



Cambridge City Council Equalities Panel

Date: Monday, 19 November 2018

Time: 4.00 pm

Venue: Storey's Field Centre, Eddington Avenue, Cambridge CB3 1AA

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Welcome, Introductions and Apologies
- 2 Declarations of Interest
- 3 Minutes of Previous Meeting and Matters Arising (Pages 3 - 8)
- 4 Support for Asylum Seekers and Refugees (Pages 9 - 10)
- 5 Tackling loneliness experienced by older people, people with mental health issues and in new communities (Pages 11 - 12)
- 6 Comprehensive Equalities and Diversity Policy (Pages 13 - 52)
- 7 Any Other Business

Chair: Antoinette Jackson

Elected Members: Councillors Holt, Massey, O'Connell, Sheil and Thittala

Public Members: Graham Lewis, Judith Margolis, Raheela Rehman, Orsola Rath Spivack and Dr Susan Wan

Staff Members: Lesley-Ann George, Joe Obe and Ariadne Henry

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EQUALITIES PANEL

11 June 2018
4.00 - 6.00 pm

Present:

Chair: Suzanne Hemingway,

Public Members: Raheela Rehman, Judith Margolis

Elected Members: Councillors Holt, Massey, O'Connell and Sheil

Staff Members: Lesley-Ann George

Officers:

Head of Human Resources: Deborah Simpson

Strategy and Partnerships Manager: David Kidston

Equality and Anti-Poverty Officer: Helen Crowther

FOR THE INFORMATION OF THE COUNCIL

18/19/EP Welcome, Introductions and Apologies

The Chair welcomed new members of the Panel, Councillors Holt and Massey.

Apologies were received from:

- Councillor Thittala
- Staff members: Ariadne Henry and Joe Obe
- Public members: Graham Lewis, Orsola Spivak and Dr Susan Wan,

18/20/EP Declarations of Interest

No interests were declared.

18/21/EP Minutes of Previous Meeting and Matters Arising

The minutes of the meeting of the 20th November were approved and signed as a correct record.

Matters arising:

Helen Crowther will circulate open days at local Mosques when more have been organised. Prevent training will be organised for Equalities Panel Members from September 2018 onwards.

18/22/EP Safer Spaces

The Panel received a presentation from Molly Byrne from Encompass Network on the background of Safer Spaces. This is a scheme Encompass Network runs in order to help make LGBTQ people in Cambridge feel safe, welcome and included when accessing businesses and services in the city. Helen Crowther, Equality and Anti-poverty Officer, then presented on how Cambridge City Council currently supports Safer Spaces and plans for future development of work in the area.

The presentations covered the following points:

- i. What Encompass Network is and what they do.
- ii. The rationale for Encompass Network in developing Safer Spaces, to support LGBTQ people to be 'open' in public and to tackle homo/bi/transphobic bullying or harassment in the city, including at work.
- iii. Organisations signed up to Safer Spaces are supported in providing their customer facing staff with training, how to ensure policies and procedures are as inclusive as possible, and how to raise awareness about Safer Spaces' principles.
- iv. Cambridge City Council intends to develop a more formal action plan around further work we plan to undertake in support of Safer Spaces for our staff and service users.
- v. The Council plans to work with Encompass Network to help launch the live Safer Spaces campaign.

The following questions were asked by the Panel:

- i. Is there going to be a Cambridge Pride celebration?
- ii. Does the Council plan to develop and deliver any events and activities for LGBTQ people (staff members or service users)?
- iii. How many hate crimes against LGBTQ people are reported in Cambridge?
- iv. Are there plans to carry out a further LGBTQ needs assessment following the assessment carried out in 2014?
- v. Where can people go if an incident occurs in a service or facility that has been designated a Safe Space?

The following answers were provided by Molly Byrne, Helen Crowther and members of the Panel:

- i. Councillor Zoe O'Connell said a Cambridge Pride celebration would be likely to take place next year.
- ii. the Council plans to raise awareness of other events and activities in the city as a priority, whilst raising awareness that we support Safer Spaces principles. There may then be appetite amongst staff to plan events and activities, as they will feel supported in doing so. The Council is going to look into the feasibility of a workplace celebration of LGBT History Month.
- iii. Hate-crimes against LGBTQ people in Cambridge are under-reported, due to a lack of awareness amongst victims about the actions that the Police can take in response. Officers agreed to circulate available hate crime data to the Panel.
- iv. If an incident has occurred in a service or facility designated as a Safe Space they can email: saferspaces@encompassnetwork.org.uk.

18/23/EP Single Equality Scheme 2018 - 2021

Helen Crowther, Equality and Anti-Poverty Officer, shared the Council's progress related to equality and diversity work over the last three years and how learning from the Single Equality Scheme 2015 -2018 strategy informed the 2018 -2021 strategy. She also introduced four areas of priority in the Single Equality Scheme 2018 -2021, identified through consultation and a review of evidence available on issues experienced by people with protected characteristics in the city. The areas were:

- i) Recognising how different protected characteristics experience poverty in different ways and how some are more likely to experience poverty than others,
- ii) Ensuring that our frontline services support people with mental health issues in the best possible way,
- iii) Helping to tackle discrimination experienced by Gypsies and Travellers, and encouraging them to get support they need from public services,
- iv) Helping to tackle loneliness experienced by older people, people with mental health issues and people in new communities.

The Panel were split into two groups to discuss what more the Council might do related to the areas ii) to iv). Helen Crowther said she would take feedback

from Panel Members to inform the strategy going forward, and identify if there are any potential actions from the feedback to develop.

Group one identified the following issues:

- i. Carer's loneliness is a key issue that needs to be addressed. Can we raise awareness about partners' work in helping to tackle carers' loneliness (e.g. Care Network)? Can we help mothers with young children understand where they can seek advice on childcare support from, as a means to tackle loneliness?
- ii. Some Panel Members felt that discrimination against Gypsies and Travellers is considered as an acceptable form of discrimination by the public due to the media portrayal of the community. They discussed how we might need to work harder to challenge this discrimination in these conditions. It was suggested that Gypsy, Roma and Traveller Cultural Awareness training for the community could be one way to do so.
- iii. The group also wanted to discuss generational poverty, although this did not directly relate to the three issues identified to discuss. They discussed the difficulty of young people transitioning to adulthood and living independently without the skills to do so. They asked about work City Homes is undertaking to support young people in new tenancies. Helen Crowther agreed to find out more.

Group two focussed on Gypsies and Travellers and identified the following issues:

- i. Gypsies and Travellers experience a greater level of discrimination, harassment and abuse than other groups of people. There may be a degree of under-reporting of harassment towards Gypsies and Travellers due to the lack of trust of public agencies. When anti-social behaviour occurs, there can be an assumption by other groups or communities that Gypsies and Travellers are responsible.
- ii. There may be opportunities to celebrate Gypsy and Traveller communities and help culture and tackle negative perceptions.
- iii. There is a need to build trust and links between Gypsy and Traveller communities and public agencies in Cambridge. Can we explore this issue with the Universities and other partners through the Equality and Diversity officers' network?
- iv. There is a need for outreach advice and support for Gypsy and Traveller Communities. CAB currently provides financial and benefits advice, but not on an outreach basis. Disability Cambridgeshire provides financial and benefits advice to disabled people including Gypsies and Travellers,

and would like to recruit a dedicated member of staff to provide this support.

- v. Whether Cambridgeshire County Council can prioritise adult social care services for Gypsies and Travellers who need this support.

18/24/EP Equality in Employment, Workforce Report, April 2017 - March 2018

Deborah Simpson, Head of Human Resources, presented key facts on the Equality in Employment report, context on what the data tells us and some areas the Council is planning to investigate further. Some key points made included:

- i. In 2017/18, 6.97% people declared a disability (this was 6.84% for 16/17). The target of disabled people as a percentage of the Council's workforce remains at 7.5% for 2018/19.
- ii. In 2017/18 BAME staff representation was 7.18% (down from 7.71% for 16/17). The target for BAME representation for 2018/19 remains at 9.5%.
- iii. The gender profile is around 50% female and 50% male and the 45-54 age group is the largest.
- iv. The mean gender pay gap for Cambridge City Council is 3.19% in 2017/18 (compared to 3.98% for 2016/17) in favour of men. The median pay gap is 5.91% (and in 2016/7 it was 8.2%) in favour of men.
- v. In interpreting the data, the overall workforce numbers are reducing, which affects percentages. Also, as we have 803 staff, sometimes small changes to the make-up of the workforce will often impact on percentages significantly.

