

Equality Impact Assessment [version 2.10]



Title: 'Trans Inclusion and Gender Identity Policy' and 'Supporting Trans Inclusion and Gender Identity at Work Policy'	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input checked="" type="checkbox"/> Other [please state]	<input checked="" type="checkbox"/> New <input type="checkbox"/> Already exists / review <input type="checkbox"/> Changing
Directorate: Resources	Lead Officer name: Rebecca Baldwin-Cantello
Service Area: Equality and Inclusion	Lead Officer role: Head of Equality and Inclusion

Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

Bristol City Council has developed two aligned but separate new policies:

Trans Inclusion and Gender Identity Policy

This policy provides clarity on how best to support trans and gender-diverse service users and citizens, as well as making sure other characteristics including sex-based protections are correctly and lawfully accounted for.

Supporting Trans Inclusion and Gender Identity at Work Policy

This document outlines the council's policy with regards to:

- Guidance to line managers, colleagues, and the HR department on how best to support trans and gender-diverse employees.
- Transitioning at work and the procedures that should be followed to manage any changes that may be required within the workplace for new and existing employees.

Together these two separate policies will support our [Equality and Inclusion Policy](#) and relevant [HR People policies](#) (internal link).

The scope of the Trans Inclusion and Gender Identity Policy does not include service-specific or healthcare guidance, specific guidance on mixed and/or single sex accommodation, or pathway flowcharts etc. – which would require more detailed consideration of any potential impacts on a case-by-case basis.

The policy states that Council departments may need to develop distinct procedures and pathways to support trans people to access their services based on sector-specific guidance and the particular needs and circumstances of service users.

1.2 Who will the proposal have the potential to affect?

<input checked="" type="checkbox"/> Bristol City Council workforce	<input checked="" type="checkbox"/> Service users	<input checked="" type="checkbox"/> The wider community
<input checked="" type="checkbox"/> Commissioned services	<input checked="" type="checkbox"/> City partners / Stakeholder organisations	
Additional comments: The Trans Inclusion and Gender Identity Policy will potentially affect all stakeholder groups, whereas the Supporting Trans Inclusion and Gender Identity at Work Policy is likely to impact Bristol City Council workforce only.		

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	[please select]
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Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: [How we measure equality and diversity \(bristol.gov.uk\)](https://www.bristol.gov.uk/equality-diversity)

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](#). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](#); [Joint Strategic Needs Assessment \(JSNA\)](#); [Ward Statistical Profiles](#).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](#) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](#) and [Stress Risk Assessment Form](#)

