

## Equality Impact and Outcome Assessment (EIA) Template - 2019

**EIAs make services better for everyone and support value for money by getting services right first time.**

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

See end notes for full guidance. Either hover the mouse over the end note link (e.g.: Age<sup>13</sup>) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact:**

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)**

### 1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Trans Toolkit Version 4	<b>ID No.<sup>6</sup></b>	FCL22
<b>Team/Department<sup>7</sup></b>	Standards and Achievement, Education and Skills		
<b>Focus of EIA<sup>8</sup></b>	<p>Brighton &amp; Hove City Council has a long history of working with community and voluntary sector partners to support and challenge schools to provide safe learning environments for all pupils and students. This has included the development of a range of guidance and resources for example:</p> <ul style="list-style-type: none"> <li>• Guidance on identifying, challenging and reporting bullying and prejudiced based incidents</li> <li>• Faith and Belief Guidance for Education Settings</li> <li>• Feeling Good, Feeling Safe (Protective Behaviours Programme for Primary Schools with Safety Net)</li> <li>• Guide to challenging sexist language (for staff)</li> <li>• Anti-Racist Schools Strategy</li> </ul>		

Education settings can choose which of these to apply to policy and practice within their communities.

Since the early 2000s, the Equality & Anti-Bullying and PSHE Services have published resources for schools for use in PSHE which explored issues of sexual orientation and gender stereotyping. Work to challenge prejudiced language gained momentum in 2010 with the publication of a Safe Spaces Leaflet which provided scripts for challenging homophobic language. This was provided to schools alongside staff training and Allsorts Youth Project supported with workshops for secondary aged students.

In 2012 Brighton & Hove were placed first in Stonewall's Education Equality Index in recognition of work done with schools to prevent and challenge homophobic bullying. At this time, perhaps because of the strength of practice related to anti-homophobic bullying a small number of primary and secondary schools began contacting the local authority about children and young people who were saying that their gender identity did not align with their gender registered at birth. Schools were asking questions about how to support this child and their family and how to ensure that the school was able to respond to any changes related to name, pronouns and dress.

In 2013 the Brighton & Hove Trans Equality Scrutiny Panel set out to ask: *what needs to be done to make things fairer for trans people to live, work and socialise in the city?* Panel members listened to trans people's stories of discrimination, disadvantage, transphobia and invisibility. Their final report made a number of recommendations, one of which was to conduct a full needs assessment to understand the extent of the issues. Extensive qualitative and quantitative research took place led by NHS and Brighton & Hove City Council in partnership with University of Brighton and Community and Voluntary Sector organisations in the city. [The Trans Needs assessment report](#) was published in 2015 with a recommendation for work in schools to support trans children and young people.

Allsorts Youth Project appointed its first trans youth workers in 2012 and were then able to offer trans awareness training to teachers and school staff in school. The response from school staff was positive and the feedback was that more support was needed for staff and trans children and young people. The council decided to write a guidance to support schools that would also build on the good practice already in place to challenge homophobia and biphobia. At that time there were only two documents that offered similar – one from GIRES and another from Cornwall. We used these to support us in developing the first version of the Toolkit. The approach was informed by:

- The Equality Act 2010
- The expertise and lived experience of trans adults at Allsorts
- The experience of trans young people accessing Allsorts' services

- The needs of staff in schools and their experience of what worked to ensure all young people felt included in the school community
- DCSF Sexist and sexual bullying guidance, 2009
- Consultation with GIREs and Gendered Intelligence
- Brighton & Hove Trans Needs Assessment 2015

Since the publication of the first Toolkit in 2013, the contents have been regularly reviewed looking at new evidence that emerges.

In 2017, Stonewall published 'The Stonewall School Report; the experiences of lesbian, gay, bi and trans young people in Britain's schools', which continued to highlight the difficult experiences and needs of LGBT young people. Our Toolkit has also been informed by other research and reports as outlined in the appendix in the Toolkit.

We have welcomed contributions and feedback on our Toolkit. We have been reflective about the needs of other groups and given clear messages about how in best practice trans inclusive work is underpinned by work which promotes equality, challenges gender stereotypes and does not condone sexist and sexual bullying and harassment. We have also added to the Toolkit to ensure it takes an intersectional approach.

