

MINUTES OF MEETING STAFFING AND REMUNERATION COMMITTEE HELD ON MONDAY, 16TH DECEMBER, 2019, 7.00 - 8.35 PM

PRESENT:

**Councillors: Makbule Gunes (Chair), Patrick Berryman (Vice-Chair),
Gideon Bull and Reg Rice**

1. FILMING AT MEETINGS

Noted.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (IF ANY)

Apologies for absence were received from Councillor Dennison.

3. URGENT BUSINESS

None.

4. DECLARATIONS OF INTEREST

The Chair declared a non-pecuniary interest in respect of item 8 on the agenda as she was a founding signatory of the Labour Women's Declaration. The Chair did not consider this to be a prejudicial interest.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

Deputation One

The Trade Unions, represented by Gerard McGrath and Seán Fox, thanked the Committee for allowing their deputation. They referred the Committee to page 20, 9.1 to 9.6, of the report pack which included the Trade Union comments on the Trans Equality Policy (the Policy).

The Trade Unions welcomed the Policy in its' current form and strongly urged the Committee to approve its adoption, noting it was better for the Council to have a policy in place rather than have nothing at all. They informed the Policy had been widely consulted on with both the Trade Unions and Staff. Further, the Policy was in line with the Trade Unions own Trans Policy.

The Trade Unions recognised there was concern regarding introducing the Policy before relevant legislation had been updated. However, they noted the Council had been progressive in the past and acted ahead of law changes in certain areas. This included introducing, what was considered at the time, a controversial policy on HIV/AIDs, yet demonstrated the Council being progressive and forward thinking.

The Trade Unions were concerned that individuals were getting distracted by issues that were not in the Policy. They emphasised that the Policy was simply to protect and support staff in the workplace who identified as trans or non-binary.

The Trade Unions closed by requesting the Committee approve the Policy to demonstrate to staff that the Council supported its trans and non-binary staff members.

In response to a question from the Committee, the Trade Unions stated it was a legal entitlement that Trans people be able to have access to toilet facilities which reflected how they identified.

Deputation Two

Mary Mason and Therese O'Meara presented their deputation to the Committee. They raised a number of concerns with the proposed Trans Policy, mainly that the policy did not consider the impact on women and their rights to privacy and protection from abuse. The deputees felt that the nature of some male behaviours had not been considered and felt concerned that women could be exposed to predators. The policy needed to be developed alongside an understanding and appreciation of women's rights.

There were concerns that the policy would obstruct women's rights, and experiences were shared of women who no longer wished to use shared spaces (shower rooms, toilets).

In response to the answer provided by the Trade Unions in relation to legal entitlement of Trans people, Ms Mason advised that the Equality Act 2010 allowed for Trans people with a Gender Recognition Certificate to use shared spaces.

The Committee were requested to ensure that any policy took into account all protective characteristics in the Equality Act 2010, and that officers had sought specialist legal advice on the policy if they had not done so already.

The Chair thanked all for attending.

6. MINUTES

RESOLVED that the minutes of the meetings held on 25 November 2019 and 29 November 2019 be approved as a correct record.

7. DOMESTIC VIOLENCE & VIOLENCE AGAINST WOMEN AND GIRLS HR POLICY

Manju Likhman, Violence Against Women and Girls Strategic Lead, introduced this item and took the Committee through the key points of the report, as set out at pages 1 to 3. It was noted the policy had been approved by the Staffing and Remuneration Committee in 2018 but had since been revised. The Committee's approval was sought to approve those changes.

The Committee were taken through the key changes to the strategy, which were:

- In section 6.4 of the policy; staff who reported to be victims of domestic violence and abuse be granted up to 10 days of special leave to be able to arrange appointments.
- In section 6.5 of the policy; on occasions there were difficulties where some victims did not report abuse to the police, and so a sentence was removed which stated that *'you (The Council) can only take action against perpetrators or employees that had been reported to the police'* and replaced with wording for the Council to be allowed to take action where incidents had not been reported to the police.. The Board agreed with this additional wording.
- The policy also allowed for support to be provided to perpetrators who recognised their behaviour needed rectifying through the Perpetrator Programme which the Council commissioned.

In response to questions from the Committee, the following information was provided:

- Some staff members might recognise themselves as perpetrators and that their behaviour needed rectifying. Where such staff voluntarily sought help from the Council, it would assist by providing them with a place in the Perpetrator Programme.
- The Trade Unions had been consulted on the revised policy who had approved it. The Trade Unions had requested children be added to the following sentence, *'It will not be appropriate for a perpetrator of domestic abuse to be providing services to vulnerable adults and / or children'*. That addition was included in the revised policy.
- Officers informed these proposed changes came about following lengthy consultations with both the Staffing and Remuneration Committee and Trade Unions.

8. IMPLEMENTING TRANS EQUALITY POLICY

Daksha Desai, Acting Head of HR & OD, and Sinead Booth, HR Policy Officer, introduced the report as set out.

The Council had made the decision to take part in Stonewall submissions since 2016, and the implementation of a Trans Equality Policy had developed from this. Cabinet had approved an action plan in 2018, which included the creation of a policy.

The Committee were advised that consultation had been carried out in the same manner as for all HR policies. There had not been any specific consultation with women as there was no specific women's social staff network group. However, each of the four social staff network groups contained around 200 members of staff, and 60% of the organisation was female, therefore women had been consulted in this way. Officers also advised that the policy would cover staff in Council buildings, and would not be rolled out to schools.

Officers responded to questions from the Committee and deputies:

- Nothing in the Trans Equality Policy would change anything included in other HR policies.

- Practice notes and training would be provided alongside the policy (as with other HR policies) and would provide information for staff on appropriate behaviour and how to challenge any unacceptable behaviour.
- The policy had been consulted on since 2018, with staff networks, Trade Unions, and trans staff at the LGA and GLA.
- There were no communal shower spaces in current council buildings – all showers were single rooms.
- The policy covered staff working for the Council in Council buildings. If any members of staff reported incidents of inappropriate behaviour then there were other policies and mechanisms in place to deal with them.

Mary Mason asked that clarification be sought on the rights of women, and the need to be clear on self-identification and the legal position. The law currently required a Gender Recognition Certificate to allow access to shared spaces. The position of the deputation party was not that they did not wish to extend the use of these spaces to trans people, but that there was a grey area in terms of the rights of women to challenge people who wished to use the spaces and not face recrimination. Officers advised that whilst this was a complex area of law and practice, the development of the policy had involved obtaining legal advice. The policy was about being inclusive and ensuring that the wellbeing of all staff was taken into consideration in the workplace.

The Committee discussed the resolution to approve the policy and took into account the deputations made by both parties. The Committee decided to defer the approval of the policy to allow further discussion with the Labour Group and for officers to explore how women could be further consulted in the policy.

RESOLVED that the approval of the Trans Equality Policy be deferred to a future meeting.

9. NEW ITEMS OF URGENT BUSINESS

None.

10. DATE OF NEXT MEETING

6 February 2020

11. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that the press and public be excluded from the meeting for the consideration of item 12 as it contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paragraph 1.

12. MINUTES

RESOLVED that the exempt minutes of the meeting held on 29 November 2019 be approved as a correct record.

CHAIR: Councillor Makbule Gunes

Signed by Chair

Date