Members of the Panel asked the following questions:

- i. What impact has the transfer of City Council staff to the shared Waste Service had on the Council's gender pay gap?
- ii. Why has the number of job applications that are from BAME people increased, while the percentage of successful applications from BAME people has reduced?
- iii. BAME staff are most represented in Band 2 roles – what types of roles are graded at Band 2?

Deborah Simpson provided the following answers to the Panel's questions:

- i. Staff members in the waste service are predominantly male on lower pay scales. The transfer has impacted on our gender pay gap and South

Cambridgeshire District Council's as the employing authority for the shared Waste Service. South Cambridgeshire has reported a gender pay gap in favour of women.

- ii. The Council's Human Resources service intends to conduct an audit of BAME recruitment applications in 2018 to ensure fair and objective decision making is being continued
- iii. Examples of Band 2 roles include administrative roles, care and support assistant roles, and street cleansing roles.

18/25/EP Any Other Business

Helen Crowther to send Consent and Privacy Notices for staff and Public Panel Members to sign and return in the post. This will ensure that Cambridge City Council meets its obligations related to GDPR.

Councillor Sheil provided information on an upcoming talk on Brexit.

The meeting ended at 6.00 pm

CHAIR

Item 4 - Support for Asylum Seekers and Refugees

Tulat Raja, Community Cohesion and Racial Harassment Officer at Cambridge City Council, and Eddie Stadnik, Chief Executive Officer at Cambridge Ethnic Community Forum

The purpose item is to inform Panel Members of support Cambridge City Council is providing to refugees and asylum seekers part of the formal resettlement schemes. Eddie Stadnik will also inform members about the Refugee and Asylum Seeker Support and Information Service, which Cambridge Ethnic Community Forum is running to support refugees and asylum seekers who are not part of the formal resettlement schemes. This has been funded for two years by Cambridge City Council's Community Safety Team.

In 2016, Cambridge City Council commissioned Cambridge Ethnic Community Forum to undertake a piece of research on Asylum Seekers and Refugees who were then residing in Cambridge¹ who arrived in Cambridge through their own efforts in order to learn what issues they may face and what support they may need.

Some of the issues facing the refugees surveyed were:

- Access to English Language classes: participants did not have information on classes, found that there is a lack of classes available to them and/or found costs prohibitive
- Lack of information as to whether their qualifications are recognised in the UK
- Unfamiliarity with the job market
- Access to appropriate housing: many lived with friends and family, which contributed to overcrowding, for instance
- Health issues: particularly mental health problems, and difficulties in accessing treatment due to language barriers
- Difficulties in accessing immigration advice that is important in helping them present cases to the Home Office

¹ Cambridge Ethnic Community Forum (2016), 'A Report On Asylum Seekers & Refugees In Cambridge 2016'

- Difficulties in accessing welfare benefits in being unable to understand what they are entitled to and how to go about claiming benefits due to the complexity of the benefits system

One of the report's recommendations was to provide an established, specialist service for Asylum Seekers and Refugees in Cambridge that is able to respond to needs highlighted by their research participants, and to respond to the increasing numbers of asylum seekers and refugees coming to the city

The level of support available to asylum seekers and refugees who are not part of formal resettlement schemes was a key issue of concern that organisations shared during the council's consultation on the Single Equality Scheme 2018-2021. This issue was identified as an area for action in the Single Equality Scheme.

A report by the All Party Parliamentary Group on Refugees in 2017² indicated that a two tier system of support has developed between those helped through resettlement schemes, such as the Syrian Vulnerable Persons Relocation Scheme, and those arriving and resettling under their own efforts. Refugees arriving in the UK through a resettlement route receive accommodation and support to access services and find employment. The All Party Parliamentary report stated that this support is not available for refugees who have gone through the asylum system.

² All Party Parliamentary Group on Refugees (2017), 'Refugees Welcome? The Experience of New Refugees in the UK': https://www.refugeecouncil.org.uk/assets/0004/0316/APPG_on_Refugees_-_Refugees_Welcome_report.pdf

Item 5 - Tackling loneliness experienced by older people, people with mental health issues and in new communities

Vicky Haywood, Community Development Officer at Cambridge City Council, and Mary Hyde, Independent Living Facilitator at Cambridge City Council

This item will explore what is being done by Cambridge City Council to tackle loneliness, which is more likely to be experienced by particular equality groups.

Tackling loneliness experienced by older people, people with mental health issues and those in new communities is a key area of priority in the council's Single Equality Scheme 2018-2021. This issue was identified through consultation and a review of available evidence.

Community Services will share how their approach to Community Development helps to tackle loneliness experienced in new communities in Cambridge. Some equality groups, such as people with mental health issues, Black Asian Minority Ethnic people and families with young children, are disproportionately represented in these new communities.

Evidence suggests that older people are also more likely to experience loneliness. The Independent Living Team (part of the Housing Service) will share progress related to actions they are undertaking as part of the Single Equality Scheme to address loneliness.

Loneliness of older people

Age UK explains that social isolation can cause loneliness. Age UK states that: "isolation describes the absence of social contact i.e. contact with friends or family or community involvement or access to services". Social isolation can relate to poverty because people may not have the resources to participate in social life.

However, people who are not socially isolated can also experience loneliness. Age UK explains that: "some people express loneliness even though they have frequent contact with family and friends. This is perhaps because they consider that these relationships are not providing the emotional support that they need."

Loneliness can also be periodic or chronic, in that it can be linked to transitory events in life (like bereavement), or related to longstanding poor relationships with family members and limited relationships with friends and neighbours.

Whilst all age groups can experience loneliness, older people are especially likely to be at risk because they are more likely to experience contributing factors. Over half of people aged 75 and over in the UK live alone and 70% of these people are women.

There was also an increase in pensioner poverty in the UK in the three years up to 2015/16 to 16%, and single pensioners accounted for most of this growth. Therefore, the risk of older people becoming socially isolated and suffering from loneliness is increasing. Older people are also much more likely to experience bereavement and ill-health (ill-health can be both a cause of loneliness and affected by loneliness). As there are many causes of loneliness, it can be a very difficult issue to tackle.

Age UK research on the likelihood of loneliness finds that those most at risk of loneliness in Cambridge live in Cherry Hinton (two small areas in Cherry Hinton are in the top 10% risk group in the UK). This is followed by King's Hedges and Coleridge. Around one-in-six pensioners in the poorest fifth are socially isolated.

Loneliness can adversely affect the wellbeing of many older people, and lead to greater reliance on health and social care services. The lack of social connections is a comparable risk factor for early death as smoking 15 cigarettes a day, and is worse for our health than well-known risk factors such as obesity and physical inactivity. Loneliness increases the likelihood of mortality by 26%.

Item 6 - Comprehensive Equalities and Diversity Policy

David Kidston, Strategy and Partnerships Manager at Cambridge City Council, and Helen Crowther, Equality and Anti-Poverty Officer at Cambridge City Council

Cambridge City Council is currently consulting on how recent changes to the Council's Comprehensive Equalities and Diversity Policy may impact on different equality groups.

The Council's policy sets out its commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public. A revised and updated version of the policy was approved at the Council's Environment and Community Scrutiny Committee on 4 October 2018.

The papers for this meeting, including the revised policy, an Equality Impact Assessment and a report explaining the changes to the policy, are also included as background papers for the meeting.

Following independent legal advice, the Council has now made changes to its policy to ensure that it is consistent with the Equality Act 2010. In the revised policy, we have replaced the term 'gender' with the term 'sex', and we have replaced the term 'transgender' with 'the protected characteristic of gender reassignment'.

We have included the following commitment in the revised policy:

"We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use the services and employment exceptions as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010."

The commitment above replaces the following two commitments contained in the previous policy:

- "We will not exclude transgender people from positions which require a gender-appropriate candidate
- Transgender people will not be excluded from gender-appropriate single sex/sex segregated facilities operated by the council"

The public consultation on the impacts of these changes includes:

- An open survey on the Council's website
- Consultation with voluntary and community organisations supporting different equality groups.
- Consultation with Council staff.

The results of this consultation will help inform how the Council implements the policy going forward.

