

Cabinet – 18 March 2009

Equality and Diversity Strategies

Portfolio:	Councillor G. Perry, Communities and partnerships
Service:	Neighbourhood Partnerships and Programmes
Wards:	All
Key decision:	No
Forward plan:	Yes

1. Summary of report

Further to the cabinet reports from 21 March and 18 July 2007, introducing Age Equality and Gender Equality Schemes, this report provides an overview of all equality and diversity policies that Walsall Council has adopted to date, and seeks approval to the amalgamation of these schemes into a single equality scheme. The report also seeks approval to the draft Sexual Orientation Scheme and action plan (appendix 1) and explains what has been achieved in different areas of equality and diversity.

2. Recommendations

- 2.1 That Cabinet agrees to bring all equality and diversity policies under one common equality framework and Single Equality Scheme.
- 2.2 That Cabinet agrees the draft Sexual Orientation Equality Scheme and action plan (appendix 1).

3. Background information

- 3.1 Since 2000 the government has been introducing a range of new requirements on local authorities to provide services free of discrimination, based on fairness and equality of opportunity for all communities. Until recently, the legislation has represented a patchwork of different Acts with different levels of protection for race, gender and disability. With the Equality Act passed in 2006, further requirements were introduced on local government to include protection for different age groups, religions and sexual orientation.

- 3.2 The council has so far published 4 equality schemes covering race, disability, age and gender, previously agreed by Cabinet. Each scheme set out our duties, particularly in the areas of employment, service delivery and community engagement. They demonstrate our commitment to be proactive in tackling discrimination, promoting good relations and equality of opportunity for our diverse population, whether they are employees, service users or members of community.
- 3.3 As a result of these policies, we have created solid structures for embedding these principles into our service plans and HR policies. We have an Equality Champion for each directorate and the Corporate Equality Group (CEG) is chaired by the Chief Executive. CEG regularly exchanges information with the Neighbourhoods and Partnership Portfolio Holder. Our efforts have recently been acknowledged by external peer assessors who concluded in January 2009 that the council has reached Level 3 of the Equality Standard. A set of recommendations were produced from the assessment which will be a separate report to Cabinet in April.
- 3.4 The council's equality and diversity policies need to be extended to include people from diverse religious backgrounds and of different sexual orientation. In addition the existing action plans need to be refreshed and updated to reflect the current council priorities and objectives set out in the Sustainable Community Strategy. In recent months the Equality and Diversity Team has focused on consultation with gay, lesbian, bisexual and transsexual people living in the borough because there has not been any consultation with these communities in the past. As a result a Sexual Orientation Equality Scheme has been drafted, which is proposed to the Cabinet for approval with this report.
- 3.5 In 2009/10, the Equality and Diversity Team, together with the Walsall Partnership and Corporate Equality Group will focus on developing a comprehensive Single Equality Scheme. This document will articulate Walsall's key equality values, for the 6 equality groups covered by current legislation, and provide a framework for embedding these values, closely linked to wider council priorities. More detail on this will be covered in the report coming forward in April on the recommendations from the Diversity Peer Challenge following consideration by CEG.

4. Resource considerations

4.1 Financial:

Development of the new Single Equality Scheme and implementation of the interim Sexual Orientation Equality Scheme do not require additional resources. However, it is expected that promotional activities, training and development internally, as well as capacity building with the community sector, will both require closer working partnerships and re-focusing of existing resources and activities.

4.2 Legal:

Failure to update our existing equality and diversity policies and bring in protection for religious groups and people of different sexual orientation may result in the council being exposed to potential legal action on the grounds of unfairness, discrimination and not paying due regard to all public sector equality duties.

4.3 Staffing:

Development of the new policies will be through the Equality and Diversity Team, and the leadership role of CEG. Implementation of employment and staff development actions under the new Single Equality Scheme may require refocusing of some resources within HRD.

5. Citizen impact

Further updating and extension of the equality and diversity policies will have a positive impact on our residents. As a result of appropriate implementation of the Single Equality Scheme and closer liaison with the community and voluntary sector our residents will be:

- More aware of their rights under the new legislation
- Experience fair treatment when coming into contact with council services
- Expect that firm action is taken in cases of alleged discrimination or inappropriate treatment
- Confident that the council cares and actively seeks to find out about their diverse needs and act on them

An equality impact assessment on the Sexual Orientation Scheme was carried out between May and November 2008.

6. Community safety

No adverse impact is expected. Positive impact is expected with the implementation of policies, such as the monitoring of harassment and homophobic, racist and other incidents.

7. Environmental impact

None expected.

8. Performance and risk management issues

8.1 Risk:

None expected. Implementation of E&D policies, particularly the equality impact assessment procedure, should help managers to avoid risk and improve services.

8.2 **Performance management:**

Failure to further update and extend E&D policies may result in poor inspection results, for example in the forthcoming Comprehensive Area Assessments.

9. **Equality implications**

It is important that needs of different groups covered by the legislation are appropriately considered in the Single Equality Scheme so that no one community feels excluded.

10. **Consultation**

Consultation has taken place with Walsall council's employee network for gay, lesbian, bisexual and transsexual people and an external LGBT Steering Group, on the interim Sexual Orientation Scheme. A comprehensive action plan for consultation on the development of the Single Equality Scheme will be developed and consultation in partnership with our major umbrella groups will take place in 2009/10.

Background papers

- Draft Sexual Orientation Equality Scheme
- Report to Cabinet – 30/11/2005 Race Equality Scheme
- Report to Cabinet – 12/07/2006 Disability Equality Scheme 2006 - 2009
- Report to Cabinet – 18/07/2007 Gender Equality Scheme 2007 - 2010
- Report to Cabinet – 21/03/2007 Age Equality Scheme

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Jamie Morris
Executive Director

9 March 2009



Councillor Garry Perry
Portfolio holder

9 March 2009

Walsall Council

Draft Sexual Orientation Scheme

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1. Background

Walsall's population is made up of culturally rich and diverse groups of people, who make a valuable contribution to making Walsall a good place to live and work. The Council's work is to deliver services in an equitable and fair way that meet the needs and aspirations of our current and future Lesbian, Gay, Bisexual and Transgender (LGBT) residents and staff.