The Toolkit has been used by:

- A range of local authorities
- Signposted to by national organisations at different times – Stonewall, The Proud Trust, Sex Education Forum and teaching unions
- Shared on platforms such as The Key for School Leaders
- Recommended by NHS UK – Gender Identity Development Service

In 2019, Brighton & Hove City Council was awarded gold in Stonewall's Children and Young People Services (CYPS) Champion award.

The need for this Toolkit remains as there is no national agreed guidance or guidance written by the Department for Education or Equality Office.

The Trans Inclusion Schools Toolkit was written in response to identified needs of trans children and young people, as for example the 'Faith and Belief Guidance for Education Settings' was informed by needs of pupils and students of faith and schools asking how best to support them.

	The consultation on version 4 of the Toolkit showed that there were concerns related to the potential impact of the Toolkit on other groups. This EIA document describes and aims to address these concerns, by clarifying what has been included in the Toolkit to ensure balance of needs of pupils and students at a school level.
--	---

## 2. Update on previous EIA and outcomes of previous actions<sup>9</sup>

<b>What actions did you plan last time?</b> (List them from the previous EIA)	<b>What improved as a result?</b> What outcomes have these actions achieved?	<b>What <u>further</u> actions do you need to take?</b> (add these to the Action plan below)
As explained in section 1, the 2013 / 2014 <i>Trans Inclusion Schools Toolkit</i> was an outcome of identified needs.	Schools were reassured to have guidance. Parents and carers of trans children and young people attending Allsorts' parents group reported positively about support being provided in schools.	Continual review of the Toolkit to ensure it reflects changes in guidance and understanding.
Second edition of the <i>Trans Inclusion Schools Toolkit</i> (2017) resulting from feedback from schools	Additions were made in response to questions and requests from schools: <ul style="list-style-type: none"> <li>• Policy development</li> <li>• Auditing and reviewing the whole school environment</li> <li>• Transfer from primary to secondary school</li> <li>• Non-binary children and young people</li> </ul>	Continual review of the Toolkit to ensure it reflects changes in guidance and understanding.
Third edition of the <i>Trans Inclusion Schools Toolkit</i> (2018) resulting from feedback	Small changes were made to content and language used particularly in the following areas: <ul style="list-style-type: none"> <li>• Supporting gender questioning children and young people in a child and young person led way</li> <li>• Promoting gender equality and ensuring environments that are free from bullying and harassment for all</li> <li>• Safeguarding</li> </ul>	Continual review of the Toolkit to ensure it reflects changes in guidance and understanding.

### 3. Review of information, equality analysis and potential actions

Groups to assess	What do you know <sup>10</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>11</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>12</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>13</sup> ? All potential actions to: • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Age <sup>14</sup>	The Trans Toolkit has been written for use in infant, junior, primary, secondary and special schools. It will also be shared with sixth form colleges.	<p>In the online consultation (March 2021), there was a criticism made that guidance was not provided to support trans and non-binary staff.</p> <p>25% of parents of primary age pupils thought the Toolkit was not important (March 21) and this is the group which show highest levels of disagreement with the approach taken. Comments show concern about the “indoctrination” of young children.</p>	There is no evidence of harm being done to primary age children since the Toolkit was introduced in 2014. However, more needs to be done to reassure and explain to parents what trans inclusive practice looks like in primary settings. There is no change to the key principles in the Toolkit as the advice is relevant to primary settings.	<p>A paragraph about trans staff has been added to the Toolkit.</p> <p>The Trans Toolkit is clear that the role of schools is to work with each child on an individual basis in partnership with parents and carers when possible and without making assumptions.</p> <p>The PSHE curriculum at primary age is concerned with work to challenge gender stereotypes and to represent the diversity that is within school communities.</p>
Disability	LGBT disabled pupils are more likely to experience homophobic, biphobic and transphobic bullying than non-disabled LGBT pupils (60 per cent	A parent of an ASC child warned that the lack of understanding of social constructs (i.e. gender) is causing some young people confusion and	More research is needed <sup>1</sup> to understand relationship between ASC and gender identity. This section of the	We have reviewed the information in the Toolkit related to young people with Special Educational Needs and Disabilities and have:

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	<p>compared to 43 per cent)<sup>1</sup>.</p> <p>There is some evidence to show a link between gender dysphoria and autism, and that autistic people may be more likely than other people to have gender dysphoria<sup>2</sup>.</p>	<p>sometimes to identify as trans, when in fact they are simply not able to fit in the 'traditional ' box.</p> <p>The online consultation (March 2021) raised concern that children with SEND might be sanctioned for not understanding about trans identities.</p>	<p>guidance will need to be regularly reviewed.</p>	<p>-signposted to the National Autistic Society which includes a page of research related to ASC and trans identities.</p> <p>- recommends providing individual support on case by case basis that does not make assumptions and signposts schools to ask the council if further support is needed</p> <p>- explains that some pupils with SEND may need support in understanding a range of differences within the school community.</p> <p>Staff from Brighton &amp; Hove's Inclusion Support Service are providing training to schools on supporting ASC trans pupils and acknowledge the potential range of</p>

<sup>1</sup> Retrieved from [https://www.stonewall.org.uk/system/files/the\\_school\\_report\\_2017.pdf](https://www.stonewall.org.uk/system/files/the_school_report_2017.pdf)

<sup>2</sup> Retrieved from <https://www.autism.org.uk/advice-and-guidance/what-is-autism/autism-and-gender-identity>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
				<p>reasons for the larger numbers of trans young people who are ASC.</p> <p>School based workshops delivered by Allsorts Youth Project will support secondary age student understanding of LGBT identities and the impacts of LGBT bullying.</p>
<b>Gender reassignment<sup>15</sup></b>	<p>Trans pupils are at particular risk of bullying: half (51 per cent) are bullied at school for being trans. One in three trans pupils (33 per cent) – don't feel safe in their school. More than two in five trans pupils (44 per cent) say that staff at their school are not familiar with the term 'trans' and what it means. More than four in five trans young people (84 per cent) have deliberately harmed</p>	<p>Young people interviewed in focus groups (March 2021) fed back that there was inconsistency in school staff understanding of trans issues, that negative 'banter' was experienced by trans pupils and students along with not using correct names and pronouns. "Some people can be nasty and then people should be dealt with as trans children shouldn't have to deal with hate and discrimination". Year 10 survey, March 2021.</p>	<p>There is a continued need for the Trans Inclusion Schools Toolkit</p>	<p>The review of the Toolkit:</p> <ul style="list-style-type: none"> <li>-clarified the definition of trans pupils and students able to access single sex spaces (Using language of Equality Act and DfE Advice for schools)</li> <li>- further emphasised that schools are not involved in medical transition</li> <li>- clarified safeguarding procedures for trans pupils and students.</li> </ul>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	themselves at some point. <sup>1</sup>	Young people spoken to and in the Year 10 student survey were clear that more work needed to be done to challenge gender stereotypes.		
<b>Pregnancy and maternity<sup>16</sup></b>	N/A			N/A
<b>Race/ethnicity<sup>17</sup></b> Including migrants, refugees and asylum seekers	Children and young people from racially minoritised communities may also be trans which may bring additional layers of complexity and for some accessing support more difficult.  51% of BAME LGBT+ people have experienced racism in LGBT+ spaces <sup>2</sup>	Consultation on the Anti-Racist Schools Strategy has highlighted the need for deep and effective improvement in anti-racist practice in schools.	We need to continue to develop anti-racist practice in schools and continue to acknowledge that people's identities are not separate and always intersect.  There is a need to continue to engage with a diverse range of communities on school equality and anti-bullying practice.	Added further advice and intersectionality in the Toolkit with signposting to specific resources.  Brighton & Hove City Council is developing a Five Year Anti-Racist Schools Strategy. This Toolkit will be reviewed in the light of this strategy.  Will continue to support schools to engage with diverse range of communities in their schools on equality issues.