As part of the consultation, members of the Equalities Panel are asked to provide feedback on how the above changes to the policy will affect people. At the meeting on 19 November, there will be group discussions focussing on the following specific consultation questions:

1. Do you think the change in our policy outlined above will have an impact on people? What specific positive or negative impacts do you foresee?
2. What steps do you think the Council could take to mitigate any negative impacts?

Please note that during the Committee meeting a revision to the Policy was made so that the revised provision above would refer to 'services and employment exceptions', as opposed to 'single sex exemption'.

Item

EQUALITIES POLICY AND STRATEGY



To:

Councillor Anna Smith, Executive Councillor for Communities

Environment & Community Scrutiny Committee 04/10/2018

Report by:

Helen Crowther, Equality and Anti-Poverty Officer

Tel: 01223 - 457046 Email: helen.crowther@cambridge.gov.uk

Wards affected:

Abbey, Arbury, Castle, Cherry Hinton, Coleridge, East Chesterton, King's Hedges, Market, Newnham, Petersfield, Queen Edith's, Romsey, Trumpington, West Chesterton

Key Decision

1. Executive Summary

- 1.1 The Council's Comprehensive Equalities and Diversity Policy sets out the Council's commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public. A revised and updated version of the policy is presented for approval at Appendix A.
- 1.2 The Council has developed a new Single Equality Scheme (Appendix C), which sets out how the organisation will challenge discrimination and promote equal opportunities in all aspects of its work over the next three years (2018-2021). It includes five strategic objectives that demonstrate how the organisation will meet the aims of the Public Sector Equality Duty. The Single Equality Scheme (SES) was developed based on the principles and policies set out in the Comprehensive Equalities and Diversity Policy.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Approve the revised Comprehensive Equalities and Diversity Policy at Appendix A.
- 2.2 Approve the Single Equality Scheme 2018-2021 at Appendix C.

3. Comprehensive Equalities and Diversity Policy

- 3.1 The Council's Comprehensive Equalities and Diversity Policy was first approved in 2006. The revised version of the policy was approved at the Council's Strategy and Resources Committee on 11 October 2010, which reflected changes in the law introduced by the Equalities Act 2010. The revised Policy set out a number of key principles, including the following statement:

"We recognise nine main equality strands as recognised in UK law, giving all equal importance. These are: gender, gender reassignment; race and ethnicity; disability; sexual orientation; age; religion/belief, marriage and civil partnership, pregnancy and maternity".

- 3.2 At the Committee meeting on 11 October 2010, the Leader of the Council approved two amendments to the policy proposed at the meeting. These amendments were to add the following two commitments to the policy:

- *We will not exclude transgender people from positions which require a gender-appropriate candidate*
- *Transgender people will not be excluded from gender-appropriate single sex/sex segregated facilities operated by the council*

- 3.3 In recent months, the Council has received public challenge and criticism regarding aspects of the policy. The specific issues raised were:

- a) The policy uses the term "gender", whereas the Equality Act 2010 uses the term "sex". The policy is therefore not consistent with the law in this regard.

- b) The policy uses the term “transgender”, whereas the Equality Act 2010 uses the term “gender reassignment” or “transsexual”. The policy is therefore not consistent with the law in this regard.
- c) Where the policy lists “nine main equality strands as recognised in UK law”, it does not do so in the order that they appear in the Equality Act 2010.
- d) The two commitments relating to transgender people have had a negative impact on people with the protected characteristic of “sex”, especially women.
- e) The two commitments prevent the Council from using the “single-sex exemption” contained in the Equality Act 2010.

3.4 Officers have carried out an assessment of the impact of the two commitments in the policy regarding transgender people’s access to single-sex jobs and single-sex facilities since they were introduced in 2010. As part of this assessment, officers have spoken to the managers of all relevant services (including: Community Grants; Homelessness Grants; public toilets; toilets, showers and changing rooms in leisure facilities; single-sex sport sessions; and single-sex health and well-being sessions) to identify how the policy has been applied in practice, and whether there have been any complaints or issues raised regarding transgender people accessing single-sex services and facilities.

3.5 The service managers responsible for these services and facilities are not aware of any complaints being made or issues being raised regarding transgender people accessing them, or by transgender people not being allowed to access them (see Appendix B for further details on the assessment). It is possible that if service users did have any concerns, they may not have reported them, but it is impossible to assess whether this is the case.

3.6 Since 2010 the Council has not used the legal clause¹ enabling it to recruit a person of a particular sex to a role where there is a ‘Genuine Occupational Requirement’. As a result, there have been no instances since 2010 when the commitment in the policy regarding access to “gender appropriate” positions for transgender people could have been applied. Therefore, no impact has been identified from this commitment.

¹ Schedule 9, Paragraph 1 of the Equality Act 2010

- 3.7 The Council has sought legal advice, including Counsel’s opinion, regarding the legality of the wording and provisions in the policy. The key issues from this advice are summarised in paragraphs 3.7 to 3.16 below.

Terminology

- 3.8 The legal advice is that the use of the term “gender” in the Council’s policy is not compliant with the Equality Act 2010. We have been advised to substitute references to “gender” with “sex”. The Government recently defined “sex” as being assigned to a person by medical practitioners at birth based on physical characteristics, whereas “gender” refers to socially constructed characteristics².
- 3.9 The legal advice is that the use of the term “transgender” in the Council’s policy is not compliant with the Equality Act 2010. We have been advised to substitute references to “gender” with “sex” and references to “transgender” with “person with the protected characteristic of gender reassignment” or “transsexual person” because these are the terms defined by the Equality Act 2010. Section 7 of the Equalities Act defines the protected characteristic of gender reassignment as follows:
- (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex.*
- (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.*
- 3.10 Gender reassignment, for the purposes of the Act, does not refer to a medical process. It is a personal process (that is, moving away from the sex to which a person was assigned at birth to that person’s preferred or acquired gender). The explanatory notes to Equality Act 2010 provide the following illustrative example:

² Definitions provided in the glossary attached to the Government’s recent consultation document on proposed amendments to the Gender Recognition Act 2004

“A person who was born physically female decides to spend the rest of her life as a man. He starts and continues to live as a man. He decides not to seek medical advice as he successfully ‘passes’ as a man without the need for any medical intervention. He would have the protected characteristic of gender reassignment for the purposes of the Act.”

Single Sex Exemption

- 3.11 The Equality Act 2010 permits service providers to provide separate services for women and men, or to provide services exclusively for one sex, provided certain strict conditions are met.
- 3.12 Where a service is being lawfully provided on a separate-sex or single-sex basis, the Equality Act requires that in general the service provider should allow transsexual people to access that service according to their acquired gender.
- 3.13 However, the Act includes an exception to this requirement that permits the service provider, in exceptional cases, to provide a different service to a transsexual person, or exclude a transsexual person from the service altogether. The Explanatory Notes to the Equality Act 2010 state that excluding transsexual people from separate-sex or single-sex services needs to be a “proportionate means of achieving a legitimate aim” and has to be “objectively justified”.
- 3.14 The Explanatory Notes to the Equality Act 2010 give the following example of a situation where excluding people with the protected characteristic of gender reassignment would be lawful:
- “A group counselling session is provided for female victims of sexual assault. The organisers do not allow transsexual people to attend as they judge that the clients who attend the group session are unlikely to do so if a male-to-female transsexual person was also there. This would be lawful.”*
- 3.15 By way of contrast, it would not be lawful if the council did not allow a transsexual person to attend a community facility because other people who used that facility felt uncomfortable. This would be direct discrimination because of gender reassignment.

- 3.16 Under public law the Council must not fetter its discretion to apply exceptions within the Equality Act 2010. Our legal advice says that the two commitments as presently drafted amount to an inflexible policy, which prevents the Council from exercising its discretion to apply exceptions in the Equality Act 2010, and are therefore unlawful. This is because we do not refer to the exceptions in the wording of the policy.
- 3.17 However, the Council is not obliged to apply exceptions to exclude transsexual people in any particular case. The Act anticipates that these exceptions should only be applied in exceptional circumstances. The Council could also not apply a blanket policy to provide separate services for transsexual people or exclude transsexual people from particular services. We would need to do so on a case-by-case basis and carefully consider the implications of doing so.
- 3.18 Ordinarily, action taken by the Council in respect of its employees is regulated by the private law of contract or employment law rather than public law. However, the commitment in the policy not to “exclude transgender people from positions which require a gender-appropriate candidate” is contained in a general policy adopted by the Council under statutory powers. Therefore the issues are also subject to public law which means similar principles to those above apply in relation to the Council as an employer.