Data / Evidence Source ¹ [Include a reference where known]	Summary of what this tells us																													
<p><u>Gender identity, England and Wales - Office for National Statistics (ons.gov.uk)</u></p> <p><u>Gender identity: age and sex, England and Wales - Office for National Statistics (ons.gov.uk)</u></p> <p><u>Gender Recognition Certificate: applications and outcomes - GOV.UK (www.gov.uk)</u></p>	<p>There was a new question about gender identity in the most recent 2021 Census. A total of 262,000 people (0.5%) answered “No”, indicating that their gender identity was different from their sex registered at birth. Within this group:</p> <ul style="list-style-type: none"> • 118,000 (0.24%) answered “No” but did not provide a write-in response • 48,000 (0.10%) identified as a trans man • 48,000 (0.10%) identified as a trans woman • 30,000 (0.06%) identified as non-binary • 18,000 (0.04%) wrote in a different gender identity • The remaining 2.9 million (6.0%) did not answer the question on gender identity. <p>In Bristol there were 3,220 citizens who said their gender identity was different from their sex registered at birth, which is 0.83% (about 1 in 120) of the overall city population.</p> <p>Of those with a gender identity different from their sex registered at birth, there was a significantly higher proportion of non-binary people in Bristol than nationally, with the second largest non-binary population out of 331 local authorities in England and Wales.</p>																													
	<table border="1" data-bbox="730 1305 1501 2101"> <thead> <tr> <th data-bbox="730 1305 1091 1424"></th> <th data-bbox="1096 1305 1297 1424">City of Bristol: Number</th> <th data-bbox="1302 1305 1501 1424">City of Bristol: Percentage</th> </tr> </thead> <tbody> <tr> <td data-bbox="730 1431 1091 1585">Gender identity the same as sex registered at birth (number)</td> <td data-bbox="1096 1431 1297 1585">360,274</td> <td data-bbox="1302 1431 1501 1585">92.45%</td> </tr> <tr> <td data-bbox="730 1592 1091 1742">Gender identity different from sex registered at birth but no specific identity given</td> <td data-bbox="1096 1592 1297 1742">1,145</td> <td data-bbox="1302 1592 1501 1742">0.29%</td> </tr> <tr> <td data-bbox="730 1749 1091 1783">Trans woman</td> <td data-bbox="1096 1749 1297 1783">466</td> <td data-bbox="1302 1749 1501 1783">0.12%</td> </tr> <tr> <td data-bbox="730 1789 1091 1823">Trans man</td> <td data-bbox="1096 1789 1297 1823">440</td> <td data-bbox="1302 1789 1501 1823">0.11%</td> </tr> <tr> <td data-bbox="730 1830 1091 1863">Non-binary</td> <td data-bbox="1096 1830 1297 1863">794</td> <td data-bbox="1302 1830 1501 1863">0.20%</td> </tr> <tr> <td data-bbox="730 1870 1091 1939">All other gender identities</td> <td data-bbox="1096 1870 1297 1939">375</td> <td data-bbox="1302 1870 1501 1939">0.10%</td> </tr> <tr> <td data-bbox="730 1946 1091 1980">Not answered</td> <td data-bbox="1096 1946 1297 1980">26,214</td> <td data-bbox="1302 1946 1501 1980">6.73%</td> </tr> <tr> <td data-bbox="730 1986 1091 2101">Total gender identity different from sex registered at birth</td> <td data-bbox="1096 1986 1297 2101">3,220</td> <td data-bbox="1302 1986 1501 2101">0.83%</td> </tr> </tbody> </table>				City of Bristol: Number	City of Bristol: Percentage	Gender identity the same as sex registered at birth (number)	360,274	92.45%	Gender identity different from sex registered at birth but no specific identity given	1,145	0.29%	Trans woman	466	0.12%	Trans man	440	0.11%	Non-binary	794	0.20%	All other gender identities	375	0.10%	Not answered	26,214	6.73%	Total gender identity different from sex registered at birth	3,220	0.83%
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	<p>The numbers of people in Britain who have obtained a gender recognition certificate are much smaller (less than 6,000 people in 2021).</p>																				
<p>Dataset Selection - Query - Nomis - Official Census and Labour Market Statistics (nomisweb.co.uk)</p>	<p>People in Bristol who have a gender identity different from their sex recorded at birth are more likely to be a student; unemployed; long-term sick or Disabled; or looking after their home or family.</p> <p>They are overrepresented in elementary occupations (lower paid roles), and underrepresented in professional occupations, managers, directors and senior officials (higher paid roles).</p>																				
<p>Census 2021 – Gender Identity and Ethnicity</p>	<p>There are significant differences in the extent to which people in Bristol have a gender identity which is different from their sex registered at birth, depending on their ethnicity – with disproportionately high levels of representation for people from Black and other minoritised ethnic backgrounds.</p> <table border="1" data-bbox="734 884 1284 1794"> <thead> <tr> <th data-bbox="734 884 1069 1120">Ethnic group Bristol</th> <th data-bbox="1069 884 1284 1120">% gender identity different from sex registered at birth</th> </tr> </thead> <tbody> <tr> <td data-bbox="734 1120 1069 1160">Total</td> <td data-bbox="1069 1120 1284 1160">0.83%</td> </tr> <tr> <td data-bbox="734 1160 1069 1238">Asian, Asian British or Asian Welsh</td> <td data-bbox="1069 1160 1284 1238">1.02%</td> </tr> <tr> <td data-bbox="734 1238 1069 1357">Black, Black British, Black Welsh, Caribbean or African</td> <td data-bbox="1069 1238 1284 1357">2.14%</td> </tr> <tr> <td data-bbox="734 1357 1069 1435">Mixed or Multiple ethnic groups</td> <td data-bbox="1069 1357 1284 1435">1.08%</td> </tr> <tr> <td data-bbox="734 1435 1069 1476">White</td> <td data-bbox="1069 1435 1284 1476">0.68%</td> </tr> <tr> <td data-bbox="734 1476 1069 1594">White: English, Welsh, Scottish, Northern Irish or British</td> <td data-bbox="1069 1476 1284 1594">0.63%</td> </tr> <tr> <td data-bbox="734 1594 1069 1635">White: Irish</td> <td data-bbox="1069 1594 1284 1635">0.78%</td> </tr> <tr> <td data-bbox="734 1635 1069 1753">White: Gypsy or Irish Traveller, Roma or Other White</td> <td data-bbox="1069 1635 1284 1753">1.09%</td> </tr> <tr> <td data-bbox="734 1753 1069 1794">Other ethnic group</td> <td data-bbox="1069 1753 1284 1794">2.65%</td> </tr> </tbody> </table>	Ethnic group Bristol	% gender identity different from sex registered at birth	Total	0.83%	Asian, Asian British or Asian Welsh	1.02%	Black, Black British, Black Welsh, Caribbean or African	2.14%	Mixed or Multiple ethnic groups	1.08%	White	0.68%	White: English, Welsh, Scottish, Northern Irish or British	0.63%	White: Irish	0.78%	White: Gypsy or Irish Traveller, Roma or Other White	1.09%	Other ethnic group	2.65%
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<ul style="list-style-type: none"> • Homophobic, Biphobic and Transphobic Hate Crime - Prosecution Guidance The Crown Prosecution Service (cps.gov.uk) • Hate crime, England and Wales, 2021 to 2022 - GOV.UK (www.gov.uk) • Hate crime report 2021 - Galop - Galop 	<p>Evidence on the extent of transphobic hate crime and discrimination in UK and locally:</p> <ul style="list-style-type: none"> – The Criminal Justice Act 2003 gives enhanced sentencing powers for crimes motivated by a person’s transgender identity or perceived transgender identity 																				

¹ Bristol City Council does not endorse and is not liable or responsible for the information or services offered by external organisations or sites

