

BROMSGROVE DISTRICT COUNCIL

CABINET

2nd June 2010

SPORTS AND LEISURE - SERVICES AND FACILITIES ACCESS FOR TRANS PEOPLE

Relevant Portfolio Holder	Councillor Mike Webb
Relevant Head of Service	John Godwin
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report recommends adoption of the proposed Sports and Leisure Services and Facilities – Access for Trans People policy. This policy sets out guidelines for staff and for members of the public to apply and abide by in the eventuality of dealing with a person or meeting a person who is intending to go through a gender transition process, or, is going through a gender transition process, or has completed a gender transition process (otherwise referred to throughout this report as “a transitioning person”. The policy aim is to assist staff when dealing with a situation where it may not be clear what the appropriate service response should be when dealing with a transitioning person and to, whenever possible, enabling that person (or persons) to have access to the sports and leisure services and facilities of their choice.

2. RECOMMENDATIONS

- 2.1 The Cabinet/ Executive is asked to approve the **Sports and Leisure Services and Facilities - Access for Trans People** policy attached at Appendix 1.

3. BACKGROUND

- 3.1 In December 2006 the Council published its first Gender Equality Scheme within the Inclusive Equalities Scheme. This was four months ahead of the new Gender Equality Duty coming into force in April 2007 for which the legal duties were not finalised until January 2007.
- 3.2 Therefore, the original Gender Equality Scheme as published in December 2006 referred to the draft legal duties rather than the correct final legal duties. A small working group was convened comprising of community members, community partners and an elected Member (Councillor Mrs C Spencer) to review and rewrite the Gender Equality Scheme to bring it in line with the correct legal duties. This was completed in late 2007 and the Scheme was republished in March 2009.
- 3.3 The revised Draft Gender Equality Scheme included an action plan which committed the Council to a programme of action to raise awareness of the Revised Scheme and awareness of the issues of gender re-assignment

- with managers, front line staff and service users in order to work towards a situation where transitioning individuals would be able to access services and facilities.
- 3.4 The legal status of transitioning individuals is that they are protected from unlawful discrimination in Employment and Vocational Training. From 1st April 2008 they were protected against unlawful discrimination in The Provision of Goods, Facilities and Services. From April 2011 the Equality Act of 2010 requires that all public authorities abide by a Public Duty to eliminate discrimination and harassment against trans people. This will include sports and leisure services and facilities such as those provided by the council, or on behalf of the Council through a third party organisation.
- 3.5 The gender transition process is a difficult one for individuals who may be unaware of their legal rights and the extent to which they can rely on them. Experience has shown that in rare examples this has led to unrealistic expectations by some individuals in relation to accessing facilities, in particular, changing rooms and toilets thus creating difficulties for staff and other service users.

4. KEY ISSUES

- 4.1 Key issues are that adoption of this policy will demonstrate
- That the Council is abiding by legislative requirements
 - That the Council is fulfilling the commitments made in the Revised Draft Gender Equality Scheme published in March 2007
 - That the Council is raising awareness with management, staff and service users of gender transition issues and needs of transitioning individuals
 - That the Council is working towards and supporting greater social acceptance of transitioning individuals and wider understanding of their needs.

5. FINANCIAL IMPLICATIONS

- 5.1 Cost of implementation of the Access Policy is negligible as specialist training, consultancy and advice has already been provided and was funded through the Worcestershire Being Different Together project. Most staff who will be involved in the day to day operation of the policy have been briefed directly or indirectly through the Gender Equality Awareness Campaign carried out between November 2009 and March 2010. In addition, staff will have ad hoc access to specialist advice to assist them if the need arises, such as, dealing with an individual (or individuals) who does not wish to comply with the principles set out in the policy.

6. LEGAL IMPLICATIONS

- 6.1 Currently the Sex Discrimination Act Amendment Regulations 1999 set out the right of non discrimination for transitioning individuals when accessing employment and vocational training. From 1st April 2008 The Sex Discrimination Act (Amendment of Legislation) Regulations 2008 provided that transitioning individuals were protected from discrimination in The Provision of Goods, Facilities and Services. From April 2011 the Equality Act of 2010 requires that all public authorities abide by a Public Duty to eliminate discrimination and harassment against trans people. This will include sports and leisure services and facilities such as those provided by the council, or on behalf of the Council through a third party organisation.