Proposed changes to the Council’s policy

- 3.19 In light of the legal advice received by the Council, it is recommended that the following changes should be made to the Council’s Comprehensive Equalities and Diversity Policy:
- a) The word “gender” should be replaced with “sex” in the statement on page 1 of the policy.
 - b) The two commitments relating to transgender people should be replaced with the following sentence in the list of key principles on page 1 of the policy:
We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use

the single sex exemption as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010

- 3.20 It could be argued that there is no need to include the sentence at 3.17 b) above, because it is a statement of what the underpinning legislation says. However, in the context of current public debate and challenge, it would be helpful to clarify what the Council's position is in the policy. Not confirming that we understand the rights of transsexual people might suggest or imply that the Council has made a deliberate decision to change its policy to not allowing people with this protected characteristic to access single-sex roles, services and spaces. This would not be the case, and, as outlined above, it would be illegal for the Council to do so.
- 3.21 Not mentioning the single sex exemption at all, may imply we would never use that part of the Act in the exceptional circumstances that might require it. It would be unlawful for the Council to fetter its discretion in this way. Given the current public debate and challenge, the Council needs to be clear about its position on this.
- 3.22 A revised version of the policy is presented at Appendix A for approval by the Executive Councillor, which includes the amendments proposed at 3.19 above. We have also updated the policy in light of changes since 2010 to the Council's structures and processes relating to our work in promoting equality and tackling discrimination as an employer and provider of services. Changes made to the policy at Appendix A are shown via tracked changes. In particular we have:
- Updated the section on pages 3-5 on our employment practices. Our intention has been to provide more concrete indications of the steps we take as an employer to promote equality and diversity
 - Updated the section on how we are organised on page 6 to reflect changes in internal officer equality groups since 2010.
 - Updated the section on how we deliver to reflect the current events that the Council marks.
 - Updated the section on page 8 on the equalities legislation that applies to the Council

3.23 All relevant live corporate equalities documents will be amended to refer to the protected characteristics defined in the Equality Act 2010. Where necessary this will include replacing the word 'gender' with 'sex' and the word 'transgender' with 'gender reassignment'. The protected characteristics will also be listed in alphabetical order in these documents, as in the Equality Act 2010, so as not to appear to be prioritising one protected characteristic over another. The Equality Impact Assessment template has already been amended and the revised version will be used for Committee reports in the October cycle.

4. Single Equality Scheme 2018-21

4.1 Whilst the Comprehensive Equalities and Diversity Policy sets out our overarching commitments as an employer and a provider of services to the public, the Single Equality Scheme sets out our priorities for the next three years. We have produced a new scheme every three years since 2009. The new single Equality Scheme for 2018-2021 is presented at Appendix C for approval by the Executive Councillor.

4.2 The Single Equality Scheme 2018-21 carries forward the 5 objectives from the Single Equality Scheme for 2015-2018. The objectives are:

1. To further increase our understanding of the needs of Cambridge's growing and increasingly diverse communities so that we can target our services effectively.
2. To continue to work to improve access to and take-up of Council services from all residents and communities.
3. To work towards a situation where all residents have equal access to public activities and spaces in Cambridge and are able to participate fully in the community.
4. To tackle discrimination, harassment and victimisation and ensure that people from different backgrounds living in the city continue to get on well together.
5. To ensure that the City Council's employment and procurement policies and practices are non-discriminatory and to work towards a more representative workforce within the City Council.

4.3 The key changes that have been made to the Single Equality Scheme for 2018-2021 compared to the previous scheme for 2015-2018 are:

- Including information on the key issues experienced by equality groups in Cambridge. These issues were identified through consulting with partners, undertaking a literature review, using local statistics we hold and using information from community needs assessments carried out in 2013 and 2015.
- Differentiating between ongoing 'business-as-usual' actions/ areas of work undertaken by services, and new areas of work or actions where specific outcomes will be identifiable and that we are held to account for.
- Identifying stronger links between our Anti-Poverty Strategy 2017-20 and our equality and diversity work.

4.4 The new SES contains actions which relate to all the protected characteristics identified in the Equality Act 2010. However, the Strategy includes additional actions to address a number of key issues identified through the consultation and review of available evidence. These are:

a) *Ensuring that our frontline services support people with mental health issues in the best possible way*

Some actions identified in the Strategy relating to this issue are to:

- Sign up to the Stop Suicide campaign and develop an action plan for the Council to help ensure people who are at risk of suicide that come into contact with Council services get support they need.
- Continue to provide a trusted single point of contact for people who need additional support from our customer contact centre because of mental health issues. Continue to help these service users to seek support they may need from other agencies through signposting or (with service users' permission) making referrals.

(b) *Helping to tackle discrimination experienced by Gypsies and Travellers, and encouraging them to get support they need from public services.*

Some actions identified in the strategy related to this issue are to:

- Identify further opportunities for collaborative working with Cambridgeshire County Council's Traveller Liaison Officer in order to better support Travellers who set-up temporary sites in the city, and Travellers who are high priority need for social housing.
- Procure Gypsy, Roma and Traveller cultural awareness training for our frontline staff that will in part be run by Travellers. This will help staff learn about experiences of discrimination and barriers from accessing public services that are faced by Gypsies and Travellers.

(c) *Helping to tackle loneliness experienced by older people, people with mental health issues and people in new communities.*

Some actions identified in the strategy related to this are to:

- Continue to use the Community Chest, consisting of developer contributions, to provide small pots of funding (up to £250) to help kick-start community projects in and around new communities that support them to develop social networks and reduce social isolation.
- Explore the feasibility of letting hard-to-let sheltered housing units to students at reduced rents with the requirement that they undertake 30 hours volunteer work per month to support older tenants with support needs, including helping to combat social isolation.

4.5 There are also two key actions in the strategy for 2018/19, related to the protected characteristics of sex and gender reassignment. These will both require long-term commitment and policy development.

- We have signed up to the Domestic Abuse Housing Alliance (DAHA). Women experience domestic abuse more often than men and research indicates that where it happens this is with much more intensity. We will be reviewing the Council's domestic abuse policies and procedures with a view to developing a joint framework for local housing providers to consider adopting. We will also develop guidelines for the Council's approach to known perpetrators of domestic abuse and perpetrators excluded from their homes.
- We intend to sign up the live version of the Safer Spaces campaign being led by Encompass Network. The Council is already signed up to the pilot project with 6 other local organisations, to create welcoming, inclusive and safe spaces for lesbian, gay, bisexual,

transgender and queer/ questioning (LGBTQ) people in Cambridge. We will work with the Encompass Network to develop further actions we can undertake to ensure our services are as welcoming, accessible and inclusive for LBTQ people as possible and to raise awareness of staff policies we have that support LGBTQ people.

5. Implications

(a) Financial Implications

No financial implications have been identified related to the Comprehensive Equalities and Diversity Policy or the Single Equality Scheme. Equalities has been mainstreamed across all Council services so actions that form part of the Single Equality Scheme will primarily be delivered through existing service budgets and will not require additional resources.

(b) Staffing Implications

The revised Comprehensive Equalities and Diversity Policy policy will be promoted to managers and staff in all Council services through internal communications channels. Where required, training and guidance will be provided for relevant Council service managers and staff on how the policy should be applied to any single-sex services and facilities that they are responsible for.

As set out in this report, the Council will only apply the single-sex exemption to exclude transsexual people from a particular service or facility in exceptional circumstances. If the Council receives any public requests in future for it to apply the single sex exemption, these requests will be considered on a case-by-case basis. The relevant Head of Service and the Council's Equality and Anti-poverty Officer will carry out a thorough assessment of all the potential impacts of applying the exemption, taking into account all available evidence. This assessment will consider whether applying the exemption would be a proportionate means of achieving a legitimate aim, as defined in the Equality Act 2010. The final decision on whether to apply the exemption would be taken by the Chief Executive or a Strategic Director.

As equalities has been mainstreamed across all Council services, the activities and actions identified in the strategic action plan for Single Equality Scheme SES will primarily be delivered as part of the core responsibilities of staff within the relevant services.

(c) Equality and Poverty Implications

We have undertaken an Equality Impact Assessment related to changes to the Comprehensive Equalities and Diversity Policy. This assessment can be found at Appendix B.

