

Equality, Good Relations and Human Rights Screening Template

*****Completed Screening Templates are public documents and will be posted on the Trust's website*****

See 'Equality, Good Relations and Human Rights Screening Guidance Notes' (on SharePoint) for further background information on the relevant legislation and for help in answering the questions on this template.

(1) Information about the Policy/Proposal

(1.1) Name of the policy/proposal

Gender Identity and Expression - Employment Policy and Guidance

(1.2) Is this a new, existing or revised policy/proposal?

New

(1.3) What is it trying to achieve (intended aims/outcomes)?

This policy is aimed at creating a workplace where:

- the dignity of and respect for transgender and non-binary people is protected and promoted
- transgender and non-binary people feel safe
- transgender and non-binary people feel comfortable to express their gender identity
- transgender and non-binary people can fulfil their full potential and fully contribute to the workplace
- all staff (including line managers and managers more generally) are empowered to support transgender and non-binary staff and thereby to strive to meet their needs
- discrimination and harassment against transgender and non-binary people (whether by staff or third parties the organisation interacts with) is not tolerated and any allegations thereof are dealt with in an effective manner.

How will this be achieved?

- **Support** will be provided to all transgender and non-binary staff. This will

include providing them with access to information resources, support and advice, human resources, occupational health and counselling. Information will be provided to staff in relation to the LGB&T forum. Transgender and non-binary staff will be supported in their desire to express their chosen gender whilst at the same time adhering to the organisation's dress code. Unique support will be provided to each transgender individual by Human Resources and their line manager, before during and after the Gender Reassignment process.

- **Recruitment and selection** practices will be tailored to take into account the needs of the transgender and non-binary population and protect this group from discrimination during this process.
- **Training and Awareness** raising initiatives will be provided to staff through access to e-learning programmes and mainstreaming gender identity equality issues into other staff training initiatives such as Equality Training and Recruitment and Selection Training.
- **Staff Absences** will be monitored by the relevant line managers who should seek advice from Human Resources. This is particularly relevant if staff require time off for hospital appointments associated with Gender Reassignment.
- **Maintenance of staff records** – staff records will be maintained in a way that complies with Data Protection Legislation 1998, the Information Governance Policy, the Human Rights Act 1998 and the Gender Recognition Act 2004.

Key Constraints of this Policy

The Gender Recognition Act 2004

Human Rights Act 1998 (in particular Article 8)

Data Protection Act 1998; Information Governance Policy

Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland 1999)

Sex Discrimination (Amendment of Legislation) Regulations 2008

Disability Discrimination Act (1995)

(1.4) Are there any Section 75 categories which might be expected to benefit from the intended policy/proposal?

(1.5) Who owns and who implements the policy/proposal - where does it originate, for example DoH, HSCB, the Trust?

SHSCT

(1.6) Are there any factors that could contribute to/detract from the intended aim/outcome of the policy/proposal/decision? (Financial, legislative or other constraints?)

(1.7) Who are the internal and external stakeholders (actual or potential) that the policy/proposal/decision could impact upon? (E.g. staff, service users, other public sector organisations, trade unions, professional bodies, independent sector, voluntary and community groups etc.)

Those most immediately impacted are:

- Transgender and non-binary staff and applicants
- Immediate colleagues
- Line managers
- Wider staff

Further impacts on:

- HR staff
- actual and potential service users and clients

(1.8) Other policies with a bearing on this policy/proposal (for example regional policies) - what are they and who owns them?

- Absence Management Policy
- Recruitment and Selection Policy
- Induction Policy
- Anti-Bullying and Harassment Policy
- Grievance Policy
- Disciplinary Policy
- Working Well Together Policy
- Records Management Policy
- Information Governance Policy
- Dress Code

(2) Available evidence

Evidence to help inform the screening process may take many forms. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? *NB: Specify the details for each of the Section 75 categories for any staff affected, the Trust Workforce, any patients/clients affected and the Trust general population in the following tables **if appropriate**.*