<ul style="list-style-type: none"> • LGBT in Britain - Hate Crime and Discrimination Stonewall • Police Hate Crime Reporting Statistics (via BHCDS) 	<ul style="list-style-type: none"> – This definition includes "a person who is transgender or perceived to be transgender, including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004". – In 2021-22 there were 4,355 hate crimes against transgender people recorded by the Police nationally, a 56% increase from the previous year. – There were 39 police recorded transphobic hate crimes in Bristol from April 2021-March 2022 (and 73 misogynistic hate crimes recorded in the same year period)². – 41% of trans people and 31% of non-binary people have experienced a hate crime or incident because of their gender identity in the last year. – 1 in 8 trans people (12%) in the workplace had been physically attacked by customers or colleagues in the last year because they were trans³.
<ul style="list-style-type: none"> • LGBT Foundation - Transforming Outcomes • "Trans employee experiences survey: Understanding the trans community in the workplace" (2021) - research conducted by Totaljobs Totaljobs • https://www.stonewall.org.uk/system/files/lgbt_in_britain_work_report.pdf • https://www.stonewall.org.uk/system/files/lgbt_in_britain_health.pdf • LGBT in Britain - Home and Communities Stonewall • Stonewall School Report 2017 • Resources – Gender Identity Research & Education Society (gires.org.uk) • Resources for Professionals Gendered Intelligence • Trans Research (pfc.org.uk) • Genderarchive.org.uk 	<p>Research and data on health, wellbeing and workplace disparities for trans people shows trans people exhibit all defining attributes of a structurally oppressed group⁴. For example:</p> <ul style="list-style-type: none"> – 37% of trans people and 33% of non-binary people had avoided healthcare through fear of discrimination – 25% of trans people had been homeless at some point in their lives. – 65% of trans workers in the United Kingdom don't feel comfortable disclosing their trans identity at work – One in 10 trans school pupils in the UK (9%) have received death threats at school, while 84% say they have self-harmed and 45% have tried to take their own lives.
<ul style="list-style-type: none"> • Where does the British public stand on transgender rights in 2022? YouGov • How comfortable Brits feel using gender neutral toilets in public spaces (yougov.co.uk) • Support for separate toilets for men and women, and gender neutral toilets in public spaces (yougov.co.uk) 	<p>Research into public views of issues relating to trans inclusion and gender identity:</p> <ul style="list-style-type: none"> – Positive attitudes towards transgender rights have declined in recent years – The more closely Britons know a transgender person, the more likely they are to support greater transgender rights – By gender: Women are more likely than men to support greater transgender rights across all questions – Half of Britons say prejudice against transgender Britons is a major or significant problem in Britain today

² Avon and Somerset Police officially recognise gender based hate crime in reporting. [Report hate crime | Avon and Somerset Police](#)

³ https://www.stonewall.org.uk/system/files/lgbt_in_britain_work_report.pdf

⁴ It is worth noting that not all stakeholders accept this research and some consultation respondents thought evidence about the extent of structural inequality for trans people has been exaggerated by trans-inclusive lobby groups or by trans people themselves for political reasons.

	<ul style="list-style-type: none"> – Most Britons say that people should be able to change their social gender, but are split on whether they should be able to change their legal gender – Most Britons think that people should be able to socially identify as a different gender, but are split on whether they should be legally allowed to do so – 50% of Britons believe that people should be allowed to self-identify as a gender different to the one they were assigned at birth (slight decline since 2019 (56% to 23%). – There are significant differences in opinions about transgender rights based on politics, gender and age. Labour, Lib Dem and Remain voters, along with women and younger people, are likelier to hold more trans-friendly views than Conservative and Leave voters, men and older people. – There is substantial support in the country for people’s freedom to identify their gender as they wish. However, when the separate YouGov survey asked whether or not Britons themselves consider a transgender person to be the new gender identity they have adopted, the public are much more split – suggesting that while Britons support the freedom for a person to choose their own gender, some do so while not personally agreeing with those new identities. – Britons tend to support transgender people using their new gender’s toilet (46-49% vs 28-30% opposed) and changing rooms (42-45% vs 32-34% opposed). – Women tend to reject the argument that allowing transgender women to use female facilities puts them at risk. By 46% to 28% women say that doing so does not present any genuine risk of harm. – Among the overall population 39% believe there to be no genuine risk compared to 32% who disagree⁵. – People also tend to believe transgender women who have been victims of assault or rape should have access to women’s refuges (47% vs 26%).
<ul style="list-style-type: none"> • <u>Supporting trans employees in the workplace ACAS</u> • Government Equalities Office <u>Recruiting and retaining transgender staff: a guide for employers.</u> • Equality and Human Rights Commission - <u>Protecting transgender staff from harassment at work</u> • <u>A Road Map to Inclusion – Supporting Trans People of Faith – Gender Identity Research & Education Society (gires.org.uk)</u> 	<ul style="list-style-type: none"> – Examples of good practice and guidance in providing trans inclusive workplaces and services.

⁵ This only relates to trans women who have undergone a process of gender reassignment.

<ul style="list-style-type: none"> • Stonewall Guidance e.g.- Trans Inclusive Policies and Benefits How to ensure your policies and benefits are trans inclusive; Creating a Transitioning at Work Policy; Getting it right with your trans service users and customers; How to ensure your service delivery or customer service is trans inclusive 	
<ul style="list-style-type: none"> • Gender reassignment discrimination Equality and Human Rights Commission (equalityhumanrights.com) • Separate and single-sex service providers: a guide on the Equality Act sex and gender reassignment exceptions (equalityhumanrights.com) • Equality Act 2010 - Explanatory Notes (legislation.gov.uk) • Services, Public functions and Associations: Statutory Code of Practice Equality and Human Rights Commission (equalityhumanrights.com) 	<ul style="list-style-type: none"> – EHRC guidance on gender reassignment discrimination and the limited circumstances when being treated differently due to gender reassignment is lawful – EA2010 explanatory notes on exemptions from separate and single sex services (schedule 3, part 71) – EHRC guidance on circumstances where a service provider may need to provide services in a different way to meet the needs of people including single sex services.
<ul style="list-style-type: none"> • https://www.legislation.gov.uk/ukpga/2010/15/section/7 	<ul style="list-style-type: none"> – The Equality Act 2010 protects people from discrimination under the characteristic of ‘gender reassignment’ when their gender identity is different from the sex assigned to them when they were born. – The EA2010 defines the protected characteristic of gender reassignment as follows: “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.” Note the use of ‘sex’ rather than ‘gender’ in this definition which recognises that trans women are women, and that trans men are men. – To be protected from gender reassignment discrimination, a person does not need to have undergone any specific treatment or surgery.
<ul style="list-style-type: none"> • Gender Recognition Act 2004 (legislation.gov.uk) • Reform of the Gender Recognition Act 2004 - GOV.UK (www.gov.uk) • Equality and Human Rights Commission (2018) Response of the Equality and Human Rights Commission to the consultation: Reform of the Gender Recognition Act. Manchester: Equality and Human Rights 	<ul style="list-style-type: none"> – The Gender Recognition Act 2004 enables transgender people to achieve legal recognition in their affirmed gender and change their recorded sex on their birth certificate from male to female or vice versa. – Summary and findings of a public consultation on potential report of the Gender Recognition Act 2004