No Equality Impact Assessment (EqIA) has been carried out for the Single Equality Scheme. The Single Equality Scheme 2018 -21 will form the framework for the City Council's work to challenge discrimination and promote equal opportunities over the next three years. Services have undertaken their own EqIAs related to specific actions identified in the strategy. It also includes a range of evidence on issues faced by different protected characteristics in Cambridge City, so it will provide a useful resource for the completion of EqIAs for other projects and policies.

In developing our new Single Equality Scheme 2018-21, a key priority was to identify links between our Anti-Poverty Strategy 2017-20 and our equality and diversity work.

(d) Environmental Implications

There are no environmental implications

(e) Procurement Implications

The City Council has taken steps to ensure that equalities considerations are embedded in its procurement processes. We have produced a guide on implementing The Public Services (Social Value) Act (2012) into our procurement processes for staff to use. This ensures that a key part of our assessment process in procuring contracts is to consider economic, social and environmental benefits suppliers can bring to Cambridge. In the Single Equality Scheme 2018-21, we have committed to identifying further opportunities to maximise social value through the Public Services (Social Value) Act 2012.

(f) Community Safety Implications

The strategic action plan incorporated in the Single Equality Scheme 2018-2021 includes a number of actions that will have a number of positive impacts on community safety and cohesion in Cambridge. This includes actions related to:

- Making improvements to lighting on our Council estates
- Designing and undertaking a project to provide Safeguarding advice and/or training to door staff at licensed premises, including encouraging initiatives that reduce anti-social night-time activities of licensed operations
- Undertaking targeted activities to reduce the risk to all taxi passengers
- Continuing to deliver actions to reduce domestic violence and abuse towards women, as set out in the action plan associated with the Council's White Ribbon status
- Improving public safety and raising concerns of people with protected characteristics in our role as members of the Community Safety Partnership
- Replace our CCTV system with new High Definition cameras that are low-light capable
- Working with the Domestic Abuse Housing Alliance
- Providing an outreach service to women who have experienced domestic abuse in the City
- Tackling hate crime through continuing to work with Cambridgeshire Police and in running the Racial Harassment Service
- Ensuring that people at risk of radicalisation and extremism receive the joined up support they need, as part of the Prevent Duty

(g) Communications

The content of this report will be communicated to residents through the media using a news release, through the Council website, and on Twitter.

6. Consultation and communication considerations

- 6.1 We have not consulted on the changes proposed to the Comprehensive Equalities and Diversity Policy at 3.17 above because they reflect what the Council is required to do by law.
- 6.2 In accordance with the principles of the Cambridgeshire Compact, consultation on the draft Single Equality Scheme took place with voluntary and community sector partners and public sector partners, and Equalities Panel members. The details of the consultation process and key issues raised by stakeholders who participated are summarised in Appendix D. The finalised version of the SES attached at Appendix C has been updated to reflect those suggestions that can be incorporated. The stakeholders who took part in the consultation all agreed that the areas we have identified as priorities (as explained at 5.2) for the Single Equality Scheme 2018-2021 are broadly the correct ones.

8. Background papers

No background papers were used in the preparation of this report

9. Appendices

- Appendix A – Comprehensive Equalities and Diversity Policy
- Appendix B – Equality Impact Assessment for Comprehensive Equalities and Diversity Policy
- Appendix C – Single Equality Scheme 2018 to 2021
- Appendix D – Issues raised through the Single Equality Scheme 2018-21 consultation

10. Inspection of papers

If you have a query on the report please contact Helen Crowther, Equality and Anti-Poverty Officer, tel: 01223 - 457046, email:

helen.crowther@cambridge.gov.uk.



CAMBRIDGE CITY COUNCIL

COMPREHENSIVE EQUALITIES AND DIVERSITY POLICY “Embracing diversity, committed to equality”

OUR COMMITMENT

We are a joint founder (with the University of Cambridge) and signatory of the Cambridgeshire Equality Pledge that commits signatory organisations to appreciate and value the benefits that different communities contribute to Cambridge and the surrounding region. The Equality Pledge is as follows:

“We believe in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our community. Our aspiration is for Cambridge and the wider region to be safe, welcoming and inclusive”.

~~Cambridge City Council believes in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our city.~~

We recognise and accept that discrimination means some people may have not had equal access to services or employment or fair chances in life. Therefore we support the view that it may be necessary to develop or create some services or opportunities to specifically meet different needs.

We understand that discrimination can be institutionalised. We are committed to combating any unintended institutional discrimination by developing an anti-discriminatory organisational culture, placing equalities at the centre of all our activities and key agendas, and celebrating diversity in its many forms.

We work to the following principles:

- We recognise nine main equality strands as recognised in UK law, giving all equal importance. These are: ~~gender, gender reassignment, race and ethnicity, disability, sexual orientation, age, religion/belief, marriage and civil partnership, pregnancy and maternity~~ age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use the single sex exemption as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010

- We aim to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different and diverse communities
- We support the progressive approach of promoting good relations between different groups in order to tackle prejudice and end discrimination, and apply this to all equality strands
- We are committed to developing and promoting an anti-discriminatory environment within the Council and City as a whole and will reflect this in our policies and practices
- We are committed to improving our equalities practice at corporate, departmental, service and individual levels throughout the council and want to maintain a positive and inclusive workplace culture that values all employees equally
- We aim to identify and eliminate barriers in our own systems and procedures, training staff and managers to enable them to help make this happen
- We will actively engage with the local community through communication and consultation to ensure that our services meet the needs of and are fully accessible to our diverse population
- We recognise the value of an energetic and creative voluntary/community sector and will work with groups, individuals and organisations to provide culturally specific services, with equalities firmly embedded in those relationships and projects
- We will ensure a commitment to equalities and diversity in our commissioning and procurement arrangements and expect suppliers and contractors to fully comply with this equalities and diversity policy
- We encourage real participation in local democracy and representation on various bodies and in our processes, from people who may normally feel excluded from decision-making processes
- We will comply with all our legal obligations and follow best practice guidance

SCOPE

This policy applies to all aspects of the Council's functions including:

- Provision of services
- Commissioning and purchasing of goods and services
- Recruitment, employment, training and development of staff
- Grants to voluntary and community organisations
- Landlord functions in respect of housing and other property
- Exercise of statutory powers and responsibilities
- Partnerships with other organisations
- Community involvement

- Consultation with local people
- Promotion and publicity

~~VALUING OUR EMPLOYEES – AS AN EMPLOYER~~

~~All Council employees are responsible for complying with this policy and must follow it as part of their conditions of service. Council staff must not discriminate against anyone, persuade another employee to discriminate, tolerate or condone discriminatory practices, harass or abuse other employees or members of the public for any reason. In return we expect our staff to be treated with respect and we will not tolerate discriminatory or abusive behaviour towards our staff from members of the public.~~

~~—————The Working Environment~~

~~—————The Council aims to:~~

- ~~—provide a safe and accessible working environment for existing and potential employees, one that is free from harassment and discrimination, where individuals' values, beliefs, identities and cultures are respected~~
- ~~—provide equipment and facilities, including adaptations to the workplace, to enable people with disabilities to develop their full potential~~
- ~~—take action to protect employees who are at risk of violence while carrying out their duties~~
- ~~—support and facilitate staff networks for those from minority groups or those who face disadvantage or discrimination in society~~

Employment practices

- ~~—We aspire to being an employer for whom local people will want to work~~
- ~~—We aim to make sure that jobs with the council are accessible to all sections of the community, and that our recruitment policies and practices do not indirectly discriminate against any particular group of job seekers~~
- ~~—We will not exclude transgender people from positions which require a gender-appropriate candidate~~
- ~~—We actively seek to participate in innovative programmes that increase opportunities for minority groups to gain employment with the council~~
- ~~—We will develop initiatives to redress current imbalances in our workforce, through recruitment, career development and training, and building strong links with marginalised or minority communities~~

- ~~— We will provide support systems as part of our policy to promote dignity and respect at work and make confidential reporting systems available for those who may face prejudice or discrimination~~
- ~~— We will promote opportunities to ensure that not only is the Council's workforce representative of the local community, but that this representation is also reflected across all levels and grades~~
- ~~— We are committed to undertaking regular workforce database monitoring and staff attitude surveys, to help identify equality and diversity trends or issues that may need addressing~~

VALUING OUR EMPLOYEES – AS AN EMPLOYER

The Council aims to provide a safe and accessible working environment for existing and potential employees, one that is free from harassment and discrimination, where individuals' values, beliefs, identities and cultures are respected. All Council employees are responsible for complying with this policy and must follow it as part of their conditions of service.