2.1 Composition of Southern Trust Workforce

Section 75 Group	Southern Trust Workforce Profile	Percentage
Gender	Female	85.1%
	Male	14.9%
Religion	Protestant	34.2%
	Roman Catholic	56.2%
	Neither	9.6%
Political Opinion	Broadly Unionist	9.1%
	Broadly Nationalist	9.8%
	Other	7.6%
	Do Not Wish To Answer/Not Known	73.6%
Age	16-24	8.1%
	25-34	23.3%
	35-44	27.2%
	45-54	20.6%
	55-64	17.2%
	65+	3.7%
Marital Status	Single	32.5%
	Married	55.8%
	Not Known	11.7%
Dependent Status	Caring for a Child/Children / Dependant Older Person / Person With a Disability	15.3%
	None	31.2%
	Not Known	53.5%
Disability	Yes	2.5%
	No	73.9%
	Not Known	23.6%
Ethnicity	Bangladeshi	0.01%
	Black African	0.36%
	Black Caribbean	0.01%
	Black Other	0.03%
	Chinese	0.09%
	Filipino	0.54%
	Indian	1.16%
	Irish Traveller	0.02%
	Mixed Ethnic	0.2%
	Pakistani	0.15%
	White	74.29%
Not Known	23.15%	
Sexual Orientation towards:	Opposite Sex	57.2%
	Same Sex	1.1%
	Same and Opposite Sex	0.3%
	Do Not Wish To Answer/Not Known	41.4%

2.2 Southern Trust's Area Population Profile – Census

Section 75 Group	Trust's Area Population Profile (Population of 358,034)	Percentage
Gender	Female	50.2
	Male	49.8
Religion	Protestant	35.5
	Roman Catholic	57.0
	Other	7.5
Political Opinion	Not collected	
Age	0-15	22.5
	16-24	10.2
	25-44	26.5
	45-64	25.2
	65-84	13.8
	85+	1.8
Marital Status (aged 16+ years)	Single	28.1
	Married/Civil Partnership	37.7
	Other	34.2
Dependent Status	Caring for a dependent Child/Children	25.8% care for a dependent child/children
Disability	Yes	21.8
	No	78.2
Ethnicity	Asian Other	0.4
	Bangladeshi	0
	Black African	0.4
	Black Caribbean	0
	Black Other	0.4
	Chinese	0.3
	Filipino	0.1
	Indian	0.2
	Irish Traveller	0.3
	Mixed Ethnic Group	0.8
	Arab	0.1
	Roma	0.1
	Other	0.2
	Pakistani	0.1
White	96.5	
Sexual Orientation	Heterosexual	69.8
	LGBTQ+	1.1
	Not Stated	29.1

(3) Needs, experiences and priorities

- (3.1) Taking into account the information above what are the different needs, experiences and priorities of each of the Section 75 categories and for both service users and staff.
(NB: Use relevant statistical and qualitative data to complete the table below)

Section 75 Category	Details of Needs, Experiences and Priorities	
	Staff	Service Users
Gender	While the length of the transitioning period can vary greatly, those participating in the pre-consultation engagement suggested that female to male transitioning tends to take a longer time than male to female transitioning (see also A:gender 2013).	
Age	<p>Age appears to be an important factor in the experience of gender identity. Older transgender people may have particular needs in relation to their gender identity given legal and cultural developments over time.</p> <p>Likewise, age is likely to play a role in the experience of transitioning and life after the transition has been completed. The average age is 42 for undergoing the gender reassignment process. As a result, some individuals who have transitioned at a later stage in their life may experience greater difficulties in relation to 'passing' in comparison to those who received treatment before reaching puberty. It follows that their support needs may differ. Likewise, older transgender people may experience different attitudes by colleagues and service users and clients than younger transgender people. Transgender elders may experience negative health outcomes as a result of long-term hormone use.</p> <p>Increased public awareness of Gender Identity and the availability of the new Gender Identity service for Children and Young People in Northern Ireland will help ensure Transgender individuals and their families are encouraged to seek help and</p>	