<ul style="list-style-type: none"> • <u>A substantive review of the landmark decision in Taylor v Jaguar Land Rover Limited and the protection it provides for those who identify as non-binary and gender fluid under the Equality Act 2010 - Lamb Chambers</u> • <u>https://www.theguardian.com/world/2020/sep/17/gender-fluid-engineer-wins-landmark-uk-discrimination-case</u> 	<ul style="list-style-type: none"> – A 2020 UK employment tribunal ruled that non-binary and gender fluid people are protected from discrimination under the Equality Act 2010. – The judge ruled that it was “clear ... that gender is a spectrum” and that it was “beyond any doubt” Taylor was protected. The judge said gender reassignment “concerns a personal journey and moving a gender identity away from birth sex”. – Although the case, heard at an employment tribunal, does not technically establish a legal precedent, it is likely to be influential in similar claims. – Nevertheless EA2010 protections are technically limited to people undergoing a process of ‘gender reassignment’ so cannot be said to fully protect all non-binary and gender-diverse people.
<ul style="list-style-type: none"> • <u>https://www.bevanbrittan.com/insights/articles/2021/maya-forstater-tribunal-appeal-summary-and-impact/</u> • <u>Forstater v CGD Europe</u> 	<ul style="list-style-type: none"> – Recent case law has established that ‘gender critical’ beliefs fall under the protected characteristic of Religion and Belief in the Equality Act 2010. – The Forstater judgement included a comment that gender critical beliefs “may well be profoundly offensive and even distressing to many others, but they are beliefs and must be tolerated in a pluralist society” – The judgement summary also said “This judgment does not mean that those with gender-critical beliefs can ‘misgender’ trans persons with impunity. The Claimant, like everyone else, will continue to be subject to the prohibitions on discrimination and harassment under the [Equality Act].”
<ul style="list-style-type: none"> • <u>Dr David Mackereth v The Department of Work and Pensions (1) Advanced Personnel Management Group (UK) Limited (2): [2022] EAT 99 - GOV.UK (www.gov.uk)</u> • <u>Mackereth v Department for Work and Pensions & Anor - Equality Law Blog</u> 	<ul style="list-style-type: none"> – A June 2022 employment tribunal appeal found an employee who held gender critical beliefs had not been treated unfairly by his employer’s requirement for staff to address service users by their preferred pronouns. – This was because the requirement served the legitimate aims of treating service users with respect and promoting equal opportunities, and it was impractical to accommodate the claimant’s beliefs by permitting him to avoid assessing transgender service users.
<ul style="list-style-type: none"> • <u>Article 10: Freedom of expression Equality and Human Rights Commission (equalityhumanrights.com)</u> • <u>Human Rights Act 1998 (legislation.gov.uk)</u> 	<ul style="list-style-type: none"> – Article 10 of the Human Rights Act protects the right to people to hold opinions and to express them freely, including aloud and online without State interference. – Although people have freedom of expression, they also have a duty to behave responsibly and to respect other people’s rights. – An authority may be allowed to restrict freedom of expression if people express views that encourage hatred against a protect group. – To do this the relevant public authority must show that the restriction is ‘proportionate’, in other words that it is appropriate and no more than necessary to address the issue concerned.

<ul style="list-style-type: none"> • Outputs & resources Health & Wellbeing Research (open.ac.uk) Gender Critical Research Network • Stonewall, LGBT+ inclusion and gender critical views News CIPD • Sex and gender identity: finding a way forward The Fawcett Society • Submissions to consultations Archives - Woman's Place UK (womansplaceuk.org) https://www.transgendertrend.com/ 	<p>Examples of gender critical perspectives and debate - including views that are highly critical of trans inclusion approaches.</p>
<ul style="list-style-type: none"> • Sex and gender identity question development for Census 2021 - Office for National Statistics (ons.gov.uk) • Stonewall statement on the 2021 Census Stonewall • Note on the equality and human rights considerations with collection of data on sex and gender (September 2019; updated in November 2021 to reflect developments in the law in England and Wales) (fairplayforwomen.com) • RR75 developing a gender identity+question F.indd (equalityhumanrights.com) • Equality monitoring Sex. Not gender. (sexnotgender.info) • Legal recognition of non-binary gender - Wikipedia (for context) 	<p>Perspectives on diversity monitoring:</p> <ul style="list-style-type: none"> – There is a lack of overall agreement and divergent views on good practice in diversity monitoring for Sex, Gender, and Trans people/Gender reassignment. – Stonewall diversity monitoring guidance advises asking about gender instead of Sex as a protected characteristic, and Census 2021 asks about both Sex (binary Female or Male based on official documents) and separately about gender identity, with an option to self-describe. – Multiple countries legally recognize non-binary or third gender classifications and this may be reflected in the official documentation/I.D. held by service users. These classifications are typically based on a person's gender identity.
<ul style="list-style-type: none"> • All public buildings to have separate male and female toilets - GOV.UK (www.gov.uk) • Workplace (Health, Safety and Welfare) Regulations 1992. Regulation 20 How many toilets should a workplace have? (hse.gov.uk) • The toilet debate: Stalling trans possibilities and defending 'women's protected spaces' - Charlotte Jones, Jen Slater, 2020 	<ul style="list-style-type: none"> – UK Government advised in July 2022 that all new public buildings should have separate male and female toilets – This includes the advice that separate unisex (or universal) toilets should be provided if there is space but should not come at the expense of 'female toilets'. – There are existing regulations to ensure there are suitable and sufficient toilets in workplaces. – There has been extensive research into the differing perspective on what makes a safe and accessible toilet space
<ul style="list-style-type: none"> • European Charter for Equality of Women and Men in local Life 	<ul style="list-style-type: none"> – Bristol is a signatory to the European Charter for Equality of Women and Men in local Life. One of the Principles of the Charter is the elimination of gender stereotypes which is seen as fundamental to achieving equality of women and men. Local and regional authorities must promote the elimination of the stereotypes and obstacles upon which the inequalities in status and condition of women are based, and which give rise to the unequal evaluation of the roles of women and men in political, economic, social and cultural terms. In addition, under Article 22.2 it must recognise that gender-based violence arises from the idea, on the part of the perpetrator, of the superiority