Council staff must not discriminate against anyone, persuade another employee to discriminate, tolerate or condone discriminatory practices, harass or abuse other employees or members of the public - for any reason. In return we expect our staff to be treated with respect and we will not tolerate discriminatory or abusive behaviour towards our staff from members of the public.

The Working Environment

- We aspire to being an employer for whom local people will want to work.
- We have a staff code of conduct in order to ensure we act professionally and treat others with dignity and respect.
- We run equality and diversity training for staff , including as part of our induction training for all new starters.
- Staff members have access to confidential reporting systems available for those who may face bullying, harassment, prejudice and/or discrimination.

- We undertake regular staff attitude surveys to help identify equality and diversity trends or issues that may need addressing.
- We ensure that we consider individuals' needs and make reasonable adjustments where appropriate in order to remove barriers for disabled people and resolve issues relating to disability.
- We will implement and review our policies to support the health and well-being of our staff.
- We take action to protect employees who are at risk of violence while carrying out their duties.
- We are committed to safeguarding and promoting the welfare of children, young people and adults. Staff are made aware that safeguarding is everyone's responsibility.

- We have a domestic abuse policy to ensure that every employee who is experiencing or has experienced domestic abuse has the right to raise the issue with their employer in the knowledge that we will treat the matter effectively, sympathetically and confidentially.
- Where there is demand for them, we facilitate and support staff networks for those from minority groups or those who face disadvantage or discrimination in society.

Recruitment practices and career development

- We produce an annual 'Equality in Employment' report, which monitors the workforce profile in relation to age, disability, religion or belief, race, sex and sexual orientation. From this information we develop initiatives to redress current imbalances in our workforce, through recruitment, career development and training, and building strong links with marginalised or minority communities.
- We aim to eliminate any unfair or unlawful bias in our pay systems and practice that impact on pay. We believe that all employees should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value. We report on trends in pay in our annual 'Equality in Employment' report, including related to the gender pay gap.
- We aim to make sure that advertised jobs with the council are accessible to all sections of the community, and that our recruitment policies and practices do not indirectly discriminate against any equality groups.
- We promote opportunities to ensure that not only is the Council's workforce representative of the local community, but that this representation is also reflected across all levels and grades.
- We are a Disability Confident employer and are committed to recruiting, retaining and supporting disabled employees. The Council aims to remove barriers, resolve issues relating to disability and consider individual needs. This includes taking positive steps towards promoting equality of opportunity, inclusion for all and promoting positive attitudes towards disabled people.

VALUING OUR CUSTOMERS – DELIVERING SERVICES

It is our aim that:

- service users receive fair, sensitive and equal treatment when accessing services, and are treated with dignity and respect
- services are relevant and responsive to the changing and diverse needs of our local population, and are delivered without discrimination, prejudice or bias
- ~~transgender people will not be excluded from gender-appropriate single sex/sex segregated facilities operated by the council~~
- services, buildings and information are fully accessible, particularly to those groups or individuals who face disadvantage or discrimination

- we provide clear and understandable information about services and policies in accessible formats and languages
- all external contracts comply with the council's equality policy
- service users are aware of their rights and entitlements when receiving services

We will ensure that all job applicants, employees and service users have access to this policy and our equality values statement.

HOW WE ARE ORGANISED

There is a clear infrastructure to help deliver equality and diversity in the organisation.

Councillors - elected members of the Council have overall responsibility for this policy. The Leader of the Council is the portfolio holder for equalities and diversity. The Strategy and Resources Scrutiny Committee oversees and scrutinises the Leader's portfolio.

Equalities Panel - meets formally twice a year to advise on the Council's equalities work. Membership consists of four members of the public, four staff representatives (two at management level) and four elected Councillors.

Strategic Leadership Team – provides visible leadership on equalities and diversity issues.

Equalities Champion - a member of the Council's Strategic Leadership Team is responsible for championing all equality areas.

Joint Equalities Group (JEG) – an officer group that meets regularly to develop, deliver and oversee the council's equalities and diversity programme. Combines equalities work in employment, service delivery and community relations. Core membership is:

- Strategy & Partnerships
- Human Resources
- Community Development
- Departmental Link Officers

~~**Departmental Equalities Link Officers** – representatives from each department report to Departmental Management Teams and link in with the corporate equalities agenda through the Joint Equalities Group.~~

~~**Staff Groups** – four staff groups that meet regularly throughout the year:~~

- ~~— Black and Minority Ethnic Staff Group~~
- ~~— Lesbian, Gay, Bisexual and Transgender (LGBT) Staff Group~~
- ~~— Disabled Staff Group~~
- ~~— Women's Staff Network~~



~~Staff groups are encouraged to be self-determining; all have their own ways of working. The staff groups meet jointly with the Strategic Leadership Team at least annually.~~

HOW WE DELIVER

Promoting diversity programme

The Council has responded to the duty to promote good relations between different communities by developing an annual programme of 'diversity days'. This approach recognises the main equality strands and provides a framework for engaging different individuals, groups, partners and communities.

As a Council, we mark some of the following regional and national events:

- LGBT (lesbian, gay, bisexual, transgender) History Month – February
- International Women's Day – 8th March
- Black History Month – October
- Holocaust Memorial Day – 27th January
- Cambridgeshire Celebrates Age
- Disability History Month – 22nd November to 22nd December every year
- Refugee Week – held in June each year

~~The programme primarily consists of support for events to celebrate, for example:~~

- ~~LGBT (lesbian, gay, bisexual, transgender) History Month – February~~
- ~~International Women's Day – 8th March~~
- ~~International Day to Eliminate Racism – 21st March~~
- ~~National Play Day – August~~
- ~~Pink Festival – August~~
- ~~Black History Month – October~~
- ~~International Day of Older People – 1st October~~
- ~~International Day of Disabled People – 3rd December~~
- ~~Holocaust Memorial Day – 27th January~~
- ~~various interfaith initiatives throughout the year~~

~~This way of working also allows for response to other equality or diversity projects, for example World Roma Day – 8th April, International Day of Peace – 21st September, Refugee Week – June.~~

Community ~~Development~~Services

Cambridge City Council has a strong Community Development Unit with commitment to community services and equalities resources work to support, strengthen, resource and engage many minority and marginalised communities.

Training, communications and resources

We provide equality and diversity training for staff and managers including mandatory equalities training within induction programmes for new staff. We supplement formal

training with additional briefings and communications designed to raise awareness and increase knowledge around all equality issues, best practice and legislation.

Consultation and Involvement

The Council undertakes regular consultation with service users to ensure that the views of all communities are heard. Targeted work is undertaken to seek minority communities' views where these may not be picked up in general consultation initiatives. This consultation is used to inform council priorities and improve services.

Equality Framework for Local Government

The Equality Framework is a national framework offering a comprehensive and systematic approach to measuring performance on equalities issues. The Framework covers all the groups that are protected by discrimination law. The Council measures its progress against the five areas of performance contained in the Framework as part of our Annual Equalities Review.

Equality Impact Assessments (EIAs)

EIAs are a mechanism to equality check council functions and policies to ensure they do not discriminate or cause any adverse impact relating to equalities and diversity. The Council has an ongoing process of undertaking EIAs on all relevant policies and functions.

Monitoring

Monitoring is an essential and integral element of the Council's equalities performance, and is a requirement of the revised Equality Standard. We also monitor our services to meet the specific duties as set out in the Race Relations Amendment Act 2000 and the Disability Discrimination Act 2005.

Single Equality Scheme (SES)

In 2009, in anticipation of the introduction of the Equality Act 2010, the Council adopted a single equality scheme, which includes outstanding actions from our previous race, disability and gender schemes. The scheme is reviewed and reported on annually as part of the Council's Annual Equalities Review.

REVIEWING YOUR PRACTICE THE POLICY

We will review our practice regularly in line with this policy to ensure that the principles, objectives and priorities are achieved. We will produce an annual report each year, which will be reported to the Strategic Leadership Team, the Equalities Panel, and Strategy and Resources Scrutiny Committee, and will be published on the Internet.