Section 75 Category	Details of Needs, Experiences and Priorities	
	Staff	Service Users
	<p>support earlier and that they can get the help and support they need from specialised trained staff. This will also help ensure which will help make their experience of Transitioning more positive.</p> <p>Given the above diverse needs within the target groups, it is likely that there is a need for age specific support in certain</p>	
Religion	<p>Some religions have a lower acceptance of the decision of an individual to undergo the transitioning process and the transgender or non-binary identity of individuals.</p> <p>There is a risk that this may manifest itself in negative attitudes and behaviours towards transgender and non-binary staff.</p>	
Political Opinion	<p>No particular issues based on political opinion have been identified to date.</p>	
Marital Status	<p>Transgender people who are married and their families may have particular information and support needs, as there is an added complexity to transitioning for them.</p> <p>Transgender people must obtain a divorce from their spouse upon completion of the gender assignment process. This is due to the fact that same-sex marriages are not recognised under Northern Ireland law.</p> <p>A further implication for transgender people who are married relates to pension benefits that their spouse receives. Once they obtain a divorce the automatic entitlements of their former spouse to any pension benefits ceases. It is the responsibility of the recipient to inform the authorities that their partner is still entitled to receive any benefit.</p>	
Dependent Status	<p>Transgender staff who have dependants may experience a more complex transitioning process as they have additional considerations and responsibilities to take on board.</p>	

Section 75 Category	Details of Needs, Experiences and Priorities	
	Staff	Service Users
Disability	No particular issues based on disability have been identified to date over and above general issues that staff with a disability face.	
Ethnicity	<p>Some transgender and non-binary individuals and their families from certain ethnic or religious backgrounds may experience a double marginalisation, both within wider society and within their own ethnic group. Some may be isolated, at social disadvantage or be disadvantaged through negative attitudes or specific circumstances.</p> <p>It may be argued that gender variance is more likely to be hidden in some cultures than in others. Issues of trust in confidentiality may thus play an even greater role for this group of individuals. The same applies to families and carers of ethnic minority individuals who identify as transgender or non-binary.</p>	
Sexual Orientation	No particular issues based on the sexual orientation of a trans person have been identified to date over and above general issues that lesbian, gay and bisexual staff face.	

(3.2) Provide details of how you have involved stakeholders, views of colleagues, service users and staff etc when screening this policy/proposal.

- Three pre-consultation engagement meetings with groups and individuals from the transgender and non-binary sector in Northern Ireland (Jan to Mar 2016).
- Census 2011
- www.gires.org.uk/index.php
- www.transgenderlaw.org
- A:gender (2013): The Workplace and Gender Reassignment. A Guide for Staff and Managers.
- House of Commons, Women and Equalities Committee (2015): Transgender Equality. London: The Stationery Office.
- McBride R (2013) The needs of Gender Variant Children and Transgender

- youth in Northern Ireland. Institute of Conflict Research, Belfast.
- McBride, Ruari-Santiago “The Luck of the Draw” A Report on the Experiences of Trans Individuals Reporting Hate Incidents in Northern Ireland
 - McBride, Ruari-Santiago (2011): Healthcare issues for transgender people living in Northern Ireland.
 - All partied out: Substance use in Northern Ireland's Lesbian, Gay, Bisexual and Transgender Community
 - Jay McNeil, Louis Bailey, Sonja Ellis, James Morton & Maeve Regan (2012): Trans Mental Health Study 2012
 - Jay McNeil, Louis Bailey, Sonja Ellis & Maeve Regan (2013) Speaking from the Margins. Trans Mental Health and Wellbeing in Ireland. Transgender Equality Network Ireland (TENI).
 - Gender Variance UK (2009): Prevalance, Incidence, Growth and Geographic Distribution.
 - Public Health England (2015): Preventing suicide among trans young people. A toolkit for nurses.
 - McClenahan, Simon (2013): Multiple identity; Multiple Exclusions and Human Rights: The Experiences of people with disabilities who identify as Lesbian, Gay, Bisexual and Transgender people living in Northern Ireland. Belfast: Disability Action
 - The Rainbow Project & Age NI (2011): Making this home my home. Making nursing and residential more inclusive for older lesbian, gay, bisexual and/or transgender people.

(4) Screening Questions

You now have to assess whether the impact of the policy/proposal is major, minor or none. You will need to make an informed judgement based on the information you have gathered.

