

19 April 2013



Review of the public sector equality duty

Call for evidence

Stonewall response

Introduction

1. Stonewall is pleased to respond to the Government's call for evidence for its review of the public sector equality duty.
2. Stonewall is the leading organisation campaigning and lobbying for lesbian, gay and bisexual equality in Britain. We campaigned for a single equality duty for a number of years. We continue to believe that a single equality duty, focused on practical outcomes, can potentially have a transformative effect on lesbian, gay and bisexual people's lives in areas where they have often faced unfair treatment.
3. The general equality duty, which covers sexual orientation for the first time, has only been in force for two years. The specific duties vary between England, Scotland and Wales and came into force at different times; the specific duties for Scotland have been in place for less than a year. We think it is too soon for there to be sufficient evidence of how the general duty or the specific duties are working in practice. While many public sector organisations have already been working for some years to promote equality for lesbian, gay and bisexual staff and service users, others are still in the process of adapting to their new statutory obligations.
4. Organisations subject to the duty in Scotland have until 30 April 2013 to publish their equality outcomes and mainstreaming reports, as required by the specific duties for Scotland. Until these are published there can be little evidence of how Scottish organisations are using the duty in practice.
5. Through our work with over 400 public sector organisations, however, we know that many have found the duty helpful in introducing or improving policies, practices and procedures in order to improve outcomes for lesbian, gay and bisexual people. Some even began to implement this work in anticipation of the duty coming into force.
6. At the same time the duty has enabled lesbian, gay and bisexual people for the first time to find out what public services in their local area are doing to improve services for lesbian, gay and bisexual people. Organisations such as Stonewall have also been able to hold public bodies to account for their performance in complying with the duty.
7. This submission features case studies from some of the organisations we work with who are using the duty in innovative ways to promote equality for lesbian, gay and bisexual people and to improve their workplaces and services. All the

organisations featured agreed to be included in this submission and we are very grateful for their input.

8. For further information regarding this response please contact:

[REDACTED]
Policy Officer
Stonewall
Tower Building
London SE1 7NX
[REDACTED]
[REDACTED]

Case studies

Brighton & Hove City Council: promoting lesbian, gay and bisexual equality in schools

9. When the public sector equality duty was first announced, Brighton & Hove City Council set up a steering group with representatives from a number of schools in the area to produce a range of resources to help schools comply with the duty. This included a model equality policy, information on setting equality objectives and a toolkit for assessing the impact of practices and procedures on different protected groups. These are attached at Appendices 1, 2 and 3. The council also ran a number of workshops with schools about how to ensure compliance, featuring case studies about schools that were already taking action that would demonstrate compliance with the duty, such as tackling homophobic bullying.
10. Following the introduction of the duty, the council began to monitor schools' compliance with it. This has identified a number of examples of good practice. These include a primary school that has set an equality objective to involve under-represented groups more in all school groups and activities – to be evidenced by, amongst other things, increased participation of lesbian, gay and bisexual parents in the school governing body, in the PTA and as volunteers on parent trips. Other primary schools have set objectives to promote positive images which reflect the diversity of the school and community in assemblies, books, publications and learning materials.
11. Where the council has identified that schools are performing poorly in relation to the duty, they have held one-to-one meetings with school staff to better explain the purpose of the duty and to outline that by better knowing their school community, schools will be better placed to meet pupils' needs. This has given the council additional leverage to promote work to tackle homophobic bullying in schools.

Bury Council: equality analysis

12. In November 2011, in response to the newly introduced public sector equality duty, Bury Council simplified its process for analysing the impact of its services, policies and practices on equality. The council replaced its existing equality and cohesion impact assessments with a new equality analysis process. This process is

mainstreamed throughout the council and requires managers to consider at an early stage of development whether each new service or policy is relevant to the general duty and what its impact will be on different protected groups, including lesbian, gay and bisexual people. The guidance and equality analysis form is attached at Appendix 4.

13. The equality analysis conducted for the council's review of its library services identified a positive impact on lesbian, gay and bisexual people due to the service's collection of lesbian, gay, bisexual books. The equality analysis is attached at Appendix 5.

Cardiff University: engaging with lesbian, gay and bisexual people

14. In order to comply with the specific duty in Wales to engage with different groups, Cardiff University held an engagement event with staff and students in November 2011 to help the university establish its equality objectives. A series of workshops, chaired by representatives from the third sector including Stonewall Cymru, explored the barriers and issues faced by staff representing particular protected characteristics. The discussions around sexual orientation identified a number of issues, including a lack of awareness of the support available to lesbian, gay and bisexual staff and students, as well as incidents of homophobic behaviour in the university's Athletic Union. A summary of the findings of the event are attached at Appendix 6. These findings were used to inform the organisation's Strategic Equality Plan, attached at Appendix 7.
15. This engagement also prompted the university to develop a specific lesbian, gay, bisexual and transgender working group, which supports the organisation's work towards a specific lesbian, gay, bisexual and transgender Action Plan. This action plan has been responsible for a number of successful initiatives that aimed to improve the staff and student experience, including a specific campaign that addressed homophobic language within the Athletic Union and encouraged lesbian, gay and bisexual students to take part in sport.

