

# Equality Impact Assessment (EqIA)

This document fulfils the ICO's requirements to conduct Equality Impact Assessments, as a requirement to have due regard under the Equality Act 2010, S75 of the Northern Ireland Act 1998 and the public sector equality duty. This document helps you to assess the equality relevance of a policy or procedure on one or more groups of people with protected characteristics. Guidance is also available for Equality Impact Assessments (EqIAs), along with a glossary of issues to consider. The purpose of an EqIA is to ensure that equality issues are identified and mitigated. The guidance and 'issues to consider' documents are intended to assist with this, but they are not a substitute for consultation with people with lived experience of any of the protected characteristics. Therefore, you should, wherever appropriate, consult with the relevant EDI staff networks or other colleagues to discuss potential impacts.

You must read the [guidance](#) and [glossary of issues to consider](#) before completing the document.

Completed EqIAs will be published [on the ICO's website](#).

## Summary

**Prepared by: MGS**

**What is the title of this piece of work? Trans Policy and Guidance**

**Briefly describe the overall purpose of this work.**

A Trans Policy and Guidance has been written to provide support and guidance for individuals who wish to, have taken, or are intending to take steps to present themselves as a gender different to that registered at birth and those who identify as gender non-confirming. The policy provides guidance for people managers supporting colleagues who are transitioning or have transitioned and also provides guidance for staff handling cases

containing protected information.

## Initial screening questions

Q1. Does this work relate to an ICO policy, procedure, working practice or anything broadly similar? This includes both current policies and new policies under development.

Please answer Yes.

*If you answer **No** to this question, you may not need to complete a EqIA.*

Q2. Is this work about the explanation of the laws which the ICO regulates, or about decisions to use or not use any of our regulatory powers (eg monetary penalties, enforcement notices, information notices etc)?

Please answer No.

*If you answer **No** to this question, you may not need to complete a EqIA.*

If you answered no to both Q1 and Q2, it is best practice to rationalise why there are no negative impacts to each protected characteristic in the table below.

## Impact on people with protected characteristics

Q3. For each of the protected characteristics, you should consider whether there are any **positive impacts** for people with each characteristic and set those out in the table below. If you think there are any **negative impacts**, set those out in the table below **and** explain how you will fully mitigate those impacts. It is best practice to include three mitigations per negative impact. Sign off can only be done with a minimum of two mitigations. If you think there is no impact, please explain why you think that is the case.

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
<b>Religion or belief</b>	There may be colleagues who have gender critical views about trans people which they may argue constitutes protected religious and/or philosophical beliefs.	Recent case law has established that gender-critical beliefs count as “philosophical beliefs”. Philosophical beliefs are protected from discrimination under the Equality Act 2010. The ICO needs to ensure we avoid discrimination against people because of gender-critical beliefs and also avoid discrimination on the basis of gender reassignment. The ICO DAW policy states the ICO will not tolerate unacceptable behaviour and will protect staff from unlawful discrimination relating to age, disability, caring responsibilities, socio-economic status, pregnancy, marital status, race, religion or

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
		<p>belief, ethnic or national origin, sex, sexual orientation and gender identity.</p> <p>The guidance provided in both the DAW policy and Trans policy will help support staff with different protected characteristics. The policy states that all protected characteristics are equally important to us and we will not prioritise any one over the other.</p> <p>This policy promotes equality and should help to foster good relations promoting respect and understanding of rights between people with different characteristics.</p> <p>The ICO are working with The Proud Trust to provide bespoke trans awareness training for all employees. Provisional training dates have been set for wc 25 Sept 2023.</p>
<b>Race, nationality or cultural background</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>Disabled people</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
<b>Sexual orientation</b>	Being Trans does not imply any specific sexual orientation and sexual orientation cannot be assumed based on gender identity or expression. Therefore this policy isn't likely to have an impact on people with this protected characteristic.	
<b>Sex (see note 1)</b>	<p>The policy will have a positive impact on colleagues with this protected characteristic. The policy demonstrates the ICO is committed to a gender diverse workplace and the policy will help to create and maintain a trans-inclusive culture for all employees who wish to identify as a different gender to that registered at birth and those who identify as gender non-confirming (non-binary).</p> <p>It should however be noted that some employees may have concerns regarding shared spaces and their right to single sex spaces.</p>	<p>This policy promotes greater awareness and understanding of inclusivity and promotes our EDI objectives.</p> <p>Our facilities department are planning the introduction of gender-neutral toilets in addition to maintaining some gender specific bathrooms. Work is imminent to convert the Gents toilet in the extension of Wycliffe House to be a designated gender neutral toilet.</p> <p>The London office are currently gender neutral – although each cubicle is a separate 'room'</p> <p>Other offices which are shared spaces are more difficult to change as the landlords will consider the views/requests of all of its tenants.</p>