	of one sex over the other in the context of an unequal relationship of power.
<ul style="list-style-type: none"> <u>Bristol JSNA Health and Wellbeing Profile – Sexual Violence and Harassment</u> 	<ul style="list-style-type: none"> – Rate of sexual offences in Bristol has been consistently higher than England – The prevalence of sexual assault is likely to be far greater than the number of recorded offences – Nearly 40% of people feel that sexual harassment is an issue in Bristol – Amongst equalities groups 64.4% of 16 to 24 year olds, and 59.4% of lesbian, gay and bi people felt that sexual harassment was an issue, significantly higher than the city average (39.9%). 43.5% of females felt that sexual harassment was an issue compared to 36% of males – 20.7% of LGBTQ+ Quality of Life Survey respondents said they had been the victim of sex discrimination or harassment in the last year.
<u>Quality of Life in Bristol Survey</u>	The 2022-23 Quality of Life report shows for the first time disparities for Trans respondents, as numbers were too small previously to be statistically valuable. The report shows 58 indicators were significantly worse than Bristol average for Trans people in Bristol, particularly in relation to discrimination and harassment; mental/emotional health; and inclusion/belonging.
Additional Comments: Decision makers should be aware that this document references evidence and research from a wide range of sources, including those which may promote an impartial perspective. However the analysis of this evidence is cognisant of this and is not led by any specific set of research.	

2.2 Do you currently monitor relevant activity by the following protected characteristics?

<input checked="" type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input checked="" type="checkbox"/> Gender Reassignment
<input checked="" type="checkbox"/> Marriage and Civil Partnership	<input checked="" type="checkbox"/> Pregnancy/Maternity	<input checked="" type="checkbox"/> Race
<input checked="" type="checkbox"/> Religion or Belief	<input checked="" type="checkbox"/> Sex	<input checked="" type="checkbox"/> Sexual Orientation

2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

Gender reassignment or trans identity has not historically been recorded on our staff diversity monitoring system. Our HR system now includes diversity monitoring for trans employees, and we now analyse this for diversity monitoring purposes, although currently only 0.1% of our workforce have disclosed they are trans in this monitoring so far⁶.

Whilst we have some new Census information about the number of trans and gender variant people in Bristol and nationally, this has not yet been published in a multivariate report so we cannot yet see differences by other characteristics such as age, ethnicity etc. Although this Census question was voluntary and required some understanding of what gender means, this data can be seen as our best indication of the population [Sex and gender identity question development for Census 2021 - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/people-in-the-uk/population-and-demography/sex-and-gender-identity/question-development-for-census-2021).

In the National LGBT Survey younger trans respondents were more likely than older respondents to identify as non-binary. For example, 57% of trans respondents under 35 were non-binary compared with 36% of those aged 35 or over. Younger respondents were also more likely to be trans men (26% of trans respondents under 35 were trans men compared with 10% aged 35 or over) and less likely to be trans women (17% of trans respondents under 35 were trans women compared with 54% aged 35 or over). Referral data from the Gender Identity Development Service (GIDS) shows that more recently there have been higher numbers of people described as assigned female at birth being referred to the service than those who were described as assigned male at birth.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol’s diverse communities.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing change or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

Internal consultation

We held an online survey with Council employees which ran from 14 Dec 2021 until 14 Jan 2022 to seek views on our proposed policy approach. We had 55 responses - most respondents agreed with our overall approach provided helpful feedback and recommendations which we used to refine our draft policies. Some respondents who did not agree with our proposed policy approach commented that they did not feel safe sharing facilities with trans people, and that they were concerned their expression of gender-critical views (or scepticism of ‘trans ideology’) may be interpreted under the proposed policy approach as transphobic.

Theme	Agree	Disagree	Not Sure
Good practice examples	74%	13%	13%
Examples of harassment and unacceptable behaviour	78%	5%	17%
Working definition of transphobia	72%	7%	21%
Advice on how line managers can support trans colleagues	80%	5%	15%
Support meetings for employees throughout their transition	79%	0%	21%
Working title of policy	82%	2%	16%

The survey respondents were broadly representative of our workforce, but with a higher representation of younger and LGBTQ+ employees. We also held a workshop with members of the Council’s LGBTQ+ staff led group, and a follow on session for staff with lived experience who gave us more specific advice on meeting the needs of non-binary people, and people with variations in sex characteristics.

Cross-party motion

Independently of our engagement to inform policy development, in July 2022 Full Council approved a cross-party motion to recognise that ‘Trans Rights Are Human Rights’ which included the resolutions: ‘To recognise and affirm trans men are men, trans women are women, non-binary and genderqueer people’s genders are valid, and trans rights are human rights’; and ‘To continue supporting the

⁶ ITrent HR records July 2022 (internal link only)

improvement of services in Bristol to be fully accessible to trans and non-binary people, working with recognised trans-inclusive services and not taking advice from or awarding contracts to organisations that promote an anti-trans agenda or propaganda. This does not preclude the Council using, where appropriate, third-party providers that utilise appropriate exemptions under Equalities Law to provide single-sex services as "a proportionate means of achieving a legitimate aim".'

