



## 2010 Equality Act



From October 1<sup>st</sup> the vast majority of the new Equality Act's provisions will come into force. Helen Dale, LAGIP's North Western regional coordinator explores the implications.

**THE 2010 EQUALITY ACT** is intended to harmonise discrimination law and to strengthen the law in support of progress on equality. It brings together and generally replaces previous Acts.

### What has changed?

- The 7 *strands* of diversity: age, disability, gender, gender reassignment, race, religion or belief and sexual orientation are replaced by 9 *protected characteristics*:
  - age,
  - disability,
  - gender reassignment,
  - marriage and civil partnership,
  - pregnancy and maternity,
  - race,
  - religion or belief
  - sex, and
  - sexual orientation
- Previous acts have included protection against discrimination if you were, for example, transsexual or perceived to be transsexual. The new act uses the term 'because of a protected characteristic'. This extends the protection to those who are associated with someone who has a protected characteristic – e.g. a friend, partner or family member.
- It places a new duty on listed public bodies to consider socio-economic disadvantage when making strategic decisions about how to exercise their functions.

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- Creates a duty on listed public bodies to have due regard when carrying out their functions to:
  - eliminate conduct that the act prohibits
  - the need to advance equality of opportunity between those who share protected characteristics and those that do not
  - the needs to foster good relations between those who share protected characteristics and those that do not

This means that those bodies will need to consider how their policies, programmes and service delivery will affect those with protected characteristics. It also:

- Allows organisations to take positive action to enable existing or potential employees or customers to overcome or minimise a disadvantage arising from a protected characteristic.
- Extends permission for political parties to use women-only shortlists for election candidates to 2030.
- Enables an employment tribunal to make recommendations to a respondent who has lost a case to take steps to remedy matters not just for the benefit of the claimant (who may have left the organisation) but also for the wider workforce.
- Amends property law to remove discriminatory provision and provides additional statutory property rights for civil partners in England and Wales
- Amends the Civil Partnership Act to allow civil partnerships to be registered in religious premises
- It amends the definition of Gender Reassignment to remove the requirement for medical diagnosis or intervention. It does not, however, extend the protection to all transgendered individuals (e.g. transvestites) unless they are discriminated against because they are perceived to be transsexual or gay/ lesbian.
- It specifically provides protection against discrimination on the grounds of absence from work because of gender reassignment. All such absences “because of gender reassignment” must now be dealt with as though they are due to sickness or injury. The downside of this is that if an organisation generally takes sickness absence as a factor when considering redundancies – absence because of gender reassignment could be included.

# Advancement of Equality

Previous acts have required public bodies to take positive steps to remove discrimination on the grounds of Race, Gender and Disability. The new act extends this requirement to all protected characteristics as well as a requirement to foster good relations between those who do and those who do not share protected characteristics. The latter includes tackling prejudice and promoting understanding – which means it could be a good opportunity to ask Trusts to participate in LGBT History Month and similar events and ensure that they provide briefings on, for example, trans issues.

It also means that if groups are under represented as employees or overrepresented amongst offenders or have different needs then they can take proportionate action to meet the needs. This might include providing different programmes for same sex domestic violence, for example, if it is felt that the current DV programmes are inappropriate.

## Transgendered Individuals – who is and who is not covered

The Act defines the protected characteristic of Gender Reassignment as applying if the individual “is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes if sex”. It also defines a transsexual person as a person who has the protective characteristic of gender reassignment.

It is not necessary for an individual to be diagnosed as transsexual, be under medical supervision or to intend to undergo any surgery to qualify. The explanatory notes give the following example to confirm this:

***A person who was born physically female decides to spend the rest of her life as a man. He starts and continues to live as a man. He decides not to seek medical advice as he successfully “passes” as a man without the need for any medical intervention. He would have the protected characteristic of gender reassignment for the purposes of the Act.***

It’s quite likely that the interpretation of some of the features of the Act will be challenged in court. There is also some extensive guidance notes being prepared by the Government Equalities Office which will clarify how the law should be interpreted. I am trying to get hold of the draft of this information and will add it to the forum when I can.

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# Reporting Transphobic Crimes

[www.tcrime.net/](http://www.tcrime.net/)

THE HOME OFFICE has awarded GIRES a grant to fund a national system for reporting transphobic crime.

It appears that only a few victims of trans crime report it to the police. One young trans person experienced 60 criminal incidents in the past six months, including being beaten up and a death threat. Yet she hopes by suffering all this persecution with dignity she will teach the perpetrators to behave better without involving the police.

There are other reasons for not involving the police: the fear of being outed in Court or the lack of confidence that police will deal with the incident. Yet we know from our work with police forces throughout the UK that many are fully aware of the needs of trans people and very keen to support them.

**TCrime.net** enables crimes to be reported confidentially and leaves it to the individual to decide what information should be passed on to the police.

It is hoped that TCrime.net will reveal the true extent of transphobic crime to policy makers within the criminal justice system, enable the police to pinpoint the hotspots where it occurs most frequently and provide examples of effective police responses that will build trust with trans people. The system will also enable us to put victims of transphobic crime in touch with the many groups that can provide them with practical support

Around 30% of people in the UK do not have access to the Internet. So, GIRES has provided both manual as well as electronic reporting facilities. In addition, reporting by third parties and witnesses will be a key element of the system.

