

| | |
|-------------------------|-------------------|
| Reference: | FOI.4099.20 |
| Subject: | Equality |
| Date of Request: | 28 September 2020 |

Requested:

1. For 1 April 2010 to 31 March 2020, information provided by financial year, your Public Sector Equality Duty (PSED) compliance policy and reports on how you've met this policy.
2. For 1 April 2010 to 31 March 2020, information provided by financial year, provide a list of all LGBT organisations (e.g. Stonewall, Mermaids, Gendered Intelligence, GIRES, Action LGBT, Transhealth) you have:
 - a. consulted;
 - b. received training from/ helped formulate training for Trust staff – including classroom based and e-learning;
 - c. paid monies to for goods and services, advertised on your website or intranet, links or print outs of information;
 - d. granted permission to display/share/use Trust logo.
3. For 31 March 2010 to 1 April 2020, information provided by financial year, provide a list of all women's organisations (e.g. local or national domestic abuse or rape crisis charities, Women's Budget Group, Timewise, Pregnant then Screwed, Woman's Place UK, Fair Play for Women) you have:
 - a. consulted;
 - b. received training from/ helped formulate training for Trust staff – including classroom based and e-learning;
 - c. paid monies to for goods and services; advertised on your website or intranet, links or print outs of information;
 - d. granted permission to display/share/use Trust logo.
4. The money spent annually, during this same period, on supporting and promoting LGBT groups and causes including:
 - a. LGBT/rainbow merchandising, such as involvement in diversity champion schemes, lanyards, flags, posters and other materials;
 - b. attending conferences and events and training for Trust staff - including classroom based and e-learning;
 - c. subscriptions and donations to LGBT organisations such as Stonewall, Gendered Intelligence and Mermaids, GIRES, Action LGBT, Transhealth.
5. The money spent annually, during this same period, on supporting and promoting women's groups and causes including:
 - a. International women's day, domestic violence merchandising, such as involvement in champion schemes, lanyards, flags, posters and other materials; please separately list schemes to tackle domestic violence from the overall spending.
 - b. attending conferences and events and training for Trust staff - including classroom based and e-learning;

- c. subscriptions and donations to women's organisations such as local or national domestic abuse or rape crisis charities, Women's Budget Group, Timewise, Pregnant then Screwed, Woman's Place UK, Fair Play for Women.
6. Can you forward all of your official policies, including your staff/patient equality policy, Women's policy, LGBT policy and Transgender policy, children's transgender policy, any inpatient school materials, any patient treatment guidelines and patient literature/posters written in conjunction with the LGBT groups. Please detail the contribution each LGBT group made to each policy/guideline.
7. Can you forward all of your official policies, including your staff/patient equality policy, Women's policy, LGBT policy and Transgender policy, children's transgender policy, any inpatient school materials any patient treatment guidelines and patient literature/posters written in conjunction with the women's groups. Please name and each women's group and detail the contribution each made to policy/guidelines.
8. Did your Trust obtain legal advice to determine the legality of the Transgender policy, specifically in terms of the Equality Act (2010) and single-sex exemptions? If so, what law firm did you consult with and what were the associated costs?
9. Which staff roles and other NHS organisations - include name of NHS organization, date and policy referred to - provided input to your transgender policy, who is the executive owner of the transgender policy and of the approved committee consultation comments, where were they taken from and which role reviewed them? Please name any internal networks, committees or groups also consulted.

Response:

Hywel Dda University Health Board (UHB) is unable to provide you with all of the information requested as it is estimated that the cost of answering your request would exceed the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. The "appropriate level" represents the estimated cost of one person spending 18 hours or (2 ½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

In order to provide you with the requested information, the UHB would need to undertake a manual trawl of files for the financial years 2010/11 to 2019/20, to identify any information that fulfils your request as this information was not recorded centrally for the whole timeframe requested.

The UHB is therefore applying an exemption under Section 12 of the Freedom of Information Act 2000 (FOIA), which provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit.

Under section 16 of the FOIA, we are required, as a public authority, to provide advice and assistance so far as it is reasonable, to individuals who have made a request under the FOIA and therefore can provide you with some of the information requested.

1. The UHB has published Strategic Equality Plan Annual Reports and Strategic Equality Plans and Objectives setting out the Health Board's intentions towards meeting the PSED compliance policy.