Public Consultation

We held a public consultation between 26 August and 9 October 2022¹ to make sure we were hearing all voices, that we had a clear understanding of the potential equality impact of our proposed policy approach, and that people had the chance to provide their views so we could identify and rectify any gaps, issues, or ambiguities in our draft policy. As there was no statutory duty for the Council to consult on this policy and we allowed six weeks to give sufficient time for people to provide their views (Local Government Association best practice recommends that authorities should plan for up to six to 12 weeks for a consultation exercise).

As well targeted communications to specific communities (including providers of specialist single sex services, and faith groups), we promoted the consultation at e.g., Bristol Older People's Forum AGM, and Bristol Equality Network (with BSL interpreters and electronic notetakers) etc. Our targeted messaging included information on how to access the consultation in different formats, and the Accessibility Statement for our AskBristol consultation and engagement hub provided details of the accessibility of our survey platform and contact details for further support.

We had 3,984 responses to our survey and 13 responses with feedback and comments via email. Our equalities monitoring showed a high response rate from women and LGBTQ+ people. Other respondent characteristics were broadly reflective of the local population, with good levels of representation from e.g. young people and non-Christian faith groups, who are often underrepresented in engagement and consultation exercises.

There were significant differences in the level of agreement/disagreement with our proposed policy based on respondent's characteristics. In summary:

- Most young people aged under 25 agreed with the policy approach and most older respondents aged 55+ disagreed with it (this is repl
- Most lesbian, gay and bi respondents agreed with the policy approach, whereas the majority of straight/heterosexual respondents disagreed with it
- Most trans and gender-diverse people agreed with the policy approach
- Men were more likely to agree with the policy approach than women⁷
- Disabled people were more likely to agree with the policy approach than non-disabled people
- People with no religion/belief were more likely to agree with the policy approach, and Christians were less likely to agree than people from other faith/belief groups.

The consultation was targeted at people in Bristol, but we recognised that valuable contributions could come from people based across a wider geographical area; for example, organisations with relevant technical expertise or people who may work in or regularly visit Bristol, but live elsewhere. We knew the survey was likely to be promoted and responded to by pressure groups and organisations with strongly polarised views.

⁷ This shows a different trend from the .YouGov survey data cited in Evidence section above, which found women were more likely than men to support greater transgender rights across all questions. There is no obvious explanation for this however it is worth noting that the cohort of respondents who were motivated to contribute to our public consultation may include a higher proportion of people with strongly held views, compared to a random sample of UK citizens.

All perspectives have been considered but responses to the consultation were not treated like a referendum and in some cases important issues raised by a minority of respondents have helped shaped policy improvements. For further details please see the Consultation Report appendix.

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

We will review the policy every two years in liaison with internal stakeholders and seek specialist external feedback as appropriate. As a public body we seek the views of a wide range of external organisations who provide unique perspectives and expertise, which are sometimes divergent or conflicting.

When reviewing feedback and guidance from external stakeholders we should observe the Principles of Public Life in respect of the requirement for holders of public office to 'avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work'; to 'act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias'. [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above, and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](http://sharepoint.com)

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories (different kinds of disability, ethnic background etc.) and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

GENERAL COMMENTS

We have not identified any significant negative impact from the policy approach; however, we acknowledge that our policy approach, and the issues that it seeks to address, are controversial and divisive.

The policy approach aims to provide clarity and disambiguation regarding existing legal protections and terminology, to mitigate issues stemming from misinformation and a lack of understanding. Decision makers should be aware that although the policy approach is reasonable⁸ it is based on a trans-inclusive model of gender identity which is not universally accepted by all, and there are other e.g., 'gender-critical' perspectives which fundamentally differ in viewpoint. Some of the principles that underpin the approach we have used are:

- Trans and gender-diverse people are the best authorities on their own lived experience

⁸ For a position to be reasonable it does not have to be the only reasonable opinion that could be held on the subject and is not rendered unreasonable because other people may have come to a different conclusion.

- Protecting trans rights does not have to violate the rights of other groups
- Trans and gender-diverse people have existed in all times and cultures and are not a disease that needs to be cured
- Recognising gender and gender identity does not erase the reality or importance of Sex
- Trans and gender-diverse people have the right to live freely without fear and be treated with dignity and respect

The main objections raised by consultation respondents center around concerns that our trans inclusive approach would erode women's rights and make women and girls less safe. We have addressed various aspects of this concern below. Decision makers should assess whether they think these concerns are substantiated, and if so whether they can be mitigated through our policy approach and the existing legal protections we have referred to.

PROTECTED CHARACTERISTICS

Age: Young People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impact:	The policy may have a greater impact on young people because more young people say they are trans or gender-diverse compared with other age brackets. In the 2021 Census people aged 16 to 24 years were the most likely age group to have said that their gender identity was different from their sex registered at birth (around 1 in 100 young people. This difference is even more notable among those who identified as non-binary, of whom more than four in five were aged between 16 and 34 years (84.98%).
Mitigation / comment	Most young people who responded to our public consultation agreed with our overall policy approach.
Age: Older People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impact:	Older trans people may have different needs and experience unique barriers to accessing equitable services and employment etc ⁹ . In the 2021 Census the proportion of people who identified as trans decreased with each successive age group.
Mitigation / comment	Our policy approach includes good practice which will promote understanding of the particular needs and requirements of older trans service users and employees
Potential impact / concern:	Older respondents were less likely to agree with our overall policy approach than younger people, and some respondents thought that our policy would mean older people will be accused of harassment if they misgender a trans person
Mitigation / comment	Our policy makes it clear that accidentally using an incorrect pronoun can simply be a mistake based on lack of awareness and should be treated differently from deliberate mis-gendering or deadnaming (calling a trans-person by their birth name).
Disability	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impact / concern:	The LGBT survey shows that 32.5% of transgender and non-binary people consider themselves to be Disabled person ¹⁰ . The process of being recognised as trans may be different for some Disabled people, including those with a learning difficulty, and some neurodivergent people ¹¹ .
Mitigation / comment	As above, Council departments may need to develop distinct procedures and pathways to support Disabled trans people to access their services based on