<sup>1</sup> Retrieved from [https://www.stonewall.org.uk/system/files/the\\_school\\_report\\_2017.pdf](https://www.stonewall.org.uk/system/files/the_school_report_2017.pdf)

<sup>2</sup> Stonewall <https://www.stonewall.org.uk/news/racism-rife-lgbt-community-stonewall-research-reveals>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Religion or belief<sup>18</sup></b>	Children and young people from faith communities may also be trans which may bring additional layers of complexity and for some accessing support more difficult.	<p>There was a range of views expressed about the Trans Toolkit by faith community representatives at the Standing Advisory Council for RE, although all were keen to prevent bullying. One concern raised was about how a child with strongly held faith beliefs about LGBT identities which may be counter to some views would be treated in classroom discussion about the issues.</p> <p>There is diversity within and between faith communities and so care needs to be taken not to assume that someone of faith is 'anti-trans' (school staff feedback via email, April 2021).</p> <p>The local dioceses want to offer support to Church of England and Catholic schools for trans children</p>	There is a need to continue to engage with faith and belief communities about school practice in this area to build understanding.	<p>Following feedback and consultation we have strengthened sections:</p> <ul style="list-style-type: none"> <li>- on engaging with parent communities and on dealing with difference in view-points in classroom discussion</li> <li>- taken an approach which avoids assumptions being made about faith communities attitudes to LGBT communities</li> </ul> <p>Added a section signposting Church of England and Catholic schools to their relevant diocese for support with trans children and young people.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
		and people. In the consultation concern was raised that this might mean pupils in different schools get different support.		
<b>Sex<sup>19</sup></b>	<p>There are <a href="#">national</a> concerns about sexist and sexual bullying in education settings.</p> <p>Brighton &amp; Hove City Council has seen no evidence either in research or in the city's schools that a trans child or young person (as defined under the gender assignment definition in the Equality Act) in a single sex facility presents any more of a threat to another child or young person than any member of their peer group.</p>	<p>In the Year 10 survey (2021) a participant wrote: "I think it is imperative that resources should be used on addressing misogyny and sexism in the school, seen as this affects far more pupils and the outcomes for girls who become women in the future." The need to do work in schools to challenge misogyny and sexism is echoed in the parent and staff surveys.</p> <p>From the online consultation - "It is essential that we are able to discuss sex as a material reality in school, without fear of complaint to ensure that students</p>	<p>Schools supported by the council need to continue and strengthen efforts to prevent and respond to sexist and sexual bullying and harassment.</p> <p>Trans Inclusion is an area of continuing discussion with a polarisation of views locally, nationally and internationally.</p>	<p>There has been and continues to be support offered to schools to prevent and challenging sexist and sexual bullying and harassment. The Trans Toolkit also supports this by noting the central importance of work to prevent and challenge gender stereotypes.</p> <p>The Toolkit clarifies discussions about sex-based oppression will still happen in schools – this can sit alongside use of inclusive language when appropriate.</p> <p>The concerns about girls' safety in toilets, changing rooms and concerns raised about trans girls</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
		<p>understand the reality of sex-based oppression”</p> <p>Some responses to the consultation also raised concerns that the Toolkit was a threat to the rights and safety of girls. This concern about the Toolkit was also raised by some individuals in the Autumn term 2020 consultation and some individuals outside of the consultation who may be aligned with a “gender critical” perspective.</p> <p>Criticism of use of the terms “sex assigned at birth” and “cisgender” by some in the online and face to face consultation.</p> <p>Anecdotal evidence from young people at Allsorts Youth Project is that the majority of trans young people do not use single sex toilets.</p>		<p>and sports have been listened to and adjustments have been made to the Toolkit in response. For example:</p> <ul style="list-style-type: none"> <li>-The Toolkit has always recommended a mixed model of toilets where possible and where resources allow a block of single stall floor to ceiling toilets which would also provide a solution for non-binary pupils and students.</li> <li>- Revisited terms i.e. sex and gender using national or international sources</li> <li>- Acknowledged there are different perspectives on language.</li> <li>- Sex assigned at birth” has been changed to “sex registered at birth”- aligning with the language of the national census 2021.</li> <li>- clarified that access to single sex spaces is only</li> </ul>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
		All the young people spoken to in the focus group consultation (March 2021) supported trans people being able to use a toilet in line with their gender identity. The majority of respondents in the online consultation (March 2021) agreed with the approach taken in section 6 of the Toolkit.		for those who fit the definition of gender reassignment and made clear the need to use a case by case basis and to seek further support from the council if needed. <ul style="list-style-type: none"> <li>- highlighted need for a school-based EIA when making for example changes to toilets</li> <li>-reminded schools of duties to ensure all pupils feel safe in all parts of the school and to report when they don't feel safe</li> <li>- strengthened the principle that there is more than one way to be a boy or a girl, to keep safe from bullying those who do not dress or act in gender stereotypical ways</li> <li>-signposted to national guidance in relation to access to competitive sports.</li> </ul>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
				<p>The council continues to support access to a single sex space by someone who fit the definition of gender reassignment outlined in the Equality Act 2010 under the provisions outlined in the Toolkit.</p> <p>The council will continue to do its best to ensure discussions on this issue in and around schools are respectful.</p>
<b>Sexual orientation<sup>20</sup></b>	<p>Data from Stonewall and Allsorts Youth Project continues to show the vulnerability of lesbian, gay and bisexual pupils to bullying.</p> <p>Two in five LGBT pupils (40 per cent) are never taught anything about LGBT issues in school or college<sup>1</sup></p>	<p>Young people in the focus groups said that gay name calling and homophobic bullying occurs in schools.</p>	<p>Work to challenge homophobic, biphobic and transphobic bullying needs to continue in school settings.</p>	<p>The Toolkit shas strengthened its messages that:</p> <ul style="list-style-type: none"> <li>-there is more than one way to be a girl / boy</li> <li>- those who do not confirm to gender stereotypes should not be assumed to be trans and should equally be protected from bullying and prejudice</li> </ul>