This information is already within the public domain; therefore, the UHB has applied an exemption under Section 21 of the Freedom of Information Act 2000, as the information is accessible by another means.

For ease of reference please click on the links provided which will take you directly to the UHB's web pages for its Board meeting papers which include the Strategic Equality Plan Annual Reports and to Equality, Diversity and Inclusion webpage which provides the Strategic Equality Plan and Objectives documents:

Board meetings and papers:

<https://hduhb.nhs.wales/about-us/your-health-board/>

Strategic equality plans:

<https://hduhb.nhs.wales/about-us/governance-arrangements/equality-diversity-and-inclusion/equalities-accordion/strategic-equality-plan/>

2a. The UHB confirms that it has been a Stonewall Diversity Champion since 2012 and utilises Stonewall as a source of advice and guidance, as and when needed. The UHB consulted with Gender Identity Research and Education Society (GIRES) when developing the Supporting Transgender Staff at Work Policy. The NHS Centre for Equality and Human Rights and Equality and Human Rights Commission have also been utilised as sources of advice and guidance with regard to equality issues.

The UHB has a list comprising of Lesbian, Gay, Bisexual and Transgender (LGBT) and Women's organisations consulted during consultation and engagement activities in relation to service changes for the years 2012/13 up to 2018/19; a copy has been provided, Attachment 1.

2b. The UHB confirms that prior to 2018, there was no dedicated budget for equality and diversity training in the UHB and no training programmes around specific protected characteristics were offered.

However, the UHB confirms it does have a budget for Stonewall Diversity Champions funding and has access to e-learning programmes through NHS Wales e-learning, which provides a suite of training programmes across a range of subjects. Mandatory e-learning programmes include:

- Treat Me Fairly (raising awareness of equality, diversity and inclusion across all protected groups) developed by the NHS Centre for Equality and Human Rights.
- Safeguarding and Violence Against Women, Domestic Abuse and Sexual Violence.

Additionally, five (5) classroom based training sessions on Transgender Awareness were provided to staff across the Health Board between February and June 2019. Attendees included front-line staff in Theatres, Sexual Health Team, Junior Doctors and Outpatients Staff who had all self-nominated to attend. The training was conducted by in-house staff at no cost to the Health Board.

Following this, further training in relation to Transgender Awareness was requested by a wide range of staff and a series of training sessions were commissioned from Iniquus. These were

conducted between November 2019 and March 2020, attended by one hundred and eighty-six (186) staff members.

The cost of this training was £2,475.00. No further external training has been commissioned in relation to any protected characteristics since April 2020 and the start of the COVID-19 pandemic.

2c. A Section 21 exemption has been applied to this question, for further information on the reason please see question 1.

For ease of reference please click on the links provided which will take you directly to the UHB's annual accounts:

<https://hduhb.nhs.wales/about-us/performance-targets/our-performance-areas/annual-reports-annual-quality-statements/>

2d. The UHB confirms it has not granted permission for the use of its logo.

However, the UHB confirms that it does use the Stonewall Diversity Champions logo with staff also able to use the Welsh Government (WG) Live Fear Free logo on their email signatures.

3. The UHB confirms it has not consulted, received training, paid monies to or granted permission to display the UHB logo to any women's organisations.

However, the corporate safeguarding team is represented on the Regional Violence and Aggression against Women, Domestic Abuse and Sexual Violence (VAWDASV) Steering Group and Delivery Groups, where third sector agencies are represented.

Additionally, the UHB takes a holistic view of safeguarding issues, recognising that a wide range of people are at risk of experience VAWDASV. Sources of help are available on the UHB's [webpage](#) and also signposts to the following sources of help:

- Violence Against Women: Live Fear Free
- Men's Advice Line
- Galop
- Forced Marriage Unit
- FGM Helpline
- Freedom App
- AVA Toolkit
- Sexual Assault Refuge

4a. The UHB confirms that prior to 2016 there was no dedicated budget for Equality and Diversity. Any expenditure on merchandising required by wards and departments was funded by individual departments.

The UHB purchased a small number of rainbow lanyards costing £663.12 in the financial year 2019/20, to mark the re-launch of the UHB's LGBTQ+ Staff Network, which were distributed to members and allies and any staff who wished to promote a positive message around inclusivity. The lanyards were issued with a compliment slip reminding staff of the history of the rainbow flag, encouraging a positive approach creating a workplace where everyone feels

safe and supported. The UHB has also recognised that with the COVID-19 pandemic, the rainbow has become a symbol of hope and solidarity, for the NHS and other key workers.

