

## Appendix 3

### **EQUALITY IMPACT ASSESSMENT**

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a 'relevant protected characteristic' and those without one;
- Fostering good relations between those with a 'relevant protected characteristic' and those without one.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

#### **Stage 1 – Screening**

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protect characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

#### **Stage 2 – Full Equality Impact Assessment**

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

**When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.**

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

<b>1. Responsibility for the Equality Impact Assessment</b>	
<b>Name of proposal</b>	Trans Equality Policy
<b>Service area</b>	Human Resources
<b>Officer completing assessment</b>	Sinéad Booth/Hugh Smith
<b>Equalities/ HR Advisor</b>	Hugh Smith
<b>Cabinet meeting date (if applicable)</b>	
<b>Director/Assistant Director</b>	Richard Grice

## **2. Summary of the proposal**

*Please outline in no more than 3 paragraphs*

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

The [Haringey Workforce Development Strategy 2019-23](#) sets out four strategic themes that are designed to build on the strengths of Haringey Council's workforce and address identified gaps in order to create a better place for Council staff to work and a workforce that can meet the needs of residents. Among these four themes is 'Valuing Differences', which commits to deliver "an inclusive working culture where staff feel engaged and their voices heard" and "discrimination and unconscious bias are proactively addressed". Under this theme, the strategy notes that the Council intends to "review and develop policies to ensure they are inclusive of staff with a protected characteristic".

The proposed Trans Equality Policy and accompanying practice notes represent the delivery of that commitment for trans members of staff. The need for the policy derives from the significant discrimination trans people continue to experience in the workplace across the UK, as highlighted by trades unions including [UNISON](#), [GMB](#), and the [TUC](#).

The policy seeks to clarify information about and guidance on support available to trans staff, including on the practicalities of transitioning while at work. This includes:

- Right to confidentiality, under the law
- Ability to change employee personal data and information
- Right to time off for medical appointments
- Rights to re-deployment
- Pensions information and HMRC
- Template transition plan

The introduction of this policy is expected to positively impact on trans staff within the council by preventing any harassment, victimisation, or discrimination against them, and thereby benefitting their mental health and wellbeing, and promoting retention and professional development. It can also be expected to benefit all staff by reaffirming the Council's commitment to a discrimination and harassment-free workplace for all, where staff should neither experience nor tolerate bullying or harassment.

The policy has been drafted to create greater equity and inclusion for trans staff, supported by the council's staff equalities networks, trade unions and human resources department. The policy is to be considered by the Staffing and Remuneration Committee for approval.

## **3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?**

*Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these*

*This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.*

<b>Protected group</b>	<b>Service users</b>	<b>Staff</b>
Sex	N/A	<a href="#">Corporate Employee Profile March 2020</a> <a href="#">Review of the Gender Recognition Act 2004: consultation analysis</a>
Gender Reassignment	N/A	<a href="#">Equality Human Rights Commission</a>  <a href="#">Tribunals and Gender Recognition Statistics (Ministry of Justice) Main Tables at Table GRP 4.</a>  <a href="#">Stonewall: LGBT in Britain, Trans Report</a>
Age	N/A	<a href="#">Corporate Employee Profile March 2020</a>  <a href="#">Trans Mental Health Study 2012</a>
Disability	N/A	<a href="#">Corporate Employee Profile March 2020</a>  <a href="#">National LGBT Survey 2018 (page 23)</a>  <a href="#">Trans Mental Health Study 2012</a>  <a href="#">It's time for reform, Trans* Health Issues in the International Classification of Diseases 2011</a>  <a href="#">Mental health and gender dysphoria: a review of the literature</a>
Race & Ethnicity	N/A	<a href="#">Corporate Employee Profile March 2020</a>

Sexual Orientation	N/A	<a href="#">Corporate Employee Profile March 2020</a>  <a href="#">National LGBT Survey 2017</a>
Religion or Belief (or No Belief)	N/A	<a href="#">Corporate Employee Profile March 2020</a>  <a href="#">Review of the Gender Recognition Act 2004: consultation analysis</a>
Pregnancy & Maternity	N/A	N/A
Marriage and Civil Partnership	N/A	<a href="#">Tribunals and Gender Recognition Statistics (Ministry of Justice)</a> Main Tables at Table GRP 4.
<b>Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?</b>		
<i>Explain how you will overcome this within the proposal.</i>		
<i>Further information on how to do data analysis can be found in the guidance.</i>		

There is limited information about the number of trans people in the UK and we do not collect employee data on trans staff.

