

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Transgender Policy A policy to offer support and guidance to employees (and managers/HR advisers of) who have undergone, are undergoing, or are proposing to undergo gender reassignment (or part of that process) and to provide a safe and supportive environment free from discrimination, harassment and intimidation.
Name of official:	Carol Doyle
Department:	HR Policy Team OFMCO
Date:	14 January 2016
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

This is a New Policy - The Welsh Government is committed to supporting employees who have undergone, are undergoing, or are proposing to undergo gender reassignment (or part of that process), and to providing a safe and supportive working environment free from discrimination, harassment, and intimidation. We are committed to ensuring that complaints of discrimination and harassment are dealt with quickly, effectively, and confidentially. This policy will ensure that the Welsh Government is supportive of equal opportunities and that all its staff are treated with dignity and respect.

The policy/guidance gives advice to managers on how to support and successfully manage the issues that may arise when a member of their team changes their gender. It also supports the employee who is changing gender to consider all the work related aspects of so doing and highlights the support that is available to them.

Transgender employees will benefit from the policy. The required outcomes are that – transgender staff are treated with respect when they undergo gender reassignment

- That managers have a guide and advisers on how to manage an employee who changes gender
- That all staff understand the legislation which protects transgendered people

It will be necessary to look at HR statistics and engage with HR Business Partners after a reasonable timeframe, say 12 months after publishing , to assess transgender staff numbers, level of impact of the policy, disciplinary cases arising from non-practice of the policy – eg discrimination, harassment, bullying, and decide whether additional training for managers and/or HR staff is required. At present there are 3 employees who have noted on U-access that their gender identity is different to that assigned at birth but other than that we have no meaningful data although I have requested data re grade, promotion, training, sickness absence for the 3 employees (anonymously which will be used as a benchmark going forward. I have included a note in this new policy to raise awareness of using U Access as individuals to record Diversity Data. The policy aim is to support and promote the WG's commitment to equality on the grounds of gender



2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

Full consultation internally with HR colleagues, our Equality Networks, and our TUS, and externally with A;Gender at Cabinet Office.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The National Survey for Wales April 12 to March 15 indicates there is little data available on transgender people in Wales.

Anecdotal evidence suggests that the number of people being referred to gender identity clinics is increasing year on year. It is likely, given the numbers of staff in WG, that we will reflect general statistical trends so there is a clear need for this policy to ensure that our legal and social commitment to our staff is met.

<http://www.wales.nhs.uk/sites3/Documents/898/Specialies%20Services%20Policy%20Gender%20Services%20CP21%20Approved%20120925.pdf>

The latest NHS Wales report on Specialised Adult Gender Identity Services is not yet available. The link to the last one is above and it sets out all the details for assessment and referral to specialised clinics for all health boards in Wales - the



very existence of this report indicating the need for such services in the general public and by default, some employees of the WG.

It is important to note any opportunities you have identified that could advance or promote equality.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How
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				might it impact?
Younger people <i>(Children and young people, up to 18)</i>	✓ ✓			Educational and informative for young employees and children of employees
People 18-50	✓			
Older people (50+)	✓			

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	✓			As above
Hearing impairment	✓			
Physically disabled	✓			
Learning disability	✓			

Mental health problem	✓			
Other impairments issues	✓			

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male	✓			As above
Female	✓			

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
	✓			The policy is aimed particularly at this protected group and aims to protect and support transgender staff in all respects

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage	✓			This policy contains guidance, definitions and legal context in relation to Transgender issues in the workplace and can only have a positive effect throughout our workforce including employees with protected characteristics
Civil Partnership	✓			

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy	✓			As above
Maternity (the period after)	✓			

birth)				
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4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,	✓			Individuals from some cultures and religions may have issues with transgender issues however within this workplace the policy and guidance will apply to all our staff and the implications of not complying with the policy and guidance will apply equally whilst not disrespecting diverse cultures and religions. This applies throughout the following sections to 4.8 below
National Origin (e.g. Welsh,	✓			

English)				
Asylum Seeker and Refugees	✓			
Gypsies and Travellers	✓			
Migrants	✓			
Others	✓			

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)	✓			
Belief e.g. Humanists	✓			
Non-belief	✓			

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men	✓			<p>The difference between gender identity and sexual orientation and the distinct issues which transgender people face is not always fully understood. This policy will be instrumental in educating all staff including those with other protected characteristics on the sensitivities and issues facing trans people in our workplace. Link to Stonewall's 'Campaigning together for Equality for LGB and T equality is now – and is a useful reference document</p> <p>http://www.stonewall.org.uk/sites/default/files/trans_people_and_stonewall.pdf</p>
Lesbians	✓			As above
Bi-sexual	✓			As above

4.10 Do you think that this policy will have a positive or negative impact on people’s human rights? Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions				<p>Under article 3 of the Universal Declaration of Human Rights, “everyone has the right to life, liberty and the security of person”. The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination. The Equality Act 2010 says that you must not be discriminated against because you are transsexual - that is your gender identity differs from the gender assigned to you at birth.</p> <p>This policy aims to ensure that the WG takes all steps to ensure that Transgender people are treated fairly and equally and supported as much as is possible.</p> <p>Useful Links:</p> <p>http://www.equalityhumanrights.com/commission-responds-new-report-transgender-equality</p> <p>http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf</p>

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.

Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The Welsh Government aims to be viewed as an organisation that all sections of communities in Wales would consider a good place to work and where equality and diversity is valued and respected. This policy adds in a very positive way to our values in ensuring that there is a specific policy in place for this protected group.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The policy is clear in its aims to prevent any discrimination of this protected group and that any complaint of discrimination or harassment will be treated very seriously

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The policy promotes and protects acceptance of this protected group, a group which has not always had fair treatment in society at large. The policy will be published on the HR Cymru website where it will be accessible to all Welsh Public Bodies

2. Strengthening the policy



2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

The policy will have a positive impact on all protected groups in that it is educational, informative and totally promotes equality of treatment. It is a given that some religious groups and some individuals with or without Equality Act Protected Characteristics could experience difficulty with the entire concept of transgenderism. There is no law or policy that can force one individual to truly accept another. The policy makes it clear that complaints of discrimination or harassment will be dealt with seriously and the policy engenders an acceptable level of tolerance

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

As above

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

We will look at data in approximately 12 months and seek views from key stakeholders as to the effectiveness of the policy.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

No need to publish this EIA



4. Declaration

***Please delete as appropriate:**

The policy *does / does not have a significant impact upon equality issues

Official completing the EIA
Name: Carol Doyle
Department: HR Policy Team, OFMCO, Welsh Government
Date: 14 January 2016
Signature:
Head of Division (Sign-off)
Name: James Owen
Job title and department: Deputy Director, HR Expert Services and People
Date:
Signature:



Review Date: September 2016