- 4b. The UHB confirms that in 2013, two (2) members of staff attended Cardiff Pride, representing the UHB and raising awareness of Public Health (PH) screening, healthy lifestyle choices and the UHB's LGBT Staff Network. The costs incurred were for individual travel and a pitch for the UHB's table.

In 2011, two (2) members of staff attended a session on Equality Data Monitoring conducted by Stonewall at a cost of £60.00 per person for Stonewall Diversity Champion members.

In February 2017, four (4) places were booked on the Stonewall Cymru Annual Conference at a total cost of £720.00.

In January 2020, four (4) places were booked on the Stonewall Cymru Annual Conference at a total cost of £810.00.

In July 2019, the UHB hosted a joint "This is Me" Diversity Conference with Swansea Bay UHB (SBUHB), where staff and external speakers shared personal stories across a range of protected characteristics, including LGBT, Domestic Abuse, Mental Health, Physical Disability, Race and Religion and belief. Sponsorship was secured to cover the cost of hosting the conference and speaker fees.

- 4c. The UHB confirms that a fee of £3,000.00 per annum is paid for membership to Stonewall Diversity Champion. The UHB confirms it does not subscribe or donate to any other LGBT organisations.
5. The UHB confirms that the corporate safeguarding team has minimal non pay budget. The UHB promotes the Live Fear Free Helpline but there are no costs to the UHB for the resources they provide. Staff have access to Group 1 VAWDASV e-learning and the Corporate Safeguarding Team deliver Group 2 Ask and Act training from within existing resource.

Additionally, the UHB works collaboratively with regional partners to promote awareness of domestic abuse. However, the UHB has not yet implemented the champion role in accordance with Group 3 of the VAWDASV National Training Framework.

6. & 7. The UHB confirms that its Written Control Documents (WCD) are not, as a rule, written in conjunction with any particular groups. The majority of written control documents have elements prescribed in law, are clinically based and/or are subject to regulations that cannot be changed and other factors, which are not open to influence by the general public within the UHB's locality. Where WCD's have been developed on an All Wales basis, this sometimes includes active consultation with patient groups. Some departments involve patients and service users in the production of locally developed leaflets and patient information as appropriate and the UHB has a Readers Panel, which is available to scrutinise patient information leaflets and posters. All WCD in the UHB are issued for consultation using a Global Email system to the whole of the staff body, who are representative of all protected characteristics.

The UHB's approved employment and corporate policies and WCD are available on the UHB's internet page via the link provided:

<https://hduhb.nhs.wales/about-us/governance-arrangements/policies-and-written-control-documents/>

8. The UHB confirms that it did not obtain legal advice to determine the legality of the Transgender policy. However, staff within our Workforce and Organisational Development (WOD) department were able to provide advice.
9. The UHB confirms that The Supporting Transgender Staff Policy was reviewed with reference to the following:
 - Stonewall (2016) Creating a Transitioning at Work Policy
 - GIRES (2015) Equality and Diversity Transgender Policy Guide for Employers
 - <http://www.gires.org.uk/assets/Workplace/Transition-in-workplace-policy-Nov-2015.pdf>
 - GIRES (2011) Terry Reed with acknowledgements to Christl Hughes and Heather Salmon.
 - Guidelines for employers - Legal Protection and good practice for gender variant and trans people in the workplace
 - Agenda - Workplace and Gender Reassignment - A Guide for Staff and Managers
 - HM Courts and Tribunals Service T455 The General Guide for All Users – Gender Recognition Act 2004

During 2019, a full review of policy 350 was undertaken, which included advice from Stonewall and the UHB LGBTQ+ Staff Network. A two (2) week consultation of the draft policy document was sent out for global consultation to all UHB staff members and was subsequently approved by UHB's WOD Sub Committee on 16 January 2020.

It provides the background to the policy update, governance and assurance behind the process.

A copy of the report that accompanied the policy and Equality Impact Assessment (EQIA) as part of the approval process, which provides the background to the policy update, governance and assurance behind the process, has been provided, Attachment 2.

The Executive Director Lead for this policy is Lisa Gostling, Director of Workforce and Organisational Development.