Walsall Council is committed to meeting the needs of members of all communities and is a member of the Stonewall Organisation and Synergy. Stonewall works with a whole range of agencies to address the needs of lesbians, gay men and bisexuals in the wider community. Membership to the Organisation means Walsall Council is an inclusive employer and promotes equality regarding employment and service provision for lesbian, gay, bisexual and transgender staff. Synergy, working in partnership with Gender Matters, is keen to promote organisations and Services that are "Trans Aware". By working in partnership, Walsall Council can be of benefit to Trans people in the community as well as in the workplace.

The Council is committed to creating an inclusive community in which every person is treated with dignity and respect and appropriately to their individual circumstances. This includes respect for a person's sexual orientation and for any partners they may have. The Council, through this policy, will ensure that all employees and past and prospective employees and its service users are not subject to less favourable treatment as a result of their sexual orientation or perceived sexual orientation. This statement of policy underpins a commitment to developing a culture of personal and managerial integrity and professionalism, in which dignity, courtesy and respect are valued, and where employees behave in ways that are sensitive and respectful to others regardless of their sexual orientation.

2. Terminology

Lesbian

- A woman who is emotionally, physically and/or sexually attracted to women. This is the most widely accepted term.

Gay man

- A man who is emotionally, physically and/or sexually attracted to men. This is the most widely accepted term.

Bisexual person

- A man or woman who is emotionally, physically and/or sexually attracted to both men and women.

Transgender people

- Transgender is an all-embracing term for people who have the desire to live and be accepted as a member of the opposite sex (men who feel they should have been born a woman and vice versa). Transgender people should be addressed in the gender that they present. Never assume a transgender person is LGB. A large number of transgender people are heterosexual. A person's gender identity does not necessarily match outward appearance or birth-assigned gender.

LGBT people

- An acronym for lesbian, gay, bisexual and transgender people. An umbrella term used in European gay politics and the term most commonly in use in the UK when speaking or writing about LGBT people.

LGBT community

- An inclusive term that refers to all sections of multicultural community who have common experiences on the basis of their sexual orientation.

Sexual orientation

- A person's emotional, physical and/or sexual attraction, and the expression of that attraction. Sexual orientation refers to both LGB and heterosexual people.

Homophobia

- Homophobia is a term that was coined in the 1970s and is interpreted differently by different people. The two main associated concepts are (1) prejudice and or discrimination against LGB people generally and (2) irrational 'fear' of LGB people and possibly associated avoidance of exposure to LGB people or culture.

Homosexual

- The term gay is widely preferred to the word homosexual, which is clinical in origin (implying a condition or illness) and is usually viewed as an offensive term by many LGB people.

LGBT

- The T in the acronym LGBT stands for transgender. Transgender is an umbrella term that incorporates all members of the transgender community. Transgender people may experience homophobia or sexism depending on their sexual orientation. Never assume that a transgender person is lesbian or gay. Avoid using the LGBT acronym in isolation. When speaking or writing refer to gay people as (1) LGBT people or (2) the LGBT community.

Heterosexism

- Viewed as a cultural rather than individual phenomenon and includes the exclusion or rendering invisible of LGB people and the assumption that all people are heterosexual. Heterosexist assumptions include the idea that heterosexuality is 'natural' and 'normal', inherently healthier and superior to other types of sexual orientation and the assumption that all people are heterosexual.

Coming out

- A process whereby individuals identify themselves as LGB and begin to share this identity with others. For some LGB people, the coming out process is difficult, for others it is not. Often LGB people feel afraid, different and alone when they first realise that their sexual orientation is different from their community expectation. This is particularly true for people becoming aware of their sexual orientation as a child or adolescent, which is not uncommon. Depending on their families, cultural or religious beliefs, where they live and so on, they may struggle against prejudice, isolation and misinformation about sexual orientation.

Diversity

- Refers to the differences and life experiences of each individual in any group of people and is used to highlight individual need. It can be used inappropriately as an alternative to equal opportunities. It avoids reference to discrimination and the impact that power imbalances have on different communities.

Equal opportunities

- The development of practices that promote the possibility of fair and equal chances for all to develop their full potential in all aspects of life and the removal of barriers of discrimination and oppression experienced by certain groups.

Equalities

- Used as a shorthand term to refer to all work addressing issues of discrimination and disadvantage, particularly as it relates to sexual orientation, race, disability, gender, faith and age equality.

LGBT equality

- The vision or aims of creating a society free from homophobia and discrimination, where equal civil and human rights are available to all LGBT people and groups, enabling them to live their lives free from oppression and homophobia.

3. Legislation protecting Lesbian, Gay, Bisexual and Transgender People

In February, the Equality Act (2006) was passed by Parliament. The Act gives the Government powers to introduce regulations outlawing discrimination on the grounds of sexual orientation in regards to access to goods, facilities and services. This means that service providers from hotels to GPs, shops to local authorities cannot refuse to serve LGB people or offer them a service of lesser quality than that provided to heterosexuals.

From 1 December 2003, when the Employment Equality (Sexual Orientation) Regulations came into force, it became unlawful to discriminate against workers because of sexual orientation. The Regulations also cover providers of vocational training. The Civil Partnership Act 2004 (in force from 5 December 2005), which grants same-sex couples [rights and responsibilities](#) identical to civil [marriage](#) and the connected amendments to the Employment Equality (Sexual Orientation) Regulations also provide protection from discrimination. Legislation covers all six strands of equality, namely age, disability, gender, race and ethnicity, religion or belief and sexual orientation.

Two of the most important pieces of legislation that have had an impact on the lives of the LGBT community came into force in recent years. The first was the Gender Recognition Act 2004, for LGB and heterosexual people who identify as transgender, and the second was the Civil Partnership Act 2004. These, along with other relevant legislation, are identified in Appendix 2.

