall Diversity Champions Programme but 2 have since left, with them citing cost and "no added value" as reasons for discontinuing. Of the organisations that have never joined, cost, lack of HR resource and member decision were cited as the reasons.
 - 6 offer a staff network to provide support to non-binary and transgender employees.
 - 4 provide generic equality rather than specific trans awareness training.
 - 2 include unacceptable behaviour in relation to gender identity in their behaviour policy.
 - 5 have a separate transgender policy or guidance for line managers to support employees transitioning.
- 5.5. On the basis of the above information it is recommended that the Stonewall Diversity Champions programme is not implemented within the Council. If a decision is made to implement, funds would need to be agreed, as this is outside existing budget.

6. Other actions

6.1. Taking into account the research undertaken, the following actions are planned:

- Seek staff views, via the planned reintroduction of an annual staff survey, on whether there would be interest in establishing a staff network to provide support to non-binary and transgender employees (alongside consideration of staff networks for other protected characteristics).
- All staff complete mandatory equality, diversity and inclusion training upon joining the Council and every three years thereafter and we will continue to promote this and monitor completion. A specialist transgender visibility eLearning module is being developed by our eLearning provider, but this will not be available until later in 2023. When it is available, we will review it as part of this work. Additionally, we will also review recruitment and selection training.
- It is suggested that the Member Development Panel may also wish to review training for members.
- A HR policies review has identified that our equality and diversity and acceptable behaviour policies address protected characteristics, but we need to incorporate good practice in relation to supporting a colleague who is transitioning and we also need to review our recruitment policies and employment check process to be sensitive to applicants who are undergoing or have completed gender reassignment. A draft Trans Equality Policy is at appendix 1 and will be supported by management guidance.

7. UNISON views on these proposals is being sought at Joint Staff Forum on 29th June, with the outcome shared with Committee. The HR Team will continue to liaise with South West Councils and local councils to share good practice and learning. Personnel Committee will be kept informed of progress.

Financial implications:

No direct financial implications are identified at this stage.

Legal implications:

The proposals in this report not only implement the HR implications of the Motion on Transgender Visibility agreed by Full Council earlier this year but also help to promote equality, diversity and inclusion and ensure compliance with the Equality Act 2010.



Trans Equality Policy

1. The Council is committed to creating a safe environment for all employees and does not discriminate in any way on the basis of sex, sexual orientation, gender identity or gender expression. The following actions will be taken in support of this policy.
2. All employees have the right to request to be addressed by the name and pronoun that they prefer.
3. All employees can change their name on internal records to what they would prefer to be known as. This includes names and photos on ID badges. Email addresses and usernames can be changed by emailing the STRATA Service Desk.
4. The HR and Payroll System links to HMRC. Therefore, it has to meet the requirements of the HMRC with regards to gender as gender is linked to the National Insurance number and other personal details, and entitlement to benefits such as pension etc. The HMRC operates under the rules of the Gender Recognition Act 2004 which only defines gender as male or female and the Council is bound to work within this, until the HMRC rules change, when the system will be updated. Therefore any changes to gender can only be actioned on receipt of a Gender Recognition Certificate. The system also only recognises pronouns of Mr, Mrs, Miss, Rev or Dr, which has been flagged with our system provider and will be updated when the system allows.
5. Employees are able to access any toilet that corresponds to the gender they identify as or that they feel most appropriate using, regardless of sex assigned at birth. Toilets will be identified by symbols rather than words. Employees will not be expected to use the disabled toilets, unless they wish to do so.
6. The Council will not restrict clothing choices, including those who wear uniform, based on gender, unless there is a specific health and safety requirement, for example Personal Protective Equipment.

7. Arrangements for Transitioning at work

- 7.1. Transitioning is the process people may go through to align their physical identity to their chosen gender identity. The Council aims to create an environment where an employee would feel comfortable speaking to their manager should they wish to transition at work. However it is understood that this is a personal process and if employees do not feel comfortable talking to their manager they should speak to a senior member of staff within their service or a HR Business Partner.
- 7.2. We recognise that the process of transitioning is very personal and different for every individual. Therefore, at the beginning of the process, the manager (or other alternative agreed person) will meet with the employee to develop and agree an action plan. During the process, the employee will have the opportunity to regularly meet with the manager (or other alternative agreed person) to discuss progress. An action plan may include aspects such as whether or not the employee wishes others to know about the process and what information is given to people and when, arrangements for using a different

name or dressing differently at work, if applicable, and any other aspects that the employee wishes to be considered.

- 7.3. Absence for transition related medical procedures will be managed in accordance with the Absence Policy, including the usual arrangements for occupational sick pay.
8. The Employee Assistance Programme (EAP) is an independent advisory service which employees can contact for support. The Council's Mental Health First Aiders are also available for support and signposting to organisations which can offer advice and support. Further information is available on the intranet.
9. The Council will not tolerate any unacceptable behaviour in the workplace. If you experience discrimination, bullying or harassment please refer to our Unacceptable Behaviour Policy, available on the intranet.

Policy administration

- **Equality impact** – High. Human Resources will monitor implementation of this policy.
- **Who authorised the policy/strategy and date of authorisation** - This policy was agreed with SMT+ on xxxx, UNISON on xxxx and Personnel Committee on xxxx and takes effect from xxxx.
- **Policy date for review and responsible officer** - Corporate HR Manager 2026.