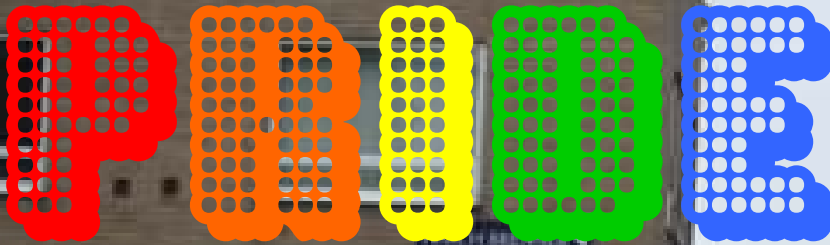
*NB. TCrime.net is an intelligence gathering and communication system. GIRES recognises that the much more detailed information required to obtain a conviction should be obtained by the police.*

For more information or to order posters and reporting forms contact **[info@gires.org.uk](mailto:info@gires.org.uk)**

***DON'T FORGET!*** Public Policy Exchange is holding a symposium on tackling hate crime in communities on Thursday 16th September 2010 at the Guoman Charing Cross Hotel, The Strand, London.

**For further details click here to download the event brochure or visit**

<http://publicpolicyexchange.co.uk/events/AI16-PPE.php#details>



# IN PROBATION



**NORWICH** HOSTED ITS second annual Pride event on Saturday 31<sup>st</sup> July. An estimated 4000 people attended the event despite the dire weather. The day consisted of a number of fun-packed events which included picnics, dancing, drumming and a colourful parade lighting up the streets of Norwich on an otherwise dull Saturday. Rain persisted throughout the morning but stopped minutes before the parade commenced through the city!



Although a handful of protesters lined the parade, organisers said the day was good humoured and trouble free. Norfolk Police also reacted positively, preventing certain religious protesters from handing out leaflets stating that 'God can cure cure gays'.

Norwich Pride 2011 is already in the planning stages, an event which will continue to celebrate Norwich's lesbian, gay, bisexual and trans community and raise awareness of intolerance.

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**LAGIP Chair**



Anticlockwise from top: Carnival comes to Norwich; the modest Pride banner; Christian protestors; the Probation stall; and... a peacock!



ACROSS YORKSHIRE AND HUMBERSIDE LAGIP members and other probation staff have been attending pride events and representing the probation service. Staff in West Yorkshire, including a number of our straight colleagues attended all of the events with specially branded *Pride in Probation* key rings and other freebies.

Members in Humberside attended Hull pride to represent their service. The new, small but perfectly formed LGB&T group in North Yorkshire also attended York Pride which has helped both to publicise the probation service and advertise this little known event.

We encourage all members to try and get representation for their Trusts at these events. Making probation known within the LGBT communities is one way to make our organisations better places to work by helping to make the workforce representative of LGBT people.

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**North Eastern Coordinator**

# Still More Pride...

You haven't escaped it just yet! If you've got the stamina these events are still to come:

## **Saturday 4<sup>th</sup> September**

Reading Pride  
Cardiff-Wales Lesbian & Gay Mardi Gras  
Grimsby Pride  
Leicester Pride

## **Sunday 5<sup>th</sup> September**

Essex Pride, Chelmsford  
Barnsley Pride

## **Saturday 11<sup>th</sup> September**

Middlesbrough Supergay Weekender

# All-Staff Associations' Fringe meeting

Scarborough Spa Complex - 7<sup>th</sup> October 2010 from 6pm



Photo by [Phillip](#) on Flickr

**NAPO** is organising a fringe meeting at this years' AGM for **ABPO**, **LAGIP**, **NAAPS** and **NDSN** members.

This will be the second All-Staff Associations' fringe and will take place on **Thursday 7th October from 6pm** in the Vita Dome in Scarborough's iconic Spa Complex.

**Gerry Marshall**, the Chief Executive of Thames Valley Probation Trust who holds the Diversity portfolio at the Probation Chiefs Association, will be addressing the meeting and our Chair, **Leon Mcloughlin** will also be attending.

This promises to be a timely opportunity to look at NOMS' review of support and other arrangements for Staff Associations. If you're going to the NAPO AGM, then why not visit the fringe meeting to get more involved.



# Rainbow Lanyards

If you're a LAGIP member and would like one of these fetching LGB&T-friendly rainbow lanyards then send an email to [admin@lagip.org.uk](mailto:admin@lagip.org.uk).

Sorry - we can only send one per person!



## Are You Setting a Good Example?

LAGIP continues to strive in promoting good practice and challenge discriminatory / oppressive practices within the service.

Over the coming months it would be really useful to identify examples of good practice within CAFCASS or the Probation Trusts.

If anyone feels that their area has contributed to the positive and fair treatment of LGB&T staff, offenders or victims; then let us know!

Please email your stories to [admin@lagip.org.uk](mailto:admin@lagip.org.uk)

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