4. Lack of data around LGBT people

Sexual orientation was omitted from the last Census and from the Office for National Statistics annual national Census, and this consequently makes it difficult to have any general understanding of the demographics of LGBT communities. As a result, it is not possible to provide statistics which relate specifically to Walsall. Whilst it currently does not do so, Walsall Council is committed to monitoring this category and will be

able to provide more concrete data over the next three years. It will also feature as a category as part of the 2011 Census.

The Government is using the figure of 5-7% of the population as a basis for the amount of LGBT people currently in the UK, which Stonewall, one of the leading Organisations promoting LGBT issues, feels is a reasonable estimate. However, there is no hard data on the number of lesbians, gay men, bisexuals and transgendered people in the UK as no national census has ever asked people to define their sexuality and, in the case of transgendered people, their gender. It is believed that there are 1.7 million LGB people in the UK workforce and an estimated 35,000 to 65,000 people in the UK who are transgender. Various sociological and commercial surveys have produced a wide range of estimates, but there is no definitive figure available.

5. Issues for the LGBT community nationally

Employment: Despite the introduction of the Employment Equality (Sexual Orientation) Regulations 2003, which makes homophobic discrimination in the workplace illegal, many LGBT people still feel unable or unsafe to reveal their sexual orientation at work. There is no reason to suspect that this is not the case in Walsall. LGBT employees now find themselves in the position where they are protected from discrimination in the work place, but employers fail to acknowledge, or are unaware of their legal responsibilities, and may leave themselves open to legal challenge.

Homophobic Crime: Whilst not a comparator to Walsall, it is disturbing to note that reports of homophobic crimes in London have increased according to figures from the Metropolitan Police Service (Metropolitan Police Service Crime reporting figures 12 months to July 2006). However, the Metropolitan Police Service is confident that the increase is not necessarily illustrating more attacks, but instead that more victims are coming forward to report that they have experienced crime and that confidence is increasing. While the Metropolitan Police Service actively tackles this issue with the cooperation of the LGBT community, under-reporting remains a pressing matter, and this may certainly be an issue for Walsall.

Many LGBT people do not report crime perpetrated against them for a variety of reasons: some are historical, others include a lack of confidence in the judicial system or that appropriate action will be taken. Others report but withdraw all allegations should the case go to court as LGBT people still feel that they themselves will be criminalised by the judicial system. The situation has, however, improved following the introduction of the Criminal Justice Act in 2003, which recognises homophobia as an aggravating criminal factor.

Education: There is a level of homophobic bullying present in schools across the country (Terrence Higgins Trust (1997) *Playing it Safe: responses of secondary school teachers to lesbian and gay pupils*, Douglas, Warwick, Kemp & Whitty). While many schools are aware that this form of bullying takes place, only a minority have specific anti-homophobic bullying clauses within their policies and practices. Peer isolation may lead LGBT young people to truant, underachieve, experience mental health problems, or ultimately leave the education system, which may lead to longer-term social problems beyond school age.

Homelessness: Recent research published by Shelter and Stonewall Housing Association (Shelter and Stonewall Housing (2005) *Sexual Exclusion: issues and best practice in lesbian, gay and bisexual housing and homelessness*) states that most local authorities and housing providers do not monitor sexual orientation of clients. Therefore, they do not have a clear picture of the problem of LGBT homelessness, or how to respond to clients' needs. Research by the YMCA in Sussex (Hove YMCA (2006) *Spectrum - Out on my own*) found that as many as one in five young people who are homeless in East Sussex are LGBT, and these may reflect nationwide figures.

Health: LGBT people are at a similar risk to other people of suffering serious mental health issues. This risk is intensified, however, by the problems many may have to face as a result of their sexual orientation. Low self-esteem, few positive role models, social isolation, media stereotyping and lack of support/services can lead to high levels of depression, substance misuse or self-harming behaviour.

Although there is little research documenting tobacco use prevalence among LGBT populations, preliminary studies indicate that gay men and lesbians tend to smoke more than their heterosexual counterparts. Several small studies show that smoking rates among gays and lesbians are high and increasing rapidly (American Lung Association (2005) *Tobacco Use and Lesbian, Gay, Bisexual and Transgender (LGBT) Populations*).

Service provision: Without firm, specific protection under the provision of goods, facilities and services, LGBT people will continue to experience wholesale discrimination from service providers. Now that Government has made a commitment, comprehensive legal protection needs to be introduced as a matter of priority.

Accessing appropriate service provision: Many black and minority ethnic LGBT people experience compounded discrimination and isolation from both the mainstream and LGBT communities. While some agencies may be struggling to secure much-needed and limited additional funding, they have a responsibility to meet the needs of all LGBT people, especially those who are being failed at the present time. The same is true for black and minority ethnic LGBT people, disabled LGBT people, people of faith, younger and older people. It should of course be acknowledged that many LGBT

agencies, and an increasing number of mainstream service providers, offer first-class inclusive services and have done for many years.

6. Consultation with the local LGBT Community

In December 2007, a consultation exercise was undertaken with the Walsall LGBT community, the first of its kind by Walsall Council. Its purpose was to establish of members of Walsall's LGBT community. This was an extremely useful exercise in establishing the understanding and needs of the LGBT community within Walsall. The findings appear to demonstrate that much needs to be done to support the community in providing effective trust with its people where skills, knowledge and experience can be developed and shared in a safe, confidential and learning environment within the Authority.

Of the responses received, 88% believed that Walsall does not take into account the views and needs of the LGBT community. In addition, it appears that there is a need for a wide range of services to be made available for the LGBT community and a belief that there is a shortage of provision within the community. Of equal importance is the overwhelming belief that there should be a Forum for the LGBT community as 82% fervently support such a gathering.

It is clear that the community needs to be engaged in consultation, both meaningful and relevant. The perception is that Walsall does very little for the community and the community receives very little in return. There is very obviously a need to revisit the services that Walsall Council provides and the way that it demonstrates an integration of those services to certain communities.

This is not intended to be a one off exercise. Walsall Council will continue to engage with the LGBT community in an effort to improve its services.