<b>Protected characteristic</b>	<b>Is there likely to be a specific impact on people with this characteristic?</b>	<b>List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.</b>
		As an interim arrangement, employees are able to use the disabled toilets which are gender neutral and confined to single sex space. This is not to suggest that Trans is in anyway considered a disability.
<b>Age</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>Gender reassignment (see note 2)</b>	The policy will have a positive impact on colleagues with this protected characteristic. The policy demonstrates the ICO is committed to a gender diverse workplace and the policy will help to create and maintain a trans-inclusive culture for all employees who wish to identify as a different gender to that registered at birth and those who identify as gender non-confirming (non-binary). The policy details the support available for trans employees or employees who are considering gender reassignment.	
<b>Marital status</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
<b>Pregnancy and maternity</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>Political opinions</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>People with dependants</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>People without dependants</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>Socio-economic groups or social classes (see note 3)</b>	The policy does not have an adverse impact on colleagues with this protected characteristic.	
<b>Multiple protected characteristics (see note 4)</b>	There may be colleagues who have gender critical views about trans people which they may argue constitutes protected religious and/or philosophical beliefs.	Both the Trans policy and the ICO DAW policy help to ensure the ICO is inclusive and whilst it allows trans employees to feel free to be themselves the ICO also recognises all employees rights to their own opinions and beliefs. The DAW policy ensures that

Protected characteristic	Is there likely to be a specific impact on people with this characteristic?	List the mitigations proposed for each impact, stating whether the impact will be reduced or removed. Please state proposed timescale for mitigations.
	Whilst this policy will have a positive impact on some protected characteristics, it is acknowledged that there may be others who have a conflict of opinion.	employees respect each other and sets out the acceptable standards of behaviour expected to ensure dignity and respect at work for all.

*Note 1: you may also wish to consider gender while considering sex, although gender is not a protected characteristic under the Equality Act or s75 of the Northern Ireland Act 1998.*

*Note 2: you may wish to consider the impact on transgender people while considering the protected characteristic of gender reassignment. This includes if the person is proposing to undergo, is undergoing or has undergone a process.*

*Note 3: Socio-economic group or social class is not a protected characteristic, but we would still like to ensure that we consider the impact of our work in this area.*

*Note 4: Multiple protected characteristics is an opportunity to consider whether there are issues which affect people with most or all of the protected characteristics, or where there may be different impacts of the same issue on different characteristics (eg the same issue has a positive impact on people with one protected characteristic but a negative impact on people with another protected characteristic).*



Q4. The ICO has a number of legal obligations in relation to the provision of Welsh language services. Is this work being delivered in Wales, or to the people of Wales, and if so will there be a need to consider the impact on the Welsh language?

Please answer No

*If you answer **Yes or Don't Know** to this question or would like further information, please contact the Welsh Regional office to discuss next steps via [wales@ico.org.uk](mailto:wales@ico.org.uk) .*

Q5. In interests of best practice, you should consider whether this work may have a negative impact on or contravene any Human Rights. Click this link to find an overview of each of the human rights and further details about each. The Human Rights Act itself is available at this link. Please confirm that you have considered this and set out any actions you will take to mitigate any impacts.

Answer: I have considered the impact on Human Rights.

## Contributing towards the ICO's equality objectives

Q6. How does this work contribute towards the ICO's equality objectives? Please explain contributions, state ways contribution could be increased, or state 'no contribution'.

Objective	Contribution to objective
<p>Objective 1: <b>We will represent the communities and societies we serve</b></p> <p>We believe that diverse teams make better decisions, boost creativity and innovation, enable greater professional growth and increase our understanding of the communities we regulate. As a workforce, we are</p>	<p>The policy promotes inclusivity and equity for our employees, customers and stakeholders, ensuring all are treated with dignity and respect.</p> <p>The introduction of this policy supports our aim to be inclusive in the way in which we deliver our services,</p>