To be reviewed following full implementation of the Equality Act 2010

LEGISLATION

We are committed to complying fully with our legal obligations under equality laws and guidance, and to responding to these speedily and thoroughly. The main UK laws relating to equality and diversity are as follows, starting with the most recent:

Equality Act 2010

Brings together all the existing strands of equality and discrimination legislation, with the aim of clarifying existing law, extending it to cover some anomalies in existing discrimination law, and creating a stronger set of obligations on public bodies to promote equality. Creates a new Public Sector Equality Duty and a duty to consider reducing social and economic inequality. Bans age discrimination outside the workplace and strengthens protection from discrimination for disabled people and extends protection to carers. Introduces the concept of 'dual discrimination' where people have a combination of protected characteristics.

Equality Act (Sexual Orientation) Regulations 2007

Prohibits discrimination in the provision of goods, facilities, services and education, in the exercise of public functions and the use and disposal of premises.

Equality Act 2006

Establishes a single Commission for Equality and Human Rights by 2007 that replaces the three existing commissions. Introduces a positive duty on public sector bodies to promote equality of opportunity between women and men and eliminate sex discrimination. Protects access discrimination on the grounds of religion or belief in terms of access to goods, facilities and services.

Employment Equality (Age) Regulations 2006

Protects against discrimination on grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate.

Racial and Religious Hatred Act 2006

The Act seeks to stop people from intentionally using threatening words or behaviour to stir up hatred against somebody because of what they believe.

Disability Discrimination Amendment Act 2005

Introduces a positive duty on public bodies to promote equality for disabled people.

Employment Equality (Sex Discrimination) Regulations 2005

Introduces new definitions of indirect discrimination and harassment, explicitly prohibits discrimination on the grounds of pregnancy or maternity leave, sets out the extent to which it is discriminatory to pay a woman less than she would otherwise have been paid due to pregnancy or maternity issues.

Civil Partnerships Act 2004

Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights.

Gender Recognition Act 2004

The purpose of the Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate by a gender recognition panel.

Employment Equality (Sexual Orientation) Regulation 2003

The directive protects against discrimination on the grounds of sexual orientation in employment, vocational training, promotion, and working conditions.

Employment Equality (Religion or Belief) Regulation 2003

The directive protects against discrimination on the grounds of religion and belief in employment, vocational training, promotion and working conditions.

Race Relations Act 1976 (Amendment) Regulation 2003

Introduced new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

Race Relations Amendment Act 2000

Places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

Disability Discrimination Act 1995

Outlaws the discrimination of disabled people in employment, the provision of goods, facilities and services or the administration of management of premises.

Race Relations Act 1976

The Act prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities, services and premises.

Sex Discrimination Act 1975

The Act makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs.

Equal Pay Act 1970 (Amended)

This gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing: like work; work rates as equivalent under an analytical job evaluation study; or work that is proved to be of equal value.

LEGISLATION

We are committed to complying fully with our legal obligations under equality laws and guidance, and to responding to these speedily and thoroughly. The main UK law relating to equality and diversity is the Equality Act 2010:

Equality Act 2010

The Equality Act brought together all the previously existing strands of equality and discrimination legislation, with the aim of clarifying existing law and extending it to cover some anomalies in existing discrimination law.

The nine main pieces of legislation that merged were:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

For full information on the Equality Act see:
<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Public Sector Equality Duty (Section 149 of the Equality Act 2010)

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. Those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Other relevant legislation to equalities includes:

Civil Partnerships Act 2004

Provides legal recognition and parity of treatment for same-sex couples and married couples, including employment benefits and pension rights

Gender Recognition Act 2004

Trans people are able to receive legal recognition of their acquired gender through a process set out in the Gender Recognition Act (GRA) 2004.

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Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther, Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk or phone 01223 457046. Once you have drafted the EqIA please send this to equalities@cambridge.gov.uk for checking. For advice on consulting on equality impacts, please contact Graham Saint, Strategy Officer, (graham.saint@cambridge.gov.uk or 01223 457044).

1. Title of strategy, policy, plan, project, contract or major change to your service:

Comprehensive Equalities and Diversity Policy

2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)

If approved at the Environment and Communities Scrutiny Committee in October, the final agreed policy will be published here: <https://www.cambridge.gov.uk/our-equality-and-diversity-policies-and-plans>

The Committee papers will be published here:

<https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=476&MId=3564&Ve r=4>

3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

The Council's Comprehensive Equalities and Diversity Policy sets out its commitment to promoting equality and diversity, including through its role as an employer and a provider of services to the public. This EqIA assesses the equality impact of specific provisions in the existing policy and proposed revisions to these provisions.

The Council's current policy states on page 1 that : *"We recognise nine main equality strands as recognised in UK law, giving all equal importance. These are: gender, gender reassignment; race and ethnicity; disability; sexual orientation; age; religion/belief, marriage and civil partnership, pregnancy and maternity".*

The Council's current policy also contains two specific commitments relating to transgender people:

- *We will not exclude transgender people from positions which require a gender-appropriate candidate*
- *Transgender people will not be excluded from gender-appropriate single sex/sex segregated facilities operated by the council*

In light of the legal advice received by the Council, it is proposed that the following changes should be made to the policy:

- a) The word "gender" should be replaced with "sex" in the statement on page 1 of the policy.
- b) The two commitments relating to transgender people should be replaced with the following sentence in the list of key principles on page 1 of the policy:

We will recognise and treat people with the protected characteristic of gender reassignment according to the gender in which they present unless it is necessary, in exceptional circumstances, to use the single sex exemption as a proportionate means to achieve a legitimate aim in line with the Equality Act 2010

4. Responsible Service

Corporate Strategy (although all Council services are responsible for implementing the Policy)

5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

- Residents of Cambridge City
 Visitors to Cambridge City
 Staff

Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):
 This EqIA and the changes made to the revised Comprehensive Equalities and Diversity Policy are most likely to impact on people with protected characteristics of gender reassignment and sex.

6. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)

- New
 Major change
 Minor change

7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)

- No
 Yes (Please provide details):
 All services are responsible for implementing the Policy

8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?

The Comprehensive Equalities and Diversity Policy will go to the 4th October Environment and Communities Scrutiny Committee in the same item as the Single Equality Scheme 2018 to 2021.

9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?

We have not consulted on the proposed changes set out in section 3 above for the revised Comprehensive Equalities and Diversity Policy. This is because they reflect what we are required to do by law. The law provides access to single sex roles, spaces and services for people with the protected characteristic of gender

reassignment.

The EqIA is informed by an assessment of the impact of provisions in the existing policy regarding transgender people's access to single-sex jobs and single-sex facilities since they were introduced in 2010. As part of this assessment, officers have spoken to the managers of all relevant Council services (including: Community Grants; Homelessness Grants; public toilets; toilets, showers and changing rooms in leisure facilities; single-sex sport sessions; and single-sex health and well-being sessions) to identify how the policy has been applied in practice, and whether there have been any complaints or issues raised regarding transgender people accessing single-sex services and facilities.

10. Potential impacts

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

(a) Age

Note that this refers to any group of people of a particular age (e.g. 32 year-olds) , or within a particular age range (e.g. 16-24 year-olds) – in particular, please consider any safeguarding issues for children and vulnerable adults

No impacts have been identified specific to this equality group.

(b) Disability

Note that a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

No impacts have been identified specific to this equality group.

(c) Gender Reassignment

Legal advice received by the Council states that, where a service is being lawfully provided on a separate-sex or single-sex basis, the Equality Act 2010 requires that in general the service provider should allow people with the protected characteristic of gender reassignment (also referred to as “transsexual” people in the Act) to access services according to their acquired gender. Gender reassignment, for the purposes of the Act, does not refer to a medical process. It is a personal process (that is, moving away from the sex to which a person was assigned at birth to that person’s preferred or acquired gender).

The Equality Act 2010 includes an exception that permits service providers, in exceptional circumstances, to provide a different service to a transsexual person, or exclude a transsexual person from the service altogether. The Explanatory Notes to the Equality Act 2010 state that excluding transsexual people from separate-sex or single-sex services needs to be a “proportionate means of achieving a legitimate aim” and has to be “objectively justified”. The Council could also not apply a blanket policy; it would need to consider applying the exception on a case-by-case basis and carefully consider the implications of doing so.

It is difficult to assess the impact in practice of the commitments in the existing policy on people with the protected characteristic of “gender reassignment”, or the wider group of people who would identify as being “transgender” (including non-binary and gender fluid people). This is because the Council does not routinely monitor usage of separate-sex or single-sex services by people with particular protected characteristics.