Action: Conduct follow up survey with previous consultees to determine satisfaction and any improvement areas. Engage the LGBT community in consultations and activities around partnership working and community cohesion.
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7. Lesbian, Gay, Bisexual and Transgender Network (LGBT Network)

Walsall Council is working with its LGBT staff in an attempt to help prevent discrimination of employees and ensure that their day to day needs are taken into account. To this end it has developed an employee network for all its lesbian, gay, bisexual and transgender employees. The LGBT Network is open to all lesbian, gay, bisexual and transgender employees of Walsall Council, and aims to raise awareness of the needs of LGBT employees.

The Network's key objectives are

- To support the campaign for sexuality equality.
- To challenge harassment and discrimination based on sexual orientation.
- To provide a safe and confidential forum for support, in which LGBT employees can share their experiences and discuss matters of mutual concern.
- To have a consultative role in the development and review of Walsall Council's policies, structures and practices.
- To welcome new members and assure confidentiality.

It is a challenge to create a structure for the LGBT Network that is inclusive, representative and at the same time workable and meaningful. The principle will be that the Network should be as inclusive as possible; and to that end needs to include all employees who consider themselves to be part of the LGBT community.

Having an LGBT Network and this scheme is not about ticking boxes. Walsall Council is responding to the needs of its staff and wider community as a result of the consultation with employees, borough and national good practice. The endorsement of this scheme is a key element to this and it may be perceived as a customer care charter for the LGBT community.

Action: Continue to promote and raise awareness of the LGBT Network amongst staff and potential applicants
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8. What we are currently doing?

As an employer, Walsall Council will aim to monitor, with reference to the sexual orientation of staff, those who:

- are currently employed by the Council;
- apply for employment, training and promotion;
- receive training;
- benefit or suffer detriment as a result of the Council's performance assessment procedures;
- are involved in the Council's grievance procedures;
- are the subject of disciplinary procedures; and
- cease employment with the Council

Walsall Council is taking steps beyond mere compliance with the law, and is actively engaging with their gay staff. The business case for this is clear. As the Stonewall campaign notes 'people perform better when they can be themselves.' This is a critical step forward in working to combat discrimination based on sexual orientation and gender identity, both within the workplace and throughout society.

As a result of consultation with the LGBT community Walsall Council has responded to the comments made. A Steering Group is being established, with members of the LGBT community, tasked with identifying the current needs and working to meet the wide range of services currently being unmet in Walsall. This Group will become a Forum for the community, representing it in formal and informal settings.

Current workplace monitoring enables Walsall Council to examine the make-up of its workforce. It highlights differences between groups, such as minority groups or staff from particular teams or grades, in terms of productivity, satisfaction and progression. Monitoring sexual orientation will help Walsall Council identify, tackle and prevent discrimination against LGBT staff, which can undermine productivity. In addition, undertaking monitoring will

- Build reputation
- Boost recruitment and retention
- Increase productivity
- Avoid risk

Staff, in turn, will feel the benefits as it will

- Facilitate communication
- Encourage engagement
- Increase awareness

Action: Set up systems to enable us to monitor sexual orientation and begin monitoring sexual orientation in employment and in service delivery.

Continue to assess the impact of existing policies on staff's sexual orientation through the annual plans for Equality Impact Assessments and the work towards achieving the Equality Standard

Assess the consequences of planned new major policies and internal and external reviews on the sexual orientation of staff

Continue the establishment of the LGBT community steering group and become a constituted body

9. Walsall Council – A Commitment for sexual orientation equality in Walsall

This scheme will apply to all employees of the Council. Where employees are treated with dignity, courtesy and respect, there is an enriching effect on the quality of life for all concerned that cannot be over emphasised. As well as the personal benefits to individuals, the Council's reputation as a desirable place to work is enhanced. This can lead to higher levels of staff morale and retention.

The commitment for sexual orientation equality in Walsall is that:

- everyone should expect to have an opportunity to lead a fulfilling life, free from discrimination and harassment, regardless of their sexual orientation
- long-lasting changes that meet the needs, and improve the quality of lives, of a sexually diverse community are identified
- barriers to social inclusion are removed
- people experience equality of opportunity when applying for employment and working for the Council, regardless of their sexual orientation
- all services delivered by us, and on our behalf, are appropriate and relevant to the needs of a sexually diverse community

Walsall Council will:

- Base its work, both as an employer and a service provider, on a common understanding that sexual orientation equality goes hand in hand with a commitment to equalities in general and social justice.
- Work to promote sexual orientation equality and eliminate discrimination on the basis of sexual orientation. This will include initiatives such as homophobia in schools. Walsall Council will work with partner organisations to provide a service that achieves a reduction in discrimination.
- Promote specific initiatives, both in employment and service delivery, to empower and support people of all sexual orientation
- Address issues of gender equality in different cultural contexts, promoting values of equality, partnership and respect throughout its work.

- Value all its employees equally regardless of their sexual orientation. It recognises that LGBT employees come from diverse backgrounds and will strive to ensure that they do not face discrimination either on the grounds of their sexual orientation or with regards to other aspects of their identity (such as race, age, religion, gender and disability).
- Provide a supportive environment for employees who wish to be open about their sexual orientation and any negative reactions from others will be dealt with appropriately. It is the right of the individual to choose whether they wish to be open about their sexuality. However, it is also important not to assume that because an individual has informed one person of their sexual orientation, that they have informed others, or that they wish their private life to be disclosed to others. Every care should be taken not to “out” someone inadvertently, (revealing a person’s sexual orientation against their wishes).
- Provide a supportive environment for employees who do wish to remain private about their sexual orientation. If a situation arises in where a person’s sexual orientation is made known to others as a result of action under any Council procedures, it is important that this is kept confidential to the parties involved and not disclosed to any other individual outside of that process. To “out” someone without their permission is a form of harassment and will be treated as such. It may also constitute a breach of the Data Protection Act.
- Provide equity on family leave policies. Whether an individual is “out” or not, employees are entitled to the family leave that is available to those in opposite sex partnerships. This includes the suite of family friendly policies, such as Special Leave, Maternity Leave, Adoption Leave and Maternity Support Leave and to apply for flexible working arrangements etc. Requests should be dealt with sensitively and where the employee concerned wishes to keep their personal life confidential they should be able to do so.
- Not make assumptions that partners of employees are always of the opposite sex. Access to facilities that are available to partners of opposite sex couples will normally be made available to same sex couples. If Service Areas offer the opportunity for social gatherings which extend to the partners of employees, care should be taken with the wording of invitations, posters etc, to ensure inclusivity for those with same sex partners.
- Through its Anti Bullying and Harassment Policy, be committed to providing a caring and supportive working environment, which is free from all forms of harassment, discrimination, bullying and intimidation. Therefore harassment or bullying on the grounds of someone’s sexual orientation or perceived sexual orientation could lead to serious disciplinary action and will be dealt with under the Council’s Anti Bullying and Harassment Policy.