The policy is intended to offer trans members of staff dignity at work and eliminate bullying, harassment and discrimination. The main impact of the policy therefore relates to the protected characteristic of gender recognition (referred to as gender reassignment in the Equality Act 2010).

The application of this policy would not entail any changes to other staff with protected characteristics. The council's only women-only spaces are bathrooms, and this policy does not entail any changes to these: privacy and dignity for all users is offered by the provision of self-contained cubicles.

## Demographics

### a) Sex

#### Corporate Employee Profile March 2020:

Female	65.2%
Male	34.8 %

**Review of the Gender Recognition Act 2004: consultation analysis:** A number of respondents to the Scottish GRA consultation raised concerns about changes to that legislation, including perceived harms associated with trans women's rights to access women-only spaces such as toilets and changing rooms, perceived risks to women's safety, and a perceived de-prioritisation of the rights of women to those of trans people where those rights are viewed as being mutually exclusive. These concerns were mirrored in a deputation to the Staffing and Remuneration Committee in December 2019.

These concerns would be applicable to the bathrooms in the council offices as we do not have any other women-only spaces where this policy would be applicable. This concern is addressed now and will continue to be addressed through our provision of self-contained cubicles. Application of the Trans Equality Policy would not entail any change regarding access to bathrooms in Council offices. Our existing workforce policies on bullying and harassment prevent abusive behaviour and provide victims with recourse through proper channels.

### b) Gender Reassignment

The need for the policy derives from the discrimination trans people continue to experience in the workplace across the UK, as highlighted by trades unions including [UNISON](#), [GMB](#), and the [TUC](#). Such discrimination can range from less favourable treatment in recruitment and appraisal processes, fewer opportunities for training and progression, and bullying and harassment. Stonewall's [LGBT in Britain: Trans Report](#) notes that 12% of trans employees in the UK have been attacked by colleagues or customers and 51% of trans employees have hidden or disguised the fact that they are trans at work because they were afraid of discrimination.

Evidence shows that discrimination at work can be traumatic, adversely affecting workers' mental health, physical health, and professional development in terms of sustained employment, skill acquisition, and progression. The objective of the policy is to prevent any discrimination that trans members of Haringey Council staff may experience and thereby prevent harm to trans people's health and wellbeing and/or careers.

### c) Age

#### Corporate Employee Profile March 2020:

16 – 24	1.9%
25 – 34	13.7%
35 – 44	22.5%
45 – 54	32.3%
55 – 64	26.7%
65 +	2.9%

#### Trans Mental Health Study 2012:

In the UK in 2007/2008, 392 people were issued with full GRCs. 67 (17%) were aged 58 and over. In 2018/2019, 323 people were issued with full GRCs and the number of successful applicants aged 58 and over was 13%.

From this data, it is reasonable to conclude that trans people in the UK are younger on average than the Haringey Council workforce. Equally, any trans people in the Haringey Council workforce are more likely to be among the younger, underrepresented age groups than the 30% of staff who are aged 55+.

#### d) Disability

##### **Corporate Employee Profile March 2020:**

Disclosed disability	6.5%
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##### **National LGBT Survey 2017<sup>1</sup>:**

In a Government LGBT Survey carried out in 2017, 33% of trans participants indicated that they had a disability, whereas 14% of non-trans respondents said they did.

##### **Trans Mental Health Study 2012:**

In a survey of 889 trans people in 2011, 58% (of the sample) indicated that they had a disability or chronic health condition. 36% identified that they had a mental health issue. 88% (of 549 who answered the question) had been diagnosed with depression or considered they were or had been depressed and 48% (of 483) had attempted suicide at least once.

##### **It's time for reform: Trans\* Health Issues in the International Classification of Diseases 2011:**

Evidence indicates that the mental health issues experienced by trans people are related to the prejudice and discrimination they experience.