(4.1) What is the likely impact of equality of opportunity for those affected by this policy/proposal, for each of the Section 75 equality categories?			
Section 75 category	Details of policy/proposal impact		Level of impact? Minor/major/none
	Staff	Service Users	
Gender			Minor
Age			As above
Religion			As above
Political Opinion			As above
Marital Status			As above
Dependent Status			As above
Disability			As above
Ethnicity			As above
Sexual Orientation			As above

(4.2) Are there opportunities to better promote equality of opportunity for people within Section 75 equality categories?	
Section 75 category	Please provide details
Gender	N/A
Age	
Religion	
Political Opinion	
Marital Status	
Dependent Status	
Disability	
Ethnicity	
Sexual Orientation	

(4.3) To what extent is the policy/proposal likely to impact on good relations between people of different religious belief, political opinion or racial group? minor/major/none		
Good relations category	Details of policy/proposal impact	Level of impact Minor/major/none
Religious belief	None Identified	
Political opinion	None Identified	
Racial group	None Identified	

(4.4) Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?	
Good relations category	Please provide details
Religious belief	None Identified
Political opinion	None Identified
Racial group	None Identified

(5) Consideration of Disability Duties

<p>(5.1) How does the policy/proposal encourage disabled people to participate in public life and promote positive attitudes towards disabled people? N/A</p>

(6) Consideration of Human Rights

The Trust has a duty to act compatibly and must take Human Rights considerations into account in its day-to-day functions/activities.

(6.1) How does the policy/proposal impact on Human Rights?
Complete for each of the articles

Article	Positive impact	Negative impact = human right interfered with or restricted	Neutral impact
Article 2 – Right to life			X
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			X
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			X

Article	Positive impact	Negative impact = human right interfered with or restricted	Neutral impact
Article 5 – Right to liberty & security of person			X
Article 6 – Right to a fair & public trial within a reasonable time			X
Article 7 – Right to freedom from retrospective criminal law & no punishment without law			X
Article 8 – Right to respect for private & family life, home and correspondence.	X		
Article 9 – Right to freedom of thought, conscience & religion			X
Article 10 – Right to freedom of expression			X
Article 11 – Right to freedom of assembly & association			X
Article 12 – Right to marry & found a family			X
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	X		
1st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			X
1st protocol Article 2 – Right of access to education			X

(6.2) Please outline any actions you will take to promote awareness of human rights and evidence that human rights have been taken into consideration in decision making processes.

(7) Screening Decision

(7.1) Given the answers in Section 4 of this template, how would you categorise the impacts of this decision or policy/proposal? *(Please tick one option below and list your reasons for the decision in 7.2 below)*

Major impact		EQIA Required? (<i>Delete as appropriate</i>)	
			No
Minor impact	X	Mitigation Required	Alternative Policy Required
		Yes/No	Yes/No
No impact		Screened Out	

(7.2) Please give reasons for your decision and detail any mitigation or alternative policies considered.

This policy seeks to address key workplace inequalities for people who identify as transgender and non-binary. It thus constitutes positive action. As to the diversity amongst transgender and non-binary employees we consider that issues identified to date are addressed in the policy.

(7.3) Do you consider the policy/proposal needs to be subjected to ongoing screening? NB: for strategies/policies that are to be put in place through a series of stages – screen at various stages during implementation.

Yes	
No	X

(8) Monitoring

(8.1) Please detail how you will monitor the effect of the policy/proposal for equality of opportunity and good relations, disability duties and human rights?

Due to the small numbers involved, equality monitoring data on all nine categories will be collected and analysed on an aggregate basis but not published.

Qualitative monitoring data will be collected as to the experience of the transitioning process in our workplace by transgender staff.

Transgender individuals and staff who identify as non-binary alike will be encouraged to raise any issues on the basis of their gender identity.

Record any incidences or near misses of human rights breaches.

August 2017

Date:

Policy/proposal screened by:

Michelle Morris; Lynda Gordon; Anne Basten

Please forward completed screening template to Equality.Unit@southerntrust.hscni.net for inclusion in the Trust's Policy Screening Reports which are uploaded to the Trust's website.