Further advice and support for Managers and employees who require additional information on this Policy can be obtained from:

- Human Resources and Development
- Equality and Diversity Team
- Directorate Equality Board
- Service Team Equality Board

Specialist information can be obtained by referral to appropriate external agencies such as Stonewall (www.stonewall.org.uk) and the Gender Matters (www.gender-matters.org.uk).

This Policy, from the date of acceptance, will be monitored and reviewed annually.

Action: Walsall Council staff and managers to adopt this scheme with its commitments and charter.

Provide guidance for the staff in awareness of LGBT issues and in providing services and increase awareness amongst staff in the division of the issues and reasons for monitoring sexuality.

Develop tender for training sessions about homophobic bullying in schools including children and Families, staff, students and community groups to challenge assumptions to bring about change.

Ensure the Council continuously promotes recording victim and crime data on homophobic incidents/hate crime through Walsall Council's new Harassment Reporting Form.

Further develop the library stock to include LGBT publications

Contribute to planning of the first Walsall Pride event in 2010

Become an outreach centre for Walsall's transgendered staff and community through partnership working with the Gender Identity Centre.

10. Action Plan

	Actions	When	Who
1.	Set up systems to enable us to monitor sexual orientation and begin monitoring sexual orientation in employment and in service delivery.	March 2009	Human Resources and Development
2.	Walsall Council staff and managers to adopt this scheme with its commitments and charter	March 2009	All staff and managers
3.	Provide guidance for the staff in awareness of LGBT issues and in providing services and increase awareness amongst staff in the division of the issues and reasons for monitoring sexuality.	March 2009	Equality and Diversity Team with Human Resources and Development
4.	Conduct follow up survey with previous consultees to determine satisfaction and any improvement areas.	March 2009	Equality and Diversity Team Directorate Equality Boards
5.	Develop tender for training sessions about homophobic bullying in schools including children and Families, staff, students and community groups to challenge assumptions to bring about change.	March 2009	Equality and Diversity Team
6.	Continue to assess the impact of existing policies on staff's sexual orientation through the annual plans for Equality Impact Assessments and the work towards achieving the Equality Standard	March 2009	Equality and Diversity Team Directorate Equality Boards All Managers

7.	Assess the consequences of planned new major policies and internal and external reviews on the sexual orientation of staff	March 2009	Equality and Diversity Team Directorate Equality Boards All Managers
8.	Ensure the Council continuously promotes recording victim and crime data on homophobic incidents/hate crime through Walsall Council's new Harassment Reporting Form.	September 2008	Equality and Diversity Team Directorate Equality Boards
9.	Continue to promote and raise awareness of the LGBT Network amongst staff and potential applicants	March 2009	Equality and Diversity Team
10.	Continue the establishment of the LGBT community steering group and become a constituted body	March 2009	Equality and Diversity Team LGBT network
11.	Further develop the library stock to include LGBT publications	March 2009	Library Service Directorate Equality Boards
12.	Engage the LGBT community in consultations and activities around partnership working and community cohesion.	December 2009	Equality and Diversity Team LGBT network
13.	Contribute to planning of the first Walsall Pride event in 2010	December 2010	LGBT Network LGBT Steering Group Equality and Diversity Team

14.	Become an outreach centre for Walsall's transgendered staff and community through partnership working with the Gender Identity Centre.	January 2009	Equality and Diversity Team
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11. Implementation of the Sexual Orientation Scheme

Further Consultation

A council wide Consultation Group coordinates an annual consultation intention plan and diary. If services require guidance in undertaking consultation on age related issues, the Consultation Group to provide help with running focus groups, devising consultation questionnaires, ensuring that consultation is representative of the local population or can focus on reaching various groups within the local communities.

Consultation on equality and diversity Issues is a responsibility of Equality Boards and services that carry out annual Equality Impact Assessments (EIA). Directorates and services are required to plan for consultation and feedback in their annual budgeting process, service Plans and continuous improvement plans.

Publication & Communication

Walsall council values the input of the diverse age groups and communities. We will inform the public of the various equality and diversity issues and events through a variety of mechanisms and formats such as:

- Corporate Plan and Performance Plan
- Council's website/Walsall Pride - Council's free newspaper for residents
- Community representative meetings & conferences
- Equalities Partnership

In addition, the directorates are required to plan for consultation and feedback through their:

- Annual budgeting process
- Directorate/Service Plans

Information will also be put into various accessible formats on request, for example

- Braille
- Audio-tape
- Translations into community languages
- Provision of community language interpreters including British Sign Language, where required.

Access to Information and Services

Access to information and services has been a key priority of the Council for many years. Here is a summary of some of the services, policies, procedures and practices that contribute to making information and services accessible to all age groups:

First Stop Shop

The Council has opened a first stop shop in the Civic Centre which enables one point of access to a number of services and information to the public.

Interpretation and Translation Service

This has been provided in the past by request directly by services who have bought in the service from a range of external agencies.

Community Newspaper

The council's community newspaper, Walsall Pride is translated into some community languages based on specific need and requests and is delivered to all homes in the borough.

Sexual Orientation Press

The council does publish articles, information and job adverts in national LGBT press, such as 'Gay Times' and 'Diva'.