Objective	Contribution to objective
<p>the most effective and have the greatest impact when we are representative and consider different perspectives.</p>	<p>protect and inform the public and employ, develop and lead our people.  The policy demonstrates our commitment to an inclusive and diverse workforce, helping to attract and retain trans applicants and employees.  The policy provides guidance for staff handling cases containing protected information.  There is guidance for customers and stakeholders with links to additional support.</p>
<p><b>Objective 2: Our culture will be inclusive</b>  We're at our best when we support and look out for one another, and when we trust and empower each other to be ourselves. That applies whether it's within the workplace or in the work that we do.  We have measures in place to support our diverse workforce, such as reasonable adjustments. However, we will do more to remove the barriers that are preventing people from developing and progressing.</p>	<p>The policy promotes inclusivity and equity for our employees, ensuring all are treated with dignity and respect. The Policy will help to foster a diverse and inclusive workforce, where colleagues support and look after each other, trusting and empowering each other to be ourselves.  Research suggests that the implementation of a Trans policy helps to create a culture which is tolerant, inclusive and safe for trans employees, making employees feel more secure and protected at work and confident that any concerns will be taken seriously.</p>
<p><b>Objective 3: We will better understand the needs of everyone to deliver services that are accessible to all</b>  We target our regulatory interventions on the areas of greatest harm and to make a real difference to people's lives. Technological innovation by businesses means the landscape we regulate is constantly transforming. We know we're at our best when we understand the</p>	<p>The policy promotes respect and understanding of rights between people with different protected Characteristics.  The policy provides guidance to employees dealing with trans related cases ensuring protected information is handled appropriately.</p>

Objective	Contribution to objective
needs of all our customers, including those who experience vulnerability and communities of unmet need.	

## Monitoring and evaluation

Q7. What arrangements are in place, or will be put in place, to monitor and evaluate the impact of the work on equality?

*Answer:* The EDI board, EDI steering group and staff networks are committed to raising awareness and advocating EDI issues and will monitor any EDI issues relating to trans employees.

Q8. How long will these arrangements be in place?

*Answer:* Ongoing

Q9. When do you intend to review this EqIA? This should usually be done upon any change that is made to the original piece of work that this EqIA is for.

*Answer:* On review of the Trans policy

## Publication

Q10. As stated above and in the guidance, we intend to publish all completed EqIAs on the ICO's website. Please provide detail of any necessary redactions and the intended publication date.

You should also review the wording to ensure that it is as clear as possible for any staff or public to read.

Answer:

## Governance and sign-off

The person who completes this document must be content that all potential equality issues have been identified and considered, that appropriate monitoring will be in place and the publication issues have been considered.

Please tick here to confirm that you have consulted with other colleagues and those it would largely impact where appropriate.

Please state here who has completed the EqIA:

*Signed by: MGS*  
*Date: 20/09/2023*

Approved by line manager:

*Signed by: VW*  
*Date: 20/09/2023*

You **must** send your completed form to Corporate Governance for storage and publication.

The EDI Board provides overall assurance that the EqIA process is operating effectively, but it is not for them to review or approve EqIAs.

If you have identified any negative impacts to any protected characteristics that you cannot fully mitigate, please contact Inclusion and Wellbeing for advice.

## Section 75 The Northern Ireland Act

To meet the NI section 75 consultation requirement, we must incorporate the following into our EqIA process. Please read through the below and implement as appropriate whilst completing your EqIA

1. We will externally publish a list of all EqIA screenings we complete. We should publish these quarterly. The spreadsheet will be 'housed' on the ICO website [Equality and diversity | ICO](#) (these will include **all** EqIA screenings we complete)
2. Where an EqIA screen results in the need for a full EqIA on a policy, procedure or change that relates directly to the ICO carrying out its external statutory functions; we will consult with key stakeholders at the earliest opportunity for 12 weeks. By law we must consult with the Northern Ireland stakeholder list, but good practice would be to include other relevant stakeholders from across the UK. The author/approval manager will be best placed to determine who these should be.
3. We have clarified that if we don't receive a response from these stakeholders to a consultation, that is fine. We record no response and move on with the policy, procedure or change.
4. We have clarified that we do not need to consult under s75 for policies that only impact our staff. Whilst it's good practice to consult with staff, TU etc about changes that impact employees, ways of working etc, this type of internal change would not engage s75. We should of course complete an EqIA at the earliest opportunity, it's just that the s75 consultation requirement is unlikely to be engaged.
5. We have agreed that it would be for the manager who approves the EqIA to determine if a s75 consultation is needed. The Inclusion and Wellbeing team can provide support, but the author and manager will know their business area and will be best placed to assess if a new/change to a policy impacts external customer and stakeholders as part of our statutory function and should therefore be consulted on.
6. We have agreed that it should be for the author/approving manager to send the EqIA screening form or full EqIA form to corporate governance.