##### **Mental health and gender dysphoria: a review of the literature:**

Evidence indicates that transitioning to the gender with which the person identifies helps resolve distress and mental health issues.

The data indicates that mental health conditions are more common among trans people, that this is at least in part caused by experience of prejudice and discrimination, and that transition can help to prevent or ameliorate mental health issues. The objectives of the Trans Equality Policy to eliminate discrimination and facilitate transition at work are therefore relevant to any trans members of Haringey Council staff who experience mental health issues caused by discrimination.

#### e) Race & Ethnicity

##### **Corporate Employee Profile March 2020:**

Black, Asian and Minority Ethnicities	52.8%
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<sup>1</sup> <https://government-equalities-office.shinyapps.io/lgbt-survey-2017/>

White Minorities	15.1%
White British	27.1%
Not declared	4.9%

There is no statistical evidence published about the ethnic origin of people who are issued with a full GRC under the GRA. There is no reason to believe that trans people are over-represented or under-represented among any particular racial or ethnic group.

#### f) Sexual Orientation

##### Corporate Employee Profile March 2020:

Not recorded	47.4%
Bisexual	0.7%
Gay man	0.8%
Heterosexual	41.3%
Lesbian	0.6%
Prefer not to say	9.2%

##### National LGBT Survey 2017:

Of the 14,320 self-selected trans people who responded to the UK LGBT Survey in 2017 the following table outlines their sexual orientation. Which shows that many trans people have intersecting identities / multiple protected characteristics.

This sample was self-selecting and not a random sample, so findings cannot be assumed to be representative of the trans population as a whole.

Bisexual	31.6
Gay/lesbian	22.8
Asexual	5.4
Pansexual	14.1
Queer	4.6
Other	6.6
Heterosexual	9.4
Don't know/Prefer not to say	5.4

The data indicates that Trans people are more likely to identify as LGBQ+ than the general population. Intersectionality is likely to play an important role, therefore, for Trans people who identify with an LGBQ+ identity.

#### g) Religion or Belief (or No Belief)

##### Corporate Employee Profile March 2020:

Christian	24%
Hindu	1%
Jewish	0.6%
Muslim	4.8%
None	11.5%

Other	0.7%
Prefer not to say	9.4%
Not recorded	48%

#### **Review of the Gender Recognition Act 2004: consultation analysis:**

A number of respondents to the Scottish GRA Consultation noted that the proposed changes to the system for obtaining legal gender recognition could impact on women whose religion or belief prevented them from sharing spaces with trans women. This concern may be applicable to the handwashing spaces in bathrooms in the council offices. However, this concern was not raised during the consultation for this policy. We do not hold any evidence that women of any religion or faith employed by Haringey Council share these concerns.

#### **h) Pregnancy & Maternity**

The policy is not expected to have any specific impacts in relation to this protected characteristic.

#### **i) Marriage and Civil Partnership**

##### **Tribunals and Gender Recognition Statistics (Ministry of Justice):**

In 2018/19, the GRP granted 34 full GRCs to married applicants across the UK.

The Trans Equality Policy will apply equally to people who are in marriages and people who are in civil partnerships

#### **4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?**

*Please outline which groups you may target and how you will have targeted them*

Further information on consultation is contained within accompanying EqIA guidance

Consultation has been carried out in developing and drafting the Trans Equality Policy.

The consultation process has followed the standard process that all workforce policies undergo. This has included engagement with:

- All existing staff equalities groups
  - LGBTQ+ Network
  - EMBRACE Network (previously called BAME Network)
  - Disability and Illness Network
  - the Young Peoples Network
  - the Social Mobility Network

- Recognised Trade Unions
  - UNISON
  - Unite
  - GMB
- Director of Customers, Transformation & Resources
- HR colleagues
  - Acting Head of HR & OD
  - HR Business Partners
  - HR Advisors
  - Policy and Reward Team
- Haringey's Legal Team

The council does not have a women's staff network. This is because staff networks are self-starting and self-managing, rather than formed corporately, and Haringey Council staff have not started a women's network. Consultation relating to the impact on women was sought through the Trade Unions, the London Councils HR Policy Network and Haringey Council's Legal Team.