Service Resources

Directorates are planning and budgeting for which of our key plans, service leaflets and other publicity material should be available/or are usually requested in minority languages. Directorates will also be encouraging groups to tell them on what information and in what language and format they would like to be informed, consulted with, and provided services in.

Support for Community and Voluntary Groups

The Council values the work of the community and voluntary sector, in providing services for local communities, and in providing a voice for local people, including various age groups, those who are vulnerable or disadvantaged, in local partnerships. The sector, supported by Walsall Voluntary Action (WVA) and the Walsall Community Empowerment Network (CEN), plays a key role in the Walsall Borough Strategic Partnership (WBSP), and in the nine Local Neighbourhood Partnerships (LNP).

Dealing with Complaints

Specific complaints can be made by service users or the public generally whether to inform us of poor service or feeling a victim or witnessing an incidents or harassment. Employees can do the same through the anti-harassment policy or formal employment processes such as the Grievance procedure as long as it involves another employee and not service users or the public. There is a need to focus on informal workable solutions where appropriate, before formal procedures are invoked and mediation is always an option on offer for both service users and employees before complaints become formal or as an action after investigation.

Appendix 1

Historical Timeline

The following is a very brief summary of some of the more important dates in LGBT history, which puts the struggle to achieve legal, social, and political change over the last 50 years into context.

1954 - The Home Secretary appoints a committee under Sir John Wolfenden to 'consider... the law and practice relating to homosexual offences and the treatment of persons convicted of such offences by the courts'.

1957 - Publication of the Wolfenden Report on Homosexual Offences and Prostitution, recommending that homosexual behaviour in private between consenting adults (that is, aged over 21) should be decriminalised but that curbs on prostitution should be tightened.

1957 - The Archbishop of Canterbury, Dr Fisher, supports the Wolfenden Report: 'There is a sacred realm of privacy... into which the law, generally speaking, must not intrude. This is a principle of the utmost importance for the preservation of human freedom, self-respect, and responsibility.' The British Medical Association, the Howard League for Penal Reform, and the National Association of Probation Officers also support the recommendations.

1953 - In the House of Commons, Desmond Donnelly (Labour) and Sir Robert Boothby (Conservative) call on the Government to set up a Royal Commission to investigate the law relating to homosexual offences.

1958 - The Lord Chamberlain's ban on plays with homosexual themes is lifted, allowing representation in theatre and cinema.

1966 - [Beaumont Society founded, to date](#) the largest and longest established transgendered support group in the UK.

1966 - [Harry Benjamin](#) publishes [The Transsexual Phenomenon](#).

1967 - Sexual Offences Act received Royal Assent, which partially decriminalised sex between men aged over 21. This applied only to England and Wales.

1968 - The International Olympic Committee tests chromosomes of athletes, and puts a stop to transsexuals competing.

1968 - Universities operate on non-intersexed transsexuals.

1969 - Formation of the Scottish Minorities Group (SMG) to campaign for the decriminalisation of gay sex in Scotland.

1969 - The Stonewall riot began in New York.

- 1970** - First meeting of London Gay Liberation Front (GLF) at the London School of Economics.
- 1970** - Corbett v. Corbett (otherwise Ashley). The judgment by Justice Ormrod sets the precedent that will leave UK post-op transsexual people unable to marry until the 21st Century - In September 1963 the parties went through a ceremony of marriage. April Corbett's (néé Ashley) marriage is annulled and declared to be legally still a man despite sex reassignment
- 1972** - National Council for Civil Liberties (NCCL) begins survey on police harassment of gay people.
- 1972** - GLF occupies London's Time Out office, demanding publication of gay advertisements.
- 1974** - Jan Morris, one of Britain's top journalists who covered wars and rebellions around the globe and even climbed Mount Everest, published Conundrum, a personal account of her transition. The book is now considered a classic.
- 1976** - Tennis Ace Reneé Richards is 'outed' and barred from competition when she attempts to enter a women's' tennis tournament. Her subsequent legal battle establishes that transsexuals are legally accepted in their new identity after reassignment in the US.
- 1979** - A series of programmes entitled 'A Change of Sex' are aired on the BBC - viewers could for the first time follow pre-op transsexual Julia Grant through her transition.
- 1980** - Harry Benjamin International Gender Dysphoria Association to promote standards of care founded.
- 1981** - Ken Livingstone, the new leader of the Greater London Council (GLC), promised support to LGB people and gave the first 'gay grant' to London Gay Switchboard.
- 1982** - 'Homosexual orientation' decriminalised in Northern Ireland with the passing of law reform in the House of Commons.
- 1983** - Stonewall Housing established following a grant from the Greater London Council and remains the only provider in England wholly dedicated to serving LGBT communities.
- 1984** - Chris Smith, MP for Islington South in London, first MP to come out as gay while still in office.
- 1985** - The Greater London Council (GLC) published Changing the World, a charter of gay rights.
- 1985** - The Black LGB Centre opens.
- 1987** - Clause 28 of the Local Government Bill was introduced in the House of Commons.