<sup>1</sup> Retrieved from [https://www.stonewall.org.uk/system/files/the\\_school\\_report\\_2017.pdf](https://www.stonewall.org.uk/system/files/the_school_report_2017.pdf)

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
				<p>- that trans inclusive practice sits alongside work on LGBT+ inclusion more widely.</p> <p>Brighton &amp; Hove secondary schools continue to access support from Allsorts Youth Project to support LGB students and classroom activities that raise awareness of the impact of LGB bullying.</p>
<b>Marriage and civil partnership<sup>21</sup></b>	N/A			N/A
<b>Community Cohesion<sup>22</sup></b>		The consultation showed polarised views on how to approach trans inclusion in schools.	The local discussion of these issues mirrors national debate. However, Brighton & Hove City Council takes the position that the approach taken in the Trans Inclusion Schools Toolkit supports the needs of a small vulnerable group without, risk over and above that already existing, to the	<p>Communicate effectively about the range of support the council provides to schools in relation to anti-bullying and equality.</p> <p>Ensure that all strategic work to support groups in schools is joined up and intersectional.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
			wellbeing of other groups.	Support schools to effectively engage with diverse groups of parents and carers about their equality and anti-bullying practice and their relationships, sex and health education curriculum.
<b>Other relevant groups<sup>23</sup></b>	Currently, non-binary and people with differences in sexual development are not covered by the Equality Act, but may be subject to bullying and prejudice in schools.  Gender non-conforming and gender exploring young people may also be subjected to bullying and prejudice (see sex section for additions to the Toolkit in response to this.)	In the consultation we were asked to include more ideas for the inclusion of non-binary pupils and those with differences in sexual development in schools.	We need to reflect further on the needs of these groups and in reviewed versions of the Toolkit or other related guidance ensure support is provided relevant to their needs.	Updated definition of Intersex to refer to differences in sexual development.  Added more information in relation to non-binary students.

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Cumulative impact<sup>24</sup></b>	<p>We know that people with intersecting identities can experience multiple oppressions and barriers to asking for support. (See sections above).</p> <p>We also know that transphobia, homophobia, biphobia, stigma and discrimination and social isolation can have a significant impact on the mental health of LGBT+ people<sup>1</sup>.</p>	See sections above	See sections above	<p>See above for intersectional approach.</p> <p>We have added further signposting to mental health support in the Toolkit.</p>
<b>Assessment of overall impacts and any further recommendations<sup>25</sup></b>				
<p>Following extensive consultation and a process of listening and reflection in response to that consultation changes and clarifications have been made to Version 4 of the Trans Inclusion Schools Toolkit. Some of these changes are captured in the final column of the grid above. The Toolkit maintains an approach to trans inclusive practice in line with that held by Brighton &amp; Hove City Council.</p> <p>However, we undertake assessment of equality impact on an ongoing basis and this Equality Impact Assessment along with the Trans Inclusion Schools Toolkit will be subject to annual review.</p>				