⁹ [Transgender information and advice | Age UK](#)

¹⁰ <https://government-equalities-office.shinyapps.io/lgbt-survey-2017/>

¹¹ [Learning Disability Sex and Relationships Research | Mencap](#)

	sector-specific guidance and the particular needs and circumstances of service users – including making reasonable adjustments as appropriate including accessible communications to meet the needs of disabled and neurodivergent trans and gender-diverse service users.
Potential impact / concern:	Some respondents thought that our policy would lead to Disabled people with a learning difficulty being accused of harassment if they misgender a trans person
Mitigation / comment	As above - our policy makes it clear that accidentally using an incorrect pronoun can simply be a mistake based on lack of awareness and should be treated differently from deliberate mis-gendering or dead-naming (calling a trans-person by their birth name).
Gender reassignment	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impact / concern:	The protected characteristic of ‘gender reassignment’ does not require a person to have undergone any specific treatment or surgery to be protected, and recent case law indicates that non-binary people are also protected from discrimination under the Equality Act. Nevertheless we recognise that existing legal protections may not recognise or protect all trans and gender-diverse people, and there is considerable public misunderstanding about the definition of trans people, gender reassignment, and what the law does and doesn’t protect.
Mitigation / comment	Our policy includes sections on ‘what does trans mean’ and ‘legal protections’. We will ensure that the policy once adopted includes appropriate training and resources for Council staff. Our policy approach explicitly states that it is applicable to all people with non-binary, gender fluid or gender variant identities, including those who identify as a-gender.
Marriage and Civil Partnership	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Pregnancy / Maternity	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impact / concern:	Pregnancy and maternity discrimination may be exacerbated for pregnant/parent trans men or non-binary people on the basis of their gender non-conformity. Provision of toilets and washing facilities needs to be suitable and sufficient for those who may require longer, more frequent use of separate cubicles to meet their health and sanitary needs.
Mitigation / comment	The policy approach states that Council departments may need to develop distinct procedures and pathways to support trans and gender-diverse people to access their services based on sector-specific guidance and the particular needs and circumstances of service users. The Council’s Maternity, Adoption and Paternity Support (MAPS) policy sets out the rights and responsibilities of Bristol City Council employees who are pregnant, have recently given birth or are undertaking an adoption / surrogacy or fostering arrangement.
Race	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impact / concern:	Census 2021 data shows us for the first time that people in Bristol from Black and minoritised ethnic backgrounds are significantly more likely to have a gender identity which is different from their sex registered at birth. We recognise trans people from particular minoritised ethnic backgrounds will have unique experiences and face additional structural inequality in accessing equitable services and employment opportunities.
Mitigation / comment	See general comments and aims of the policy approach above
Religion or Belief	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Potential impact / concern:	The relationship between different faith groups and trans people is complex and varies widely. A Stonewall survey found one in four trans people of faith aren't open about who they are in their faith community, and only one in four LGBT people of faith think their faith community is welcoming of trans people ¹²
Mitigation / comment	See general comments and aims of the policy approach above
	Some respondents expressed concern that the policy approach would mean that women from some faith groups e.g. Muslims and orthodox Jews would self-exclude from single sex services (particularly toilets) because of modesty, requirement to wash before prayer, or prohibition against mixing with men.
	Our policy does not propose that cis-gendered men should access women-only spaces. See below for mitigation / comment on gender critical beliefs, which may also be held by people from faith groups and compound particular concerns leading to self-exclusion. The provision of particular types of toilet/facilities falls outside the scope of the policy and should be considered separately. However we are aware that gender neutral toilets with shared washing facilities (which the policy does not advocate) may present a barrier for e.g. Muslim women if they need to remove their head covering for Wudu washing before prayer.
Potential impact / concern:	People who hold 'gender critical' beliefs are protected by the Equality Act 2010 under the characteristic of Religion and Belief (whether or not they also belong to a distinct faith group). Some respondents thought that the policy sections on harassment and unacceptable behaviour, and examples of good practice would mean people with gender critical beliefs would be unfairly discriminated against.
Mitigation / comment	We have refreshed some policy wording to acknowledge protections for those with 'gender critical' beliefs, however it is likely that they will still fundamentally disagree with our overall policy approach. The policy approach makes it clear that respectful discussion of the issues around sex-based protections under the Equality Act 2010 is valid and people should not be persecuted simply because they hold gender critical views or express legitimate concerns. Whilst the freedom to hold a 'gender critical' belief is protected by law; recent case law has made it clear that those with gender critical beliefs cannot for example deliberately misgender trans people with impunity and are still subject to the prohibitions on discrimination and harassment.
Potential impact / concern:	Some respondents thought our policy approach will lead to people with gender critical beliefs (in particular the belief that trans women or non-binary people are men) self-excluding or feeling less safe using facilities and services.
Mitigation / comment	Whilst some people with gender critical beliefs may feel less safe or comfortable sharing spaces with trans people, we do not think this should be used as a general principle on which to exclude trans people from accessing the services that best suit them at a policy level. In line with existing guidance there may be limited circumstances when treating trans people differently is reasonable and proportionate on the basis of privacy, decency, to prevent trauma or to ensure health and safety – but this should be applied as in as restrictive way as possible and on a case by case basis considering and balancing the rights and needs of trans people alongside the rights and other service users.
Sex	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impact / concern:	Some respondents were concerned that our policy approach of supporting people to access the services and facilities that best suit them would lead to an increase in sexual assault and violence against women and girls from

