

## Moray Council Equality Impact Assessment

### ***Important***

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Schools and Curriculum Development

Department: Education and Social Care

Title of policy/activity: Supporting transgender young people: guidance for schools in Scotland

#### 1. What are the aims and objectives of the policy/activity?

To provide guidance to education authorities, teachers and school staff on supporting young people who present as transgender.

The guidance is on:

- Overcoming barriers, covering bullying and safety, coming out, changing name, gender and pronouns, toilets and changing rooms, school uniforms, social dancing, PE and sport and school trips.
- Practical support for transgender young people, covering the Child's plan, confidentiality, information sharing and child protection, working with parents, carers and families, how teachers can help transgender young people and their family relationships, support and referral for trans young people.
- Steps for good practice for supporting transgender young people at school.
- How to promote a whole-school approach.
- Language and terminology.
- Policy, legislation and further education.

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	Requests from schools for advice on supporting transgender pupils
Consultation with officers or partner organisations	Feedback was sought from Head Teachers/DHT representing each ASG, Educational Psychology, Integrated Children Services Manager, Education Support Officer for Pastoral Care and LNCT
Consultation with community groups	
External data (statistics, census, research)	Scottish Social Attitude Surveys 2010, 2015.
Other	

3. Detail any gaps in the information that is currently available?

NA
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4. What measures will be taken to fill the information gaps before the policy/ activity is implemented? These should be included in the action plan

Measure	Timescale
NA	

5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young				
Age – elderly				
Disability				
Race				
Religion or belief		√		
Sex	√	√		
Pregnancy and maternity				
Sexual orientation	√			
Gender reassignment	√			
Marriage and civil partnership				

6. What are the potential negative impacts?

The Christian Institute has raised a number of concerns regarding the guidance. These, and the response by LGBT Youth Scotland can be found at <https://www.lgbtyouth.org.uk/news/2018/november/a-response-to-claims-made-by-the-christian-institute/> The concerns that were raised, include (in bold, response in normal font)

1. **Teachers are advised not to share information with parents/carers of a transgender young person.** There is no advice of this nature in the guidance. It states that the young person's views should be taken into account when considering who to share the information with. It recommends that inadvertent disclosure should be avoided but this does not mean keeping parents/carers in the dark at all times.
2. **Expectation that teachers and schools will share information about a child or young person with third parties outside schools without parental consent.** Child protection guidelines regarding confidentiality and information sharing apply to transgender pupils in the same way as to other pupils.
3. **Concerns that children and young people could share a bedroom with someone of the opposite sex without parental consent.** The guidance states that there is no reason why parent of other pupils should know. This is an issue that would involve the parents of the pupils involved in this.
4. **Concerns that some pupils will be forced to share toilet and changing facilities with someone of the opposite sex.** No child will be forced to do this. Each school will make its own arrangements. For those who have issues with sharing these facilities with someone of the opposite sex, alternative arrangements can be made.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

NA

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
Each case will be judged on its own merit, in consultation with the young person and parents/carers involved. The guidance is not prescriptive.	

9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

The Scottish Social Attitudes Surveys of 2010 and 2015 show that the percentage of people who would be unhappy if a close relative married or formed a long-term relationship with someone who has undergone gender reassignment has dropped from 49% in 2010 to 32% in 2015. Requests from schools in Moray for advice on transgender issues show that there is an increasing confidence in young people who are transgender to come out. Adopting the guidance can assist in giving further support to both trends.

10. How does the policy/activity create opportunities for advancing equality of opportunity?

The guidance means better protection and recognition for transgender pupils. The guidance can also mean that broader gender stereotyping can be challenged.

11. What monitoring arrangements will be put in place? These should be included in the action plan.

NA

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	
2	Impacts have been identified, these can be mitigated as outlined in question 8	√
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	√

	b) Promote equality of opportunity	√
	c) Foster good relations between groups who share a protected characteristic and those who don't.	√
4	The activity will have negative impacts which cannot be mitigated fully	

13. Set out the justification that the activity can and should go ahead despite the negative impact?

NA

**Sign off and authorisation**

Department	
Title of Policy/activity	
We have completed the equality impact assessment for this policy/activity.	Name: Position: Date:
Authorisation by Director or Head of Service	Name: Position: Date:

The impact assessment should now be authorised by either the Director or Head of Service.

Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

**Action plan**

<b>Action</b>	<b>Start</b>	<b>Complete</b>	<b>Lead Officer</b>	<b>Expected Outcome</b>	<b>Resource Implications</b>