In order to engage with people with the gender reassignment protected characteristic, the drafted policy was also consulted with trans staff at the LGA and Unison's LGBT members group.

Staff with protected characteristics were engaged through feedback from the staff networks and the Equalities Steering Group. This combined with feedback from external groups, such as Stonewall, LGA trans staff and the London Council's HR Policy Network, provided a robust picture of issues which affect trans employees, and more specifically, those with intersecting identities and other protected characteristics.

Workshops were held with representatives from staff equalities networks which shaped the creation of the workforce Trans Equality Policy.

Stakeholders were then consulted on two drafts of the policies, with Unison taking the policy to their LGBT+ executive committee for comments. The policy was finalised and approved by all stakeholders with support from all groups.

#### **4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics**

*Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?*

There was a consensus during the consultation process that trans staff are underrepresented within the council and their needs have not been sufficiently addressed within our current processes. That there is a need to advance the rights and supports for trans employees within the council in order to meet our Public Sector Equality Duty.

Key representative groups within the council were consulted with, the priorities arising were as follows:

- To align the policy with Stonewalls guidance
- To align the policy with UNISONS trans policy template
- To ensure that all terms were clear and understandable
- To provide manager specific guidance
- To align our policies with Homes for Haringey's Transgender Policy 2014
- To promote the policy widely

Following the consultation, the policy brought together aspects of current best practice and policies from partner organisations. A transitioning at work action plan was added to the guidance to help managers and employees to understand what the process might entail and make sure that managers are as supportive as possible.

Concerns relating to women's bathroom facilities have been addressed through the mix of facilities which includes single occupancy, self-contained cubicles.

However, the consultation brought to light the need for more self-contained cubicles should the offices return to full capacity. Going forward, the organisation is looking to create an agile workforce, which includes how we design our office accommodation. As a result of this consultation, a part of the design spec will be to design private, single cubicle spaces that include a washbasin.

## **5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?**

*Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.*

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

### **1. Sex**

A number of respondents to the Scottish GRA raised concerns about the implications of legal gender recognition for women. This was mirrored by a deputation to the Staffing and Remuneration Committee in December 2019, where concerns were raised about the potential impact on women and their rights to privacy and protection from abuse.

The council does not provide any single sex services or provide gender segregated offices (these are provided by external organisations where this policy does not apply as it is a Haringey workforce policy), as such the impact on women's spaces is applicable only to the bathrooms in council buildings. This concern is addressed / mitigated through our current provision of self-contained cubicles, which includes a toilet plus vanity unit

and hand-drying facilities. Employees have access to self-contained bathroom facilities to ensure there are facilities that women are comfortable using where they no longer wish to use shared spaces.

This EqIA highlighted the need to develop even more self-contained cubicles and will incorporate this into any updates to council accommodation. In the longer term, this will have a positive impact based on sex and women's spaces. This will be monitored through engagement with trade unions

Positive		Negative		Neutral impact	X	Unknown Impact	
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## 2. Gender reassignment

The proposed policy will have a significantly positive impact on current and future trans employees within the council. There are benefits for transgender employees through having clear policy and process for gender recognition and transitioning at work. These benefits will include:

- Freedom from discrimination
- Lower risk to mental health
- Improved retention and progression

Introducing a clear process for transitioning at work both socially and formally will enable trans people to be treated with dignity, courtesy, and respect, without having to go through the process without and guidance or clear process.

It is our duty to advance equality of opportunity. This policy outlines how we will do that for trans staff and therefore create a positive impact on their time at Haringey.

Positive	X	Negative		Neutral impact		Unknown Impact	
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## 3. Age

While the policy is not designed to address age inequality, there is evidence that there are additional challenges for older employees in transitioning socially and legally. This policy would positively impact on the challenges older employees face, through increased understanding and support from the organisation. As such, older trans people would experience benefits including lower risk to their mental health.

The data indicates that a proportionately higher number of younger people than older people are trans. The people the policy is most likely to benefit are therefore younger members of Haringey Council staff.