- 1988** - Section 28 of the Local Government Act, preventing the 'promotion' of homosexual orientation by local authorities came into force with help from the Local Government Minister, Michael Howard.
- 1989** - Stonewall lobbying group established in response to the introduction of Section 28.
- 1989** - Celebrated jazz musician Billy Tipton died in Spokane, Washington, revealing that he was a woman. Tipton, who played in big bands in the 40s and 50s, lived for 56 years as a man, marrying several times and raising children.
- 1990** - Regard, a national organisation for disabled lesbians and gay men, is founded.
- 1993** - Transgender youth Brandon Teena was raped and murdered in Humboldt, Nebraska. This hate crime brought widespread attention to transgender discrimination and violence and became the subject of the award-winning film, Boys Don't Cry.
- 1994** - Age of consent for sex between two men is reduced from 21 to 18. An amendment to reduce it to 16 (to bring it into line with heterosexual people) is defeated in the Commons.
- 1997** - The Government announced a fundamental change in immigration policy, which gave some formal recognition, for the first time, to same-sex partners subject to certain conditions.
- 1997** - Angela Eagle becomes the first woman MP to come out voluntarily as a lesbian.
- 1998** - The Commons votes to equalise the age of consent for sex between two men at 16 but this is defeated in the Lords.
- 1998** - Lord Waheed Alli took his place in the House of Lords as the UK's first openly gay life peer.
- 1998** - Al-Fatiha, is the first Muslim LGBT group to be formed in the UK. Al-Fatiha is now known as Imaan.
- 1998** - Julie Hesmondhalgh Joins the Coronation St (Britain's longest running television soap) as transsexual character Hayley Patterson.
- 1998** - Dana International becomes the first transsexual woman to win the Eurovision Song Contest singing a song called 'Diva'.
- 1999** - A bomb exploded in the Admiral Duncan, a gay pub in Old Compton Street, Soho, the third in a series of bombs targeted at minorities.
- 1999** - The UK Sex Discrimination Act is amended to include protections on the basis of Gender Reassignment. Sex Discrimination (Gender Reassignment) Regulations 1999

- 1999** - The Law Lords rule that same-sex partners are entitled to the same tenancy rights as a heterosexual spouse.
- 2000** - Commons Speaker Michael Martin invoked the rarely used Parliament Acts to force the measure through.
- 2000** - A new code of conduct is introduced by the army following the removal of the ban on lesbians and gay men serving in the armed forces.
- 2001** - The Sexual Offences (Amendment) Act 2000 came into force, amending the Sexual Offences Act to reduce the minimum age of consent from 18 to 16 in England and Wales, and making male rape a criminal offence.
- 2001** - London Mayor Ken Livingstone made good his election promise to set up Britain's first register for gay couples as a step towards equality under the law for same-sex couples, even though the register does not confer legal marriage rights upon them.
- 2002** - Controversial adoption legislation to give unmarried and gay couples the right to adopt a child completes its passage through Parliament.
- 2002** - Judgment in the celebrated Goodwin v. United Kingdom led the way for the later [Gender Recognition Act](#) to become UK law.
- 2003** - Section 28 of the Local Government Act is repealed after 15 years.
- 2003** - British transvestite potter [Grayson Perry](#), 43 scooped the controversial [Turner prize](#), and collected £20,000 at a ceremony at Tate Britain in London, dressed as alter ego Claire.
- 2003** - Employment Equality (Sexual Orientation) Regulations became law on 1 December making it illegal to discriminate against lesbians, gay men and bisexuals in the workplace.
- 2004** - The Civil Partnerships Act receives Royal Assent.
- 2004** - The United Kingdom [Gender Recognition Act](#) becomes law on the 10th February, offering transgender people full legal recognition of a change of gender.
- 2004** - Lausanne, Switzerland - Transsexuals will be able to compete at the Athens Olympics if they have had appropriate surgery and are legally recognized as members of their new sex the International Olympic Committee decides.
- 2004** - Friday 6 August - Portuguese post-operative transsexual [Nadia Almada](#) aged 27 of Surrey won the United Kingdom reality Game show [Big Brother](#) 5.
- 2005** - UK LGB History Month is launched and London is granted a licence to host Euro Pride 2006.
- 2005** - International Day Against Homophobia (IDAHO) is launched worldwide.

2005 - Section 146 of the Criminal Justice Act 2003 is implemented, empowering courts to impose tougher sentences for offences aggravated or motivated by the victim's sexual orientation.

2005 - The introduction of the Adoption and Children Act gives wide-ranging rights to same-sex couples wishing to adopt a child.

2005 – The Government makes a commitment to extend protection under the provision of goods, facilities and services as part of the Equality Bill.

2005 - The first civil registrations take place across the UK.

2006 - Felicity Huffman is nominated for an Oscar for her role as Bree in the worldwide hit road movie Transamerica

2006 - The Equality Act 2006 - which establishes the CEHR and makes discrimination against lesbians and gay men in the provision of goods and services illegal - gains Royal assent on 16 February 2006.

2007 - The Harry Benjamin International Gender Dysphoria Association is renamed to The World Professional Association for Transgender Health - the omission of the term 'Social Care' from the title having angered many non medical support workers worldwide.

2007 - Ireland violated European human rights law by refusing to give a transsexual a new birth certificate recording her new gender and name. In a landmark judgment, the ruling by High Court Justice Liam McKechnie was the first time that an Irish judge has found Ireland in violation of the European Convention on Human Rights.

2007 - The Equality Act (Sexual Orientation) Regulations 2007 becomes law on 30 April making discrimination against lesbians and gay men in the provision of goods and services illegal.

Appendix 2

Legislation protecting Lesbian, Gay, Bisexual and Transgender People

Adoption and Children Act 2002: There has never been a law preventing lesbian, gay or bisexual individuals from adopting children. The Adoption and Children Act now allows same-sex couples to apply for adoption jointly in England and Wales, and the Scottish Executive is reviewing adoption policy in Scotland.

Armed Services Bill: The Stonewall campaign to lift the ban on lesbians and gay men serving in the armed forces proved successful in 1999. It began with the discovery of a personal letter addressed to an officer, which led to his sexual orientation being disclosed. The officer was subjected to a humiliating investigation and thrown out of the army. In 1992 the lobbying group Stonewall gave evidence to a House of Commons Select Committee on the armed forces. This was the first time ever that lesbians and gay men had challenged the ban. As a result of that evidence the Conservative government promised to stop the criminal prosecution of armed service personnel who were 'homosexual'.

Asylum and Immigration Act: Unmarried heterosexual couples had always been able to get married to gain entry to the UK for an overseas partner. Stonewall Immigration Group lobbied the Government and an Unmarried Partners Concession was eventually introduced in 1997. This allowed a foreign person from outside the EU to live with their same-sex partner in the UK if the relationship had demonstrably existed for four years (reduced to two years in 1999) and if the entrant would not require welfare. This 'concession' was upgraded to become a 'rule' in 2000. The arrival of the Civil Partnership Act, which came into force on 5th December 2005, finally gave lesbians and gay men immigration equality with heterosexual couples.