<sup>1</sup> Mind <https://www.mind.org.uk/information-support/tips-for-everyday-living/lgbtiqplus-mental-health/about-lgbtiqplus-mental-health/>

#### 4. List detailed data and/or community feedback that informed your EIA / informed Version 4 of the Toolkit

Title (of data, research or engagement)	Date	Gaps in data	Actions taken to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
<b>School and Sixth Form staff / head teachers engagement via email / bulletins, Trans Awareness Training and Head teacher meetings</b>	Between Summer Term 2020 and Spring Term 2021	Some responses were made, particularly following training. However, responses were limited – this was during Covid and lockdown and schools were faced with considerable challenges.	Online consultation devised which schools were asked to disseminate to all school staff.
<b>Governor engagement via trans awareness training</b>	<b>Autumn term 2021</b>	This was offered to all governors with a group of 20 signing up for the training and consultation.	Online consultation devised which was sent to all governors.
<b>National and local LGBT organisations</b>	<b>Autumn Term 2021</b>	A good response from national organisations.	Continue to engage with local LGBT groups supporting adults in the community.
<b>Meetings with Catholic and Church of England diocese</b>	<b>July 2020</b>	None	Ongoing discussions as part of council's relationship with the diocese.
<b>Local youth organisations</b>	<b>Autumn 2020</b>	None	None
<b>Engagement with Standing Advisory Council for RE (SACRE) and diocese</b>	<b>October 2020</b>	Two sessions were offered to SACRE members to attend and discuss the Toolkit. Not all faith groups were represented at these meetings.	Reached out to key individuals offering further opportunities for discussion. Continue to engage with faith and belief communities about school practice in this area to build understanding.

<b>Engagement meeting(s) with services supporting women in Brighton &amp; Hove (The Women's Centre, Rise, Oasis Project and Survivors Network) and emailed Mankind.</b>	<b>November 2020</b>	None	Continue to work in partnerships to support violence against women and girls' agenda.
<b>Reading and consideration of:</b> <ul style="list-style-type: none"> <li>• Transgender Trend EIA on 'Allsorts Toolkit' (2018 version):</li> <li>• Reading of Transgender Trend's Resource Pack for Schools, 3<sup>rd</sup> Edition</li> <li>• Reading of small number of emails sent to the council in opposition to the Toolkit</li> </ul>	<b>Autumn Term 2021</b>	None	None
<b>Young people's consultation via TEAMS – 12 young people across 4 settings</b>	<b>December – March 21</b>	Access to discussions with children and young people about the Toolkit was problematic because of COVID and lockdown.	Online consultation devised which schools were asked to disseminate to all Year 10 students.
<b>Relevant Council Teams</b>	<b>September – December 2020</b>	None	Ongoing discussions to ensure joined up work across teams and strategies.

## 5. Prioritised Action Plan<sup>26</sup>

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
<b>Support for trans children and young people in schools</b>	Present report to Children, Young People and Skills Committee	The Trans Toolkit signed off and recommended for dissemination to schools.	Trans children, young people and their families report positively on support provided by schools (reported to Allsorts Youth Project and via surveys)	12 <sup>th</sup> June, 2021
<b>Support for trans children and young people in schools</b>	Design of Toolkit	Improve accessibility and readability of the Toolkit for school staff	Trans children, young people and their families report positively on support provided by schools (reported to Allsorts Youth Project and via surveys)	End of August 2021
<b>Support for parent and carer understanding of equality and anti-bullying practice in schools</b>	Design of web page on Brighton & Hove City council website for parents and carers which shares and signposts to information about bullying and equality. This will include key messages in relation to support for trans children and young people.	Increased knowledge of council support for schools' equality and anti-bullying practice. Increased knowledge of where to go for help if child is experiencing bullying and prejudice.	Increased parental understanding of work in schools to support groups protected under the Equality Act	September 2021
<b>Support for trans children and young people in schools</b>	Dissemination of Toolkit to Brighton & Hove schools and sixth form colleges	Pdf version of the Toolkit emailed to schools and disseminated via the Bulletin. The Toolkit will be hosted on	Trans children, young people and their families report positively on support provided by schools (reported to	September 2021