Cardiff University: student monitoring

16. Cardiff University began monitoring the sexual orientation of its staff in 2009. When the public sector equality duty came into force – alongside the specific duty in Wales to publish employment monitoring data for all protected characteristics – the university reviewed its monitoring procedures to make sure they were fully compliant with the new requirements. The review highlighted a number of gaps in the information held by the university, including in the make-up of its student population. The findings of the review are attached at Appendix 8.
17. In response to these findings, the university decided to begin collecting monitoring data of its students in order to better understand how well the university was meeting their needs. The university will begin monitoring the sexual orientation of its students in the 2013/2014 academic year, and will scrutinise the data to monitor the academic performance and drop-out rate of its lesbian, gay and bisexual students.

NHS Greater Glasgow and Clyde: equality impact assessments

18. In order to meet the requirements of the public sector equality duty, NHS Greater Glasgow and Clyde committed to assess all new policies, service re-designs and efficiency savings to measure their impact on different protected groups. An Equality Impact Assessment toolkit was developed which explicitly requires staff to identify the needs and impact on lesbian, gay and bisexual people. The toolkit is attached at Appendix 9. In 2011 the health board undertook a review of completed Equality Impact Assessments to see if there were any trends or patterns that needed to be actioned and prioritised.
19. This review process identified that sexual orientation was consistently under-reported in Equality Impact Assessments and that, in comparison to the other protected characteristics covered by the Equality Act 2010, services were least likely to be proactively tackling homophobia. This finding was supported by a review of the health board's first Equality Scheme which also reported lower levels of activity in understanding, identifying and removing barriers to services for lesbian, gay and bisexual people.
20. In response to these findings and in order to comply with the duty, the health board developed a Tackling Homophobia Campaign to improve attitudes and behaviours across the organisation. The campaign involved a microsite www.nhsggc.org.uk/homophobia that was promoted to all staff through the intranet, staff newsletters and the equalities e-bulletins, as well as via a roadshow to further engage employees in different teams and different areas. The campaign included a good practice guide for employees on acceptable language and behaviour in the workplace (attached at Appendix 10). The campaign has received 10,000 website hits, 2000 email pledges and 800 photograph pledges, as well as public support from high profile figures including the Deputy First Minister Nicola Sturgeon.

Nottinghamshire Healthcare: patient monitoring

21. Nottinghamshire Healthcare used the public sector equality duty as a means to justify updating its patient database, extending the collection of patient equality monitoring data to include sexual orientation. Healthcare staff have received training on how to ask sensitive questions and the Trust has developed easy-read versions of the monitoring form for patients and service users who require them. These are attached at Appendices 11 and 12.
22. The data has been used to identify areas of service where lesbian, gay and bisexual people were under-represented in their accessing of services. The data has also been used to influence patient care plans, particularly where lesbian, gay and bisexual patients have been reluctant to discuss with clinical staff some of the underlying background to their mental health issues, especially those that relate to their sexual orientation. The data has also been used to identify the need for lesbian, gay and bisexual patient support groups, including in the Trust's secure environments, and to encourage people to attend Patient Pride events.

Nottinghamshire Healthcare: procurement

23. Nottinghamshire Healthcare updated its Procurement Policy in 2010 anticipating the introduction of the public sector equality duty. Contractors delivering services on behalf of the Trust are required to demonstrate that they have systems in place for assessing the impact of their practices on all of the diverse groups it serves, including lesbian, gay and bisexual people. Contractors are required to make sure that staff are trained in equality and diversity and that the training covers all protected characteristics, including sexual orientation. Where suppliers are contracted to work in key areas of the Trust, they are required to undertake the Trust's own equality and diversity training. Contractors are also required to collect and report on the equality monitoring data of their staff, inclusive of sexual orientation, at all levels including Board level.
24. When questioned by suppliers about why the Trust requires such a high standard of performance on lesbian, gay and bisexual equality, the Trust has been able to refer to the public sector equality duty to push suppliers into improving their performance in this area. Accordingly the Trust plays an active role in educating, advising and enabling contractors as required. The Trust's tender template and pre-qualification questionnaire are attached at Appendices 13 and 14.

Oxleas NHS Foundation Trust: supporting lesbian, gay and bisexual service users

25. In early 2012 Oxleas NHS Foundation Trust consulted with peer organisations about support for lesbian, gay and bisexual service users in Adult Learning Disability Services, to help the trust in meeting its obligations under the general duty to eliminate unlawful discrimination and advance equality of opportunity. The consultation received over 100 responses and identified that there was a distinct lack of policies, procedures or good practice examples for lesbian, gay and bisexual people with learning disabilities. In response the trust organised a national conference called 'Hidden Desires' in October 2012, attended by over 100 delegates from the health, local authority and voluntary sectors. The conference poster is attached at Appendix 15.
26. The trust has followed up this work by working in collaboration with local authority colleagues to draft a policy on supporting lesbian, gay and bisexual people with learning disabilities which it plans to share with other trusts around the country as an example for best practice. The trust is also producing best practice guidance and creating a website with information for health professionals that will also be accessible for service users.