Positive	X	Negative		Neutral impact		Unknown Impact	
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## 4. Disability

There is substantial evidence that shows a link between the mental health issues experienced by trans people to the prejudice and discrimination they experience. By introducing this policy and addressing prejudice and discrimination within the council we hope to positively impact on staff with disabilities.

Positive	X	Negative		Neutral impact		Unknown Impact	
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## 5. Race and ethnicity

There is no data on the impact of this policy on race and ethnicity, however Trans people may face dual discrimination on the grounds of their race and their gender reassignment. The intersectional nature of discrimination can compound the impact on the individual and it is important to understand the whole person and not a single aspect of their identity.

Positive		Negative		Neutral impact	X	Unknown Impact	
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## 6. Sexual orientation

There is data which shows that many trans people also identify as LGBQ+ and have intersecting identities / multiple protected characteristics. It is highly likely that the introduction of this policy would have a positive impact on employees who have intersecting characteristics.

The LGBTQ+ Staff Network have championed trans inclusion at Haringey, where the introduction of this policy would significantly advance the rights and inclusion of a part of its membership.

Positive	X	Negative		Neutral impact		Unknown Impact	
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## 7. Religion or belief (or no belief)

There has been feedback of concerns from the Scottish GRA Consultation that increased rights for trans people could impact on women whose religion or belief prevented them from sharing spaces with men.

The council does not provide any single sex services or provide gender segregated offices (these are provided by external organisations where this policy does not apply as it is a Haringey workforce policy), as such the impact on women's spaces is applicable only to the bathrooms in council buildings. This concern is addressed through our current provision of self-contained cubicles, which includes a toilet plus vanity unit and hand-drying facilities. Employees have access to self-contained bathroom facilities to ensure there are facilities that women comfortable using.

Positive		Negative		Neutral impact	X	Unknown Impact	
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## 8. Pregnancy and maternity

There is no evidence of an impact of transgender equality on pregnancy and maternity.

Positive		Negative		Neutral impact	X	Unknown Impact	
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## 9. Marriage and Civil Partnership

People in marriages and people in civil partnerships will be treated equally in all aspects of the Trans Equality Policy

Positive		Negative		Neutral impact	X	Unknown Impact	
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## 10. Groups that cross two or more equality strands e.g. young black women

This EqIA has identified the intersecting identities of employees within the council and has sought to address any inequalities that trans staff may face. Groups that are likely to have experienced disadvantage based on their intersecting identities and who may benefit from the introduction of the Trans Equality Policy include:

- BAME trans people
- Young trans people
- Older trans people
- LGBQ+ trans people
- Disabled trans people
- Trans people who have mental health conditions

### Outline the overall impact of the policy for the Public Sector Equality Duty:

- Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?
- Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?

This includes:

- a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
- b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
- c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low

- Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?

The Trans Equality Policy will help to eliminate discrimination suffered by trans members of Haringey Council staff. There is no foreseeable risk of discrimination against any other group of people arising from the implementation of the policy.

The proposal will advance equality of opportunity for trans staff as the policy will encourage staff to bring their true selves to work, and support retention and progression of trans staff.

The Policy will help to foster good relations between groups who share a relevant protected characteristic and those who do not as the policy and guidance encourages productive and supportive dialogue between employees.

#### **6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?**

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome	Y/N
<b>No major change to the proposal:</b> the EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	Y
<b>Adjust the proposal:</b> the EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	N
<b>Stop and remove the proposal:</b> the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	N

#### **6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty**

Impact and which relevant protected characteristics are impacted?	Action	Lead officer	Timescale

Potential impact on women only spaces.	To further promote the self-contained bathrooms.	Sinéad Booth	From date of implementation and ongoing.
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**Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.**

N/A

**6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:**

HR will monitor workforce equalities data, requests for advice and support from managers and staff, any formal procedures related to the policy.

**7. Authorisation**

EqIA approved by ..... (Assistant Director/ Director)	Date .....
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**8. Publication**

*Please ensure the completed EqIA is published in accordance with the Council's policy.*

Please contact the Policy & Strategy Team for any feedback on the EqIA process.