Agenda Item No. 8

Personnel Committee – 22 April 2024

Transgender & Non-binary Equality Policy

1. Purpose of the Report

1.1 To gain Personnel Committee approval for the new Transgender & Non-binary Equality Policy (Appendix 1).

2. Recommendations

2.1 Personnel Committee is recommended to approve the Transgender & Non-binary Equality Policy (summary detailed below), endorsed by Corporate Management Team at its meeting of 28th March.

3. Background Information

Aim

3.1 The council is committed to building a diverse and inclusive workplace for all employees / workers. The purpose of the Transgender & Non-binary Equality Policy is to ensure that transgender and non-binary employees are treated with fairness, dignity and respect, feel supported during any process of transition and are not disadvantaged in the workplace. The policy clearly sets out the steps the council takes to support transgender and non-binary employees and prevent harassment, victimisation and discrimination.

3.2 The introduction of this policy is part of our commitment to delivering a range of equality, diversity and inclusion related employment policies as part of our Workforce Strategy, objective 1 – welcoming, developing and advancing a diverse mix of individuals and is an important aspect of our overall commitment to equality, diversity and inclusion. The Workforce Strategy also helps to ensure the Council is best placed to be able to attract, recruit and retain diverse talent.

3.3 It is envisioned that this policy will help foster a supportive environment, and to raise awareness so that all employees / workers and managers have an understanding of transgender and non-binary gender identities and issues. The policy aims to provide a framework for discussion, the provision of support and inclusion across the workplace and also outwardly focused to help attract candidates. The policy also signposts employees / workers and managers to other appropriate sources for help and advice.

3.4 The Office of National Statistics in the latest Census (2021) outlined that within the borough of Walsall approximately 93%* of the population declared that their gender identity is the same as their sex registered at birth. *The remaining 7% declared either, that their gender identity was not the same as their sex registered at birth or selected a category of 'other' or selected they prefer not to state.

Know

3.5 The main elements contained in the new Transgender & Non-binary Equality Policy include;

- Terminology relating to Transgender and Non-binary equality;
- Reinforcement of the Council's commitment and principles to equality, diversity and inclusion including a zero-tolerance approach to bullying, harassment and victimisation
- Requirements of the Equality Act 2010 and the Gender Recognition Act 2004;
- The provision of support to transgender and non-binary employees / workers including preferred use of names and pronouns;
- Recruitment requirements and support;
- Transitioning process, employee records and confidentiality;
- Introduction of a workplace support form and review meetings, to ensure the right support is in place and continually reviewed as relevant;
- The provision of further information / support for employees / workers and managers;
- Clearly identified accountabilities.

Council corporate plan priorities

3.6 The policy is directly aligned to the council's strategic priority of internal focus ensuring all council services are customer focused, effective, efficient and equitable and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework. The policy is part of the council's Workforce Strategy action plan on new EDI related employment policies.

Response

3.7 Subject to approval, HR will finalise all associated guidance / forms (where applicable) and prepare a workforce communications and implementation plan ready for launch.

3.8 Trans and Non-binary inclusion e-learning is available for all via OneSource.

Review

3.9 Employment policies will usually be reviewed on a three yearly cycle, unless legislation or internal organisational need prompt a review earlier.

4. Financial Implications

4.1 There are no direct financial implications arising from this report.

5. Legal Considerations

5.1 There are no legal issues arising from this report. The policy helps to ensure the council meets its legal obligations in accordance with the Equality Act 2010. As one of the nine protected characteristics, the act protects a person from discrimination, harassment or victimisation if they are 'proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment'.

6. Risk Management

6.1 An equality impact assessment is attached (Appendix 2).

7. People

7.1 Employment policies include a scope section (where applicable) and in each policy it clearly sets out who the policy applies to and who it does not (Section 2 of Appendix 1).

7.2 There is no direct impact on our residents as a result of this policy. However, as part of the employment framework, it helps to ensure that residents of Walsall get the best possible services from Walsall Council and its employees.

8. Consultation

8.1 The policy has been consulted upon informally with the Workforce Equalities Board and HR Operations team between 20 September 2023 – 29 September 2023.

8.2 The policy has been consulted upon formally with senior managers and trade union colleagues across the council between 8 November 2023 and 29 November 2023.

8.3 Feedback from managers' consultation resulted in some minor wording amendments to aid clarification and understanding.

8.4 Trade Union colleagues raised a number of comments through the consultation which have been reviewed and the policy amended accordingly or feedback provided. The trade unions are in favour of increased and improved equality, diversity and inclusion policies.

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