Oxleas NHS Foundation Trust: service user monitoring

27. In September 2011 Oxleas NHS Foundation Trust discussed using the new version of Rio (the electronic records system) to record sexual orientation so that the trust could collect monitoring data about the sexual orientation of service users. This was in order to support lesbian, gay and bisexual people's health needs and so that the trust could plan and design services appropriately. These actions were taken in order to eliminate discrimination, advance equality of opportunity and to demonstrate compliance with the public sector equality duty.

28. The trust piloted a monitoring form including all nine protected characteristics of the Equality Act 2010 with three teams across the trust and asked for feedback from staff. This identified a lack of confidence amongst staff about asking service users to disclose their sexual orientation. In response the trust secured funding to build an e-learning package for staff. The e-learning covers why monitoring is important, raising awareness of lesbian, gay and bisexual health inequalities, the particular health needs of lesbian, gay and bisexual patients and developing services as positive, welcoming environments for lesbian, gay and bisexual people. There is a particular section on how to ask patients about their sexual orientation sensitively. This section of the e-learning is attached at Appendix 16.

Sheffield City Council: tackling homophobic bullying

29. In 2010 Sheffield City Council introduced a Single Equality Scheme to cover the period from 2010 to 2013 (attached at Appendix 17). In anticipation of the introduction of the public sector equality duty, the scheme was extended to cover all protected characteristics of the Equality Act 2010, including sexual orientation. This enabled the council to introduce specific targets around improving outcomes for lesbian, gay and bisexual people, including an objective to reduce year on year homophobic bullying in schools. Once the duty came into force this provided a helpful impetus to introduce a range of activities to try and meet this target, since the council would for the first time be held accountable for its performance in this area.
30. During anti-bullying week in November 2011 the council launched an LGBT Schools Charter to enable Sheffield schools to self-assess their performance on addressing homophobic and transphobic bullying and on meeting the needs of their lesbian, gay, bisexual and transgender students. The charter encourages schools to take practical steps such as introducing a clear policy on homophobic bullying, recording incidents of homophobic bullying and providing relevant training to staff. The council distributed guidance to schools on how to meet the criteria of the charter. The charter and guidance are attached at Appendix 18.
31. The council also distributed a toolkit to schools on how to meet the public sector equality duty. This includes practical examples of how to meet the duty in relation to each of the protected characteristics, such as role modelling lesbian, gay and bisexual people in the curriculum and discussing different kinds of families including those with same-sex parents. The toolkit is attached at Appendix 19.

Sussex Partnership NHS Foundation Trust: workforce monitoring

32. In 2008 Sussex Partnership NHS Foundation Trust amended its equality strategy to apply the equality duties for race, gender and disability across all equality strands (now protected characteristics). This was in recognition of the fact that the duties had led to improved performance within the trust in relation to race, gender and disability and in anticipation of the statutory duties being extended to other characteristics, including sexual orientation, in a consolidated Equality Bill. This decision enabled the trust to amend its systems, policies and practices so that they would better promote equality for lesbian, gay and bisexual staff and patients. This included updating the trust's computer systems so that monitoring data about

sexual orientation could be captured about staff and patients and used to identify areas in need of improvement.

33. The table at Appendix 20, taken from the trust's 2011 Equality, Diversity and Human Rights Annual Report, demonstrates that the proportion of staff willing to disclose their sexual orientation in monitoring exercises has significantly increased since this work began in 2008, with the proportion of staff leaving their sexual orientation undefined having reduced by 15.3%. This is an important measure of staff confidence in the trust's commitment to lesbian, gay and bisexual equality.

Tower Hamlets Council: promoting good relations between communities

34. In response to the previous duty to promote good relations between people from different racial groups, Tower Hamlets Council has been undertaking work to tackle inequality and discrimination in the borough for many years. This provided a strong basis to develop further work to tackle high profile incidents of homophobia and Islamophobia in the borough which threatened to damage relations between communities. In response to several incidents that took place between 2008 and 2009 the Council used the incoming public sector equality duty to build an effective partnership of public and community sector organisations to act together to challenge those who promoted hate and division between different parts of the local community. These partners include the police, local schools, faith communities and lesbian, gay and bisexual community groups.
35. In 2010 the council funded a conference on Faith Communities and Homophobia in the borough. The event was organised by a steering group of faith leaders from Christian, Jewish, Buddhist and Muslim communities and supported by Rainbow Hamlets, the borough's lesbian, gay, bisexual and transgender forum, as well as the borough's No Place for Hate Forum. The event was open to all but considerable outreach work was undertaken to ensure representation from a wide range of faith communities. There was a specific focus on the role of educators and dedicated workshops were run for teaching staff. The flyer for the event is attached at Appendix 21.

[supporting documentation supplied separately to GEO]