The assessment carried out recently by Council officers identified the following separate-sex and single-sex services where the provisions regarding transgender people in the Council’s existing policy would apply to people with the protected characteristic of gender reassignment:

- **Community grants** - The Council does not require grant recipients to apply the Council’s policy. They are required to have equality and diversity policies in place which comply with the law. Transgender people have rarely accessed services provided by women’s organisations funded through the Community Grants, and they have tended to seek help through one-to-one support rather than in a group setting.
- **Homelessness grants** - The City Council has funded outreach services for Cambridge residents who are victims of domestic violence (through our homelessness grants), including one-to-one and group sessions. The City Council service manager is not aware of any transgender people accessing these services.
- **Public toilets** – The Council has a mixture of toilet provision at 20 different locations including male, female and unisex toilets, depending on the constraints of the site. We do not have any data on whether transgender people have accessed single-sex toilets. This is because the toilets are open-access and the Council does not manage who uses the toilet facilities. Only 2 of the facilities are staffed, and this is only for purpose of maintenance and cleaning.

- **Public toilets in community centres** - There is a mixture of different toilet provision at Council-owned community centres, including male, female and unisex toilets, depending on the constraints of the site. In community centres where single-sex toilets are available, when requested, community centre staff have directed transgender people to the single-sex toilets that the transgender person would feel are suitable for them. .
- **Toilets, showers and changing rooms in leisure facilities** - Most showers and toilets at Council leisure facilities are male or female, but there is a mixture of unisex, male and female changing facilities. Leisure centre staff have directed transgender people, when requested, to use the facilities that the transgender person would feel are suitable for them.
- **Single sex sports sessions** – The Council runs some single-sex sports sessions, including women-only swimming classes. The service manager is aware of very few instances of transgender people accessing women-only or men-only classes.
- **Health and well-being sessions** – the Council provides health and wellbeing sessions for women who are low on confidence and struggling to access services. The service manager is not aware of any instances of transgender people accessing these sessions.

The Council has not received any positive feedback or complaints from transgender people accessing the services above 2010. The only exception is for toilets, showers and changing rooms in leisure facilities, where the City Council service manager and the relevant GLL managers have received some positive feedback from transgender people regarding unisex changing facilities at some leisure centres.

With regards to single sex positions, the Council's Human Resources service has confirmed that since 2010 the Council has not used the legal clause enabling us to recruit a person of a particular sex to a role where there is a 'Genuine Occupational Requirement' (Schedule 9, Paragraph 1 of the Equality Act 2010). As a result, there have been no instances since 2010 when the commitment in the policy regarding access to "gender appropriate" positions for transgender people could have been applied. Therefore, no impact has been identified from this commitment in the policy.

It is not expected that the proposed changes to the Council's policy set out in section 3 will have a significant impact on people with the protected characteristic of gender reassignment, as the proposed changes are consistent with the law. The Equality Act 2010 requires that in general the Council should allow people with the protected characteristic of gender reassignment to access separate-sex or single-sex services according to their acquired gender. The Council would legally only be able to apply the exception to exclude people with the protected characteristic of gender reassignment in exceptional circumstances and on a case-by-case basis.

The two existing commitments in the Council's Comprehensive Equality and Diversity Policy commit the Council to providing access for "transgender" people to single-sex services and facilities provided by the Council. This effectively provides access for a wider group of people, including non-binary and gender fluid people, who do not fall within the protected characteristic of gender reassignment. The

proposed changes to the policy could have a negative impact on non-binary and gender fluid people. The changes mean that they would only be able to access single-sex or separate-sex services according to their sex, which would be consistent with the law.

(c) Marriage and civil partnership

No impacts have been identified specific to this equality group.

(d) Pregnancy and maternity

No impacts have been identified specific to this equality group.

(e) Race

Note that the protected characteristic 'race' refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

No impacts have been identified specific to this equality group.

(f) Religion or belief

Providing access to single-sex services facilities or services for people with the protected characteristic of gender reassignment may have implications for women of a religion that requires them to be covered in the presence of men. Some of these women may be more likely to use single-sex sports sessions, like swimming sessions, for this reason, and it has been suggested that they might not attend sessions if they are also attended by people undergoing gender reassignment with male physical attributes.

However, we do not currently have any evidence of this being the case. Since we have had the two provisions in the policy regarding transgender people, Council officers have not received any complaints regarding transgender people using single-sex sports sessions we run or our single sex facilities.

(g) Sex

It is proposed that the word “gender” should be replaced with “sex” in the statement on page 1 of the Council’s Comprehensive Equalities and Diversity Policy. This change would ensure that the policy is consistent with the wording of the Equality Act 2010 and would ensure that it is lawful.

Legal advice received by the Council states that, where a service is being lawfully provided on a separate-sex or single-sex basis, the Equality Act 2010 requires that in general the service provider should allow people with the protected characteristic of gender reassignment (also referred to as “transsexual” people in the Act) to access services according to their acquired gender. Gender reassignment, for the purposes of the Act, does not refer to a medical process. It is a personal process (that is, moving away from the sex to which a person was assigned at birth to that person’s preferred or acquired gender).

The Equality Act 2010 includes an exception that permits service providers, in exceptional circumstances, to provide a different service to a transsexual person, or exclude a transsexual person from the service altogether. Excluding transsexual people from separate-sex or single-sex services needs to be a “proportionate means of achieving a legitimate aim” and has to be “objectively justified”. The Council could also not apply a blanket policy; it would need to consider applying the exception on a case-by-case basis and carefully consider the implications of doing so.

As set out in the section on “gender reassignment” above, the Council currently provides a number of separate-sex or single-sex services for women, including:

- Community Grants to women’s organisations;
- Homelessness Grants to organisations providing outreach support for women who have experienced domestic violence;
- public toilets;
- toilets, showers and changing rooms in leisure facilities;
- single-sex sport sessions; and
- single-sex health and well-being sessions.

The assessment carried out recently by Council officers identified no impact on people with the protected characteristic of “sex” from the commitments regarding “transgender” people in the council’s existing Equalities and Diversity Policy. Specifically, service managers have not received any complaints regarding transgender people accessing the identified the separate-sex and single-sex services listed above. It is possible that if service users did have any concerns, they may not have reported them, but it is impossible to assess whether this is the case.

It is not expected that the proposed changes to the Council’s policy set out in section 3 will have a significant impact on people with the protected characteristic of sex.

(h) Sexual orientation

No impacts have been identified specific to this equality group.

(i) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty

None identified

11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqIA accordingly.)

The Council plans to sign up to the live Safer Spaces project (we have already been signed up to the pilot project). Safer Spaces also has a function for public to feedback on experience of using service as an LGBTQ person. Through Safer Spaces we can identify any negative impacts any changes to the provisions could have related to different Council services' implementation of the Policy. We can then work to mitigate or prevent impacts where we are able to do so in line with legislation using advice from Encompass and our Legal Service.

In deciding whether the policy needs to be reviewed in future, we will take into account any future changes to the law. For example, the government is currently consulting on proposals to reform the Gender Recognition Act 2004, including reviewing the legal recognition process of gender (for further information see: <https://www.gov.uk/government/consultations/reform-of-the-gender-recognition-act-2004>). The consultation is also looking into the following related to the Equality Act 2010:

“We know that concerns have been expressed about how any change to the GRA might have an impact upon these protections in the Equality Act [referring to the Single Sex Exemption] and we want to find out more about this. We are also interested in understanding how the current process of legally changing gender impacts upon those who have a protected characteristic under the Equality Act 2010.”

Nevertheless, the government has also said: *“To be clear – this consultation focuses on the Gender Recognition Act; we are not proposing to amend the Equality*

Act 2010 and the protections contained within it. We do realise, however, that there are concerns about interactions between the two Acts and we want to use this consultation as a way of gathering these views.”

12. Do you have any additional comments?

N/a

13. Sign off

Name and job title of lead officer for this equality impact assessment:
Helen Crowther, Equality and Anti-Poverty Officer, Corporate Strategy

Names and job titles of other assessment team members and people consulted:

- Andrew Limb, Head of Corporate Strategy
- Antoinette Jackson, Chief Executive
- David Kidston, Strategy and Partnerships Manager, Corporate Strategy
- Tom Lewis, Head of Practice, Legal Services

Date of EqIA sign off: 5th September 2018

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