7. POLICY IMPLICATIONS

- 7.1 This is a new operational policy which complements the Council's Inclusive Equalities Scheme.

8. COUNCIL OBJECTIVES

- 8.1 This policy supports Council Objective Three, One Community in working towards greater acceptance of and integration for gender transitioning individuals by improving their access to Council services and encouraging more participation in public life.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 Risks include the potential for a failure to abide by the publicly stated policy resulting in legal action and negative effect on the Council's reputation. There is also a risk that despite a long and detailed public consultation that members of the public may not be fully accepting of, or comfortable with the policy of allowing access to facilities and services by transitioning individuals.
- 9.2 These risks are being managed as follows:

The policy was widely consulted on over a five month period and whilst the majority of comments were positive or very positive there were some sceptical comments from members of the general public. The management of this risk will be by managers of the service areas within the scope of this policy who can access training and advice from professional sources who can help with individual enquiries and issues as they arise.

- 9.3 There is a small risk of potential loss of income. Other members of the public may not be accepting of transitioning individuals. However it is intended that staff will support the transitioning individual and explain the issues to other members of the public to help them understand why we have this policy of allowing access to facilities and services.

10. CUSTOMER IMPLICATIONS

- 10.1 If the Council fully adopts the policy this will be published on the Council website and announced in the local press. Copies of the final version of the policy will be on public display at all customer contact points. Staff will be informed through Connect bulletins and can contact the Equality Officer for ad hoc advice as and when required.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 A full Equality Impact Assessment has been completed and is attached at Appendix 2. This policy fully supports the commitments made in the Inclusive Equalities Scheme published in December 2006 and the revised Gender Equality Scheme published in March 2009.

The results of the community consultation are included at the end of the Equality Impact Assessment.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 There is no anticipated impact as a result of the adoption of this policy.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 There is no anticipated impact as a result of the adoption of this policy.

14. HUMAN RESOURCES IMPLICATIONS

14.1 There is small risk that individual members of staff may not be willing to fully support the application of the policy if they have personal or religious beliefs where those beliefs conflict with the ideals of this policy. This would require managers to support the staff concerned appropriately whilst seeking to gain support and compliance with the policy.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 The day to day management and implementation of this policy will reside with the Leisure and Cultural Services Department and will be supported by service specific operational policies.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 There is a joint Hate Crime partnership for Bromsgrove and Redditch supported by Bromsgrove District Council. The partnership has received a number of reports of hate crimes based on "transphobia" and nationally research has shown that trans men and women experience a high level of hate crime and hate incidents and can be reluctant to report incidents due to fear of transphobic responses from public authorities.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 Access to sports and leisure activities is intended for all and transitioning individuals aspire to participate as fully in public life as anyone else. Nationally it can be shown through research that transitioning individuals experience poor health outcomes although many of the relevant services involved are beyond the remit of the District Council and any third party providers of services.

18. LESSONS LEARNT

18.1 Previous issues have arisen in relation to the access of facilities, specifically changing rooms when individuals in the transitioning process have had unrealistic expectations which had the potential to negatively affect other members of the public. Staff had no policy to rely on and had to make the best decision possible in an immediate situation which carries the risk of incorrect decisions legally and consequent action. This policy has been drawn up using benchmarking standards provided by expert support organisations in this field such as The Gender Trust and Press for Change.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 A five month consultation period was undertaken from November 2009 to the end of March 2010 which included

- A widely circulated questionnaire with the draft policy at all customer contact points
- Circulation of policy and questionnaire to all partners and community forums
- Training workshops for each Council service department focusing on the Equality Impact Assessment process and Gender Equality include Gender Transition
- Similar workshops were provided to elected Members
- Information about this proposed policy was available on the Council website with an email address for comments
- Six drop in sessions for the general public were held at the Customer Service Centre which were advertised in the local newspapers as well as on the Council's website

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20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards in the District of Bromsgrove

22. APPENDICES

Appendix 1 **Sports and Leisure - Services and Facilities Access for Trans People** as amended following consultation

Appendix 2 **Full Equality Impact Assessment including the summary of the consultation responses**

23. BACKGROUND PAPERS

The Revised Draft Gender Equality Scheme – March 2009 to June 2011

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24. KEY

“Transitioning individuals” refers to any individual who is considering gender transition, is in the process of gender transition or has completed gender transition.

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