

Individual Executive Decision Notice

Report title	Trans Equality Policy	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Paula Brookfield Governance	
Wards affected	Not applicable;	
Accountable Director	David Pattison, Chief Operating Officer	
Originating service	Human Resources	
Accountable employee	Sukhvinder Mattu	Service Lead – HR Policy and Strategy
	Tel	01902 553571
	Email	Sukhvinder.mattu@wolverhampton.gov.uk
Report to be/has been considered by	Governance Leadership Team	22 September – 03
	People and Change Leadership	November 2021
	Trade Unions	September 2021
	SEB	December 2021 and January 2022

Summary

The Council already has a Transgender Policy and Transgender Guidance, however a review was undertaken to ensure that it is still fit for purpose and in line with current legislation. EDI also requested that a review was undertaken to support their submission for Stonewall accreditation in October.

The updated Trans Equality Policy provides clear guidance on how Council managers can best support an employee who is transitioning, the policy aims to inform managers about the transitioning process, what it means including most recent, commonly used terminology. This will help to create a culture where Tran's employees are valued, and any instances of transphobia are dealt with in line with the grievance and disciplinary policies.

Trade Unions have reviewed the Trans Equality policy and endorsed its use.

Recommendation for decision:

That the Cabinet Member for Governance, in consultation with David Pattison, Chief Operating Officer:

1. Approve the new Trans Equality policy to be made available to managers and employees of the Council.

Signature
Name of Cabinet Member

Date:

Signature
Name of Director

Date:

1.0 Background

1.1 Trans Equality policy and guide

- 1.2 A review of the existing Transgender policy and Transgender guidance was undertaken to ensure that it is still fit for purpose and in line with current legislation. Equality, Diversity and Inclusion (EDI) team also requested that a review was undertaken to support their submission for Stonewall accreditation in September October 2021
- 1.3 The updated Trans Equality policy provides clear guidance on how the Council's managers can best support an employee who is transitioning, the policy aims to inform the organisation on transitioning, what it means including most recent, commonly used terminology. This will help to create a culture where Tran's employees are valued, and any instances of transphobia are dealt with in line with the grievance and disciplinary polices.
- 1.4 The updated Trans Equality guidance supports the Trans Equality policy by offering the manager and employee new and updated mechanisms to support employees during their transition.

2.0 Progress

- 2.1 Guidance has been sought when reviewing the existing policy and policy statement to ensure the Council is legally compliant.
- 2.2 Amendments to the Trans Equality policy are as follows:
- Includes a change in terminology from Transgender policy to Trans Equality policy in line with Stonewall and EDI guidance.
 - An updated appendix for transitioning at work definitions and terminology adapted from Stonewall and advice from EDI.
 - A summary of legislation is provided within the main body of the policy, the full definition of legislation surrounding trans equality is then found at appendix 2A new section on promoting Trans Equality that includes marking important dates for the Trans community. E.g. Trans date of visibility 31 March.
 - A new section under policy statement, which states that the Council recognises that to 'out' someone, i.e. to reveal a person's trans status without their consent and without their permission is a form of harassment.
 - A new section under records which states previous gender history and/or identity must not be contained openly within a personnel file, physical or electronic, such documents will be restricted. Therefore, Human Resources will carry out the task of going into each document on IDOX and restricting access.

2.3 The new Trans Equality guidance includes:

- A change in title from Transgender guidance to Trans Equality guidance
- A new section on “what is transitioning?” added, this aims to raise awareness of transitioning.
- A new Action Plan and checklist for employees and managers to work through during an employee’s transition including written consent to disclose an employee’s transition.
- A new set of FAQs’ within the guide is available for those who are transitioning and their managers.
- The guide aims to inform the workforce of trans equality issues and in turn provide a workplace that is supportive of trans employee’s, creating a culture where employees can thrive and are supported through any process of transition

2.4 The revised draft Trans Equality policy is attached as appendix 1. The document has been reviewed by recognised trade unions and stonewall experts. It has also discussed at Governance Leadership meetings, People and Change Leadership meetings and Operational Manager’s Network.

3.0 Evaluation of alternative options

3.1 It is a legal requirement for any employer to act as reasonably as possible to protect employees from harassment, discrimination and victimisation. A Trans Equality policy enables the Council to ensure there is a clear commitment to supporting employees who are transitioning and ensure any instances of transphobia are dealt with accordingly in line with the grievance and disciplinary policies.

4.0 Reasons for decision

4.1 By having a Trans Equality policy, the Council would demonstrate a commitment to the fair treatment of its employees, potential employees or users of its services. It will inform the workforce of trans equality issues and in turn provide a workplace that is supportive of trans employee’s, creating a culture where employees can thrive and are supported through any process of transition and any instances of transphobia are dealt with in line with the grievance and disciplinary policies.

5.0 Financial implications

5.1 There are no financial implications associated with the recommendation in this report.

[GE/24112021/L]

6.0 Legal implications

6.1 There are no direct legal implications arising from the report. The relevant legislation is contained within the policy. The Equality Act 2010 has strengthened and streamlined previous equalities legislation. 'Gender reassignment' is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty.

[TC/24112021/D]

7.0 Equalities implications

7.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 In developing this policy, an Equality Analysis has been undertaken and the results of which indicate that it is lawful to proceed in the way described by this policy. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly. Equality analysis can be requested from HR for review, if required.

8.0 All other Implications

8.1 Implications for HR – Human Resources will monitor, and review reported grievances relating to harassment and bullying, concerning a trans employee or harassment by association e.g., where an employee is harassed or victimised because their relative is trans. Any findings will be reported to the EDI team. The policy and guidance will be reviewed and updated every 3 years or sooner.

9.0 Schedule of background papers

9.1 There are no background papers

10.0 Schedule of appendices

10.1 Appendix 1: Draft Trans Equality policy