		<a href="http://www.beem.org.uk">www.beem.org.uk</a> and Allsorts Youth Project resources page.	Allsorts Youth Project and via surveys)	
<b>Support for trans children and young people in schools</b>	Trans awareness training for school staff provided through the council and Allsorts Youth Project.	Increased confidence in supporting trans children and young people	Trans children, young people and their families report positively on support provided by schools (reported to Allsorts Youth Project and via surveys)	Ongoing
<b>Support for non-binary and Intersex / Young people with Disorders of Sex Development</b>	Continue to develop understanding of the needs of these groups through training.	Changes to the Toolkit or additional guidance if required.		September 2022
<b>Support for trans children and young people in schools</b>	Review of EIA and the Trans Inclusion Schools Toolkit in line with new guidance, research and any needs identified. Review will also take into account relevant strands of the council's Anti-Racist Schools Strategy and any other resources or guidance developed to ensure these are 'joined up'.	Changes to the Toolkit.	Trans children, young people and their families report positively on support provided by schools (reported to Allsorts Youth Project and via surveys)	September 2022 (and annually)
<b>Support for all groups in schools protected under the Equality Act</b>	Continue to offer and provide anti-bullying, equality and PSHE guidance, resources, consultancy and training to schools in relation to sex, race, religion and belief and disability, sexual orientation and gender reassignment.	Continued provision of guidance, resources, consultancy and training.	Pupil and student surveys show reductions in reported prejudiced based bullying.	Ongoing delivery through council services including: Equality & Anti-Bullying Service, PSHE Service, Gypsy Roma Traveller Service, BHISS, Ethnic Minority Achievement Service, SEND support.

**EIA sign-off:** (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

**Staff member completing Equality Impact Assessment: Sam Beal**

**Date: 14.5.21**

**Directorate Management Team rep or Head of Service/Commissioning: Mark Storey**

**Date: 25.5.21**

**CCG or BHCC Equality lead:**

**Anna Spragg**

**Date: 25 May 2021**

## Guidance end-notes

---

<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- 
- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
  - **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
  - **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
  - **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
  - **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
  - **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
  - **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

## <sup>2</sup> Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people in relation to their ‘protected characteristics’ (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups’ vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

**The following are the duties in the Act. You must give ‘due regard’ (pay conscious attention) to the need to:**

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **advance equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

<sup>3</sup> EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved

- 
- The numbers of people affected
  - The size of the likely impact
  - The vulnerability of the people affected within the context

The greater the impacts, the more thorough and demanding the process required by the Act will be.

**4 When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

**Do you need to complete an EIA? Consider:**

- Is the policy, decision or service likely to be relevant to a specific group or groups (eg: older people)?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

**5 Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

**6 ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

**7 Team/Department:** Main team responsible for the policy, practice, service or function being assessed

**8 Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.

- 
- How does it fit with other services?
  - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
  - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
  - What do existing or previous inspections of the policy, practice, service or function tell you?
  - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>9</sup> **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write ‘not applicable’.

<sup>10</sup> **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?<sup>10</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#> ) and national ones where they are relevant.

<sup>11</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>12</sup> Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.

- 
- Be realistic: don't exaggerate speculative risks and negative impacts.
  - Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
  - Questions to ask when assessing impacts depend on the context. Examples:
    - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
    - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
    - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
    - If there is negative differential impact, how can you minimise that while taking into account your overall aims
    - Do the effects amount to unlawful discrimination? If so the plan must be modified.
    - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>13</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

<sup>14</sup> **Age:** People of all ages

<sup>15</sup> **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

<sup>16</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>17</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>18</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>19</sup> **Sex/Gender:** Both men and women are covered under the Act.

<sup>20</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

---

<sup>21</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>22</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>23</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

<sup>24</sup> **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

<sup>25</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>26</sup> **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.