Civil Partnership Act grants same-sex couples the legal right to register their partnership. Partnership registration is extremely important to thousands of LGB couples nationwide. Now couples in loving relationships can have secure pension rights and will be recognised as their partner's next of kin. Those who register will also not be liable to inheritance tax on the death of their partner. The Civil Partnership Act came into effect in December 2005.

Criminal Justice Act 2003: The Metropolitan Police now record homophobic hate crimes. This is a community that suffers hatred disproportionately and has the greatest incidence of under-reporting of crime to the police. Section 146 of the Criminal Justice Act came into effect in April 2005, empowering courts to impose tougher sentences for offences motivated or aggravated by the victim's sexual orientation in England and Wales.

The Criminal Justice Act 2003 does not create an offence for homophobic assault as such. However, it ensures that where an assault involves or is motivated by hostility or

prejudice based on disability or sexual orientation (actual or perceived) the judge is required to:

- treat homophobia as an aggravating factor; and
- state in open court any extra elements of the sentence that they are giving for the aggravation.

The Criminal Justice Act does not specify the amount by which sentences should be increased where disability or sexual orientation are aggravating factors.

Employment Equality (Sexual Orientation) Regulations 2003: From 1 December 2003, lesbian, gay and bisexual workers were legally protected from discrimination and harassment at work. However, before the legal protection against discrimination in employment was introduced, many lesbians, gay men and bisexual people in the UK suffered from harassment, and even dismissal from employment, simply because of their sexual orientation. Many lesbians, gay men and bisexual people who suffered discrimination at work had to fight for justice for many years when legislation did not provide any protection.

Gender Recognition Act 2004 provides transgender people with legal recognition in their acquired gender, subject to some specified exceptions. Up until 2004, a transgender person in the UK remained legally the gender on their birth certificate, although they could obtain replacement documents such as passport and driving licence in their true gender. The European Court of Human Rights ruled that the law must respect the true gender of transgender people, and in 2004 the UK Government changed the law to allow transgender people's true gender to be recognised for all legal purposes. This change came into effect in April 2005. The Government also made a commitment to extend protection under the provision of goods facilities and services in October 2006.

Local Government Act: In 2003 the Local Government Bill received Royal Assent and Section 28 was finally taken off the statute books. The repeal of Section 28 was widely supported. Section 28 is the common name for Section 2a of the Local Government Act 1986. This section prohibited local authorities in England and Wales from 'promoting' 'homosexuality', and it caused widespread consternation as it labelled gay family relationships as 'pretend'. Anti-gay groups frequently said that Section 28 was used to promote the 'homosexual agenda' in schools. This was incorrect. Section 28 never applied directly to schools, it in fact applied only to local authorities. The Learning and Skills Act 2000 removed any local authority responsibility for sex education. Since that time Section 28 had been redundant legislation. Scotland abolished its equivalent of Section 28 in 2000. There was much support for the repeal of Section 28, which caused confusion and a legacy of mistrust and harm in schools across the UK. Teachers were confused about what they could and could not say and do, and whether they could help pupils to face homophobic bullying and abuse. Local authorities were unclear as to what legitimate services they could provide for lesbian, gay and bisexual people living in the local community.

Rent Act: A decision in 2002 to allow LGB couples the same rights as heterosexual couples in tenancy cases was hailed as a landmark victory for gay rights. The Court of Appeal ruling gave same-sex partners the same rights as heterosexuals to take over tenancies when their partner died. The presiding judge in the Mendoza case said the words 'as his or her wife or husband' would also have to mean 'as if they were his or her wife or husband'. He stressed that parliament had already removed the requirement that heterosexual partners must be married to inherit tenancies.

In this case, a gay man was granted a tenancy on a west London flat in 1983 and shared it with his partner Mr Mendoza. When Mr Mendoza's partner died, the landlord wanted to end his statutory tenancy, which was subject to rent rise restrictions. Mr Mendoza's legal representatives argued that to give a statutory tenancy to the survivor of a heterosexual relationship and not to the survivor of an equivalent same-sex relationship constituted discrimination on grounds of sexual orientation.

Sexual Offences Act: In 2001 the age of consent was equalised for all lesbians, gay men and heterosexual people. The age of consent is 16 in England, Wales and Scotland, and it is 17 for individuals in Northern Ireland. In 1967, when gay sex was partially decriminalised, the age of consent for gay men was set at 21, compared to 16 for heterosexual people and lesbians. The unequal age of consent signalled society's disapproval of homosexual orientation and LGB people were still seen as immoral or dangerous.

In spite of this significant shift in respect of the agenda around issues of sexuality, evident in legislation, in national policy, in attitudes across society, in media and service responses, in the expression of the needs and rights of lesbian, gay and bisexual people, there are still many issues to address.

- LGB people experience high levels of discrimination in the workplace
- There are currently no statutory duties to monitor, train, communicate, consult, conduct impact assessments or implement positive actions to address institutional inequality, as exist for race, gender and disability
- Gay people in poverty may find it difficult to find employment, especially in low skills sectors that do not traditionally try and attract lesbian and gay people into their workforces
- Socially excluded lesbian, gay, bisexual and transgendered people may not be so aware of their rights at work and are less likely to participate in LGBT networking groups

The Sex Discrimination (Amendment of Legislation) Regulations 2008: From 6 April, it is unlawful for providers of goods, facilities and services to discriminate against or harass people on grounds of gender reassignment. The Sex Discrimination (Amendment of Legislation) Regulations 2008 have finally completed their Parliamentary journey and come into effect. They apply across the UK. Any claim would be via a county or Sheriff Court. They are similar to the regulations banning discrimination in goods and services on grounds of sexual orientation, which came into force in December, 2007.

The Regulations bring the UK in line with the EU Gender Directive and their scope is limited to the scope of the Directive. For this reason, they do not cover education and vocational training. However, discrimination on grounds of gender reassignment in vocational training, which protects students on higher and further education courses, has been banned since 1999, along with the ban on employment discrimination.