	<p>perpetrators targeting single sex services – in particular toilets and changing facilities. A variety of reasons were given for this including that: trans women are really men; trans women are more dangerous than cis-gendered women because they are genetically male; cis-gendered males will take advantage of the policy and pretend to be trans or non-binary to gain access to women only spaces.</p> <p>In the 2021 Census a similar proportion of people who answered the sex question as female (0.52%) and male (0.56%) identified as trans.</p>
Mitigation / comment	<p>Our policy does not propose that cis-gendered men should access women-only spaces. Our policy approach rejects any assertion that trans women should routinely be excluded from women-only spaces, or from accessing services that are designed for women. The updated policy has a section on women only and men only services which explains how the Equality Act 2010 allows for the provision of separate or single sex services in certain circumstances under ‘exceptions’ relating to sex as a protected characteristic and outlines the limited circumstances where it may be reasonable and proportionate to exclude trans people from single sex services.⁶</p> <p>The updated policy approach reflects established legal protections and recognition of trans people. Decision makers should consider whether there is substantial evidence to suggest that trans women and non-binary people (i.e. not cis-gendered men) pose more of a risk to women and girls than cis-gendered women. As such criminal acts are already intrinsically transgressive, decision makers should also consider whether there is substantial evidence to indicate the policy approach will facilitate abusive and predatory cis-gendered men to take advantage of and pretend to be trans in order to gain access to women only spaces, and weigh this risk with the known existing risk that trans people face whenever they access binary services.</p> <p>Outside the scope of this policy, we support citywide work to ensure the safety of women and girls as it is a shared responsibility for everyone including Bristol City Council, and other public bodies and organisations.</p>
Potential impact / concern:	<p>Some respondents were concerned that our policy approach of supporting people to access the services and facilities that best fit their gender would lead to an erosion of women-only spaces and/or women’s services becoming overstretched because they are expected to include men’s services and/or services for non-binary people.</p>
Mitigation / comment	<p>As far as possible the updated policy approach reflects and directly references existing legislation and guidance in the provision of single sex services such as Gender reassignment provisions in the Equality Act Equality and Human Rights Commission (equalityhumanrights.com)</p>
Potential impact / concern:	<p>Some respondents were concerned that the policy approach would mean there is not enough safe toilet provision for women and girls</p>
Mitigation / comment	<p>Our policy makes it clear we are not promoting one type of toilet over another, and that the provision of toilets and washing facilities is outside the scope of the policy.</p> <p>Toilet provision should be reviewed on a case-by-case basis in line with existing guidance, taking into consideration the requirements and limitations of specific locations, in particular to meet the needs of those who may require longer, more frequent use of separate cubicles to meet their health and sanitary needs. UK Government advice that all new public buildings should have separate ‘male’ and ‘female’ toilets, and that separate unisex (or universal) toilets should</p>

	be provided if there is space but should not come at the expense of 'female toilets'.
Sexual Orientation	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impact / concern::	The 2017 LGBT survey shows that 85.2% of all trans and non-binary people have a sexual orientation that is not heterosexual (5.4% of respondents chose not to disclose their sexual orientation). Some people may not understand that gender identity and sexual orientation are distinct. Trans people may experience additional discrimination and harassment on the basis that they are assumed to be lesbian, gay or bisexual. Lesbian, gay and bi people may be assumed to be trans if they do not conform to gender stereotypes.
Mitigation / comment	The policy includes definitions which aim to clarify the distinction and intersection between sexual orientation and trans status
OTHER RELEVANT CHARACTERISTICS	
Socio-Economic (deprivation)	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impact / concern:	We have not identified any disproportionate impact from the proposed policy approach on the basis of deprivation at this stage. However official Census and Labour Market Statistics show people with a gender identity different from their sex registered at birth are overrepresented in lower paid roles, and underrepresented in higher paid roles.
Homelessness	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impact / comment	According to Stonewall research 25% of trans people had been homeless at some point in their lives ¹³ . See general comments and aims of the policy approach above.

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

We anticipate the Trans Inclusion and Gender Identity Policy, and Supporting Trans Inclusion and Gender Identity at Work Policy will benefit people on the basis of Gender Reassignment, Religion and Belief, Sex, and Sexual Orientation by achieving the positive aims set out above.

Step 4: Impact

4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

Summary of significant negative impacts and how they can be mitigated or justified:

¹³ https://www.stonewall.org.uk/sites/default/files/lgbt_in_britain_home_and_communities.pdf

We are aware of existing issues for protected characteristic groups particularly on the basis of ‘gender reassignment’, ‘sex’, ‘sexual orientation’, and ‘religion and belief’ which we aim to address through the policy approach. There is also risk of criticism from adopting this policy approach because the issues that it seeks to address are controversial and divisive.

Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:

There is an opportunity to promote the PSED in the policy approach i.e. to tackle discrimination, advance equality of opportunity, and foster good relations between people who share the characteristic of ‘gender reassignment’ and those who do not.

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Improvement / action required	Responsible Officer	Timescale
Policy review every two years	Head of Equality and Inclusion / Head of Human Resources	Ongoing
Develop supporting guidance and training to embed policy approach	E+I Team / Learning and Organisational Development	2023-24 ongoing

4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

- BCC staff survey shows increase in proportion of workforce who agree, “I am not treated inappropriately or unfairly” based on specific protected characteristics.
- Reduction in the proportion of unknown / not given in diversity monitoring for trans employees.
- Reduction in transphobic and misogynistic hate crime incidents for Bristol

Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the Equality and Inclusion Team before requesting sign off from your Director¹⁴.

Equality and Inclusion Team Review: <i>Reviewed by Equality and Inclusion Team</i>	Director Sign-Off:
Date: 24/4/2023	Date:

¹⁴ Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.