

Meeting of:	<b>Cabinet</b>
Date of Meeting:	<b>Monday, 11 October 2021</b>
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Consultation on Welsh Government's LGBTQ+ Action Plan for Wales
Purpose of Report:	To seek Cabinet approval for the draft consultation response and seek the views of Learning and Culture Scrutiny Committee in order to inform a final response to the Welsh Government's LGBTQ+ Action Plan for Wales.
Report Owner:	Executive Leader and Cabinet Member for Corporate Resources and Performance
Responsible Officer:	Tom Bowring, Head of Policy and Business Transformation
Elected Member and Officer Consultation:	Strategic Leadership Team
Policy Framework:	This is a matter for Executive decision.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• This report summarises key aspects of the Welsh Government's draft <a href="#">LGBTQ+ Action Plan for Wales</a> and brings to the attention of the Cabinet a draft response to the consultation on this Plan (Appendix A).</li> <li>• The Welsh Government has issued a consultation document outlining draft proposals for an LGBTQ+ Action Plan for Wales with many actions relevant to Local Authorities. To develop a plan that works and improve lives, the Welsh Government worked with Stonewall Cymru and other LGBTQ+ organisations as well as involving LGBTQ+ people and communities from all across Wales.</li> <li>• We have asked for comments from officers across Council Services, as well as GLAM - our LGBTQ+ Network and Diverse - our Ethnic Minority Staff Network. Responses received have been incorporated in the draft response to the consultation.</li> <li>• This report seeks Cabinet's consideration and approval for the draft response as a basis for referral to Learning and Culture Scrutiny Committee to seek the Committee's views before being finalised.</li> <li>• The consultation period ends on 22 October 2021.</li> </ul>	

## **Recommendations**

1. That Cabinet notes the content of this report and Appendix A.
2. That Cabinet considers and endorses the draft consultation response as described and in Appendix A subject to the comments of Learning and Culture Scrutiny Committee.
3. That Cabinet refers this report to Learning and Culture Scrutiny Committee for comment and also seeks the views of the Equality Champion and LGBTQ+ Champion on this report.
4. That, subject to Recommendation 3, Cabinet delegates authority to the Head of Policy and Business Transformation in consultation with the Leader to consider any views received, and if necessary and appropriate revise and submit the Council's response.
5. That subject to Recommendations 3 and 4, the final response to Welsh Government, if amended from that resolved by Cabinet in pursuance of recommendation 2, be circulated to all Members for information.

## **Reasons for Recommendations**

1. To give Cabinet the opportunity to consider on the Welsh Government's Draft Plan.
2. To gain approval in principle for the draft consultation response.
3. To enable Learning and Culture Scrutiny Committee, the Equalities Champion and LGBTQ+ Champion to consider this report.
4. To enable a response to be submitted to Welsh Government by the deadline of 22 October 2021.
5. To ensure the final response to consultation is shared with all Members.

### **1. Background**

- 1.1 The Welsh Government recognises that LGBTQ+ communities are more likely to experience inequalities across a range of outcome areas and that this may have been exacerbated by the global pandemic.
- 1.2 Whilst there have been many positive changes for LGBTQ+ people, there has also been a rise in anti-LGB and anti-trans attitudes and hostility in many parts of the world.
- 1.3 In this context, the Welsh Government feels that progress cannot be taken for granted and that more work needs to be done to safeguard the freedoms of LGBTQ+ people. Its position is that LGBTQ+ rights are human rights and its draft action plan signals its commitment to respecting, protecting and fulfilling the rights of LGBTQ+ people in Wales as well as providing a framework to co-ordinate action.
- 1.4 This report provides Cabinet with an overview of Plan.

- 1.5** The report recommends Cabinet considers the content of this report, provides comment, and approves the draft subject to the comments of Learning and Culture Scrutiny Committee, the Equalities Champion and LGBTQ+ Champion to enable a response on behalf of the Council to be submitted by 22 October 2021.

## **2. Key Issues for Consideration**

- 2.1** The Plan (Advancing LGBTQ+ Equality) can be accessed on the [Welsh Government's website](#).
- 2.2** The Plan has been developed to help:
- improve the lives of LGBTQ+ people
  - challenge discrimination
  - create a society where LGBTQ+ people are safe to live and be themselves.
- 2.3** The plan has 6 overarching aims to:
- Make equality and human rights for LGBTQ+ people stronger.
  - Challenge assumptions when services identify people or collect information about LGBTQ+ so they can plan and build services better.
  - Make the rights of LGBTQ+ people respected across all Government departments, local authorities and services.
  - Collect information better so it can be used to stop discrimination and inequalities in service.
  - Help services and their staff understand and support LGBTQ+ needs better.
  - Make the Independent Expert Panel permanent so it can check the plan is working and update it if needed.
- 2.4** The plan has 58 actions across the overarching aims (above) and 7 policy themes: human rights and recognition; ensuring LGBTQ+ people's safety; home and communities; improving health outcomes; education; workplace; and Covid-19 response.
- 2.5** Many of the actions will be undertaken by the Welsh Government. The Welsh Government will be looking at the laws in place, how they can work with and influence UK Government and how they work with the police, local authorities and other organisations to provide a stronger framework in which Wales operates to improve the lives of LGBTQ+ people. Within this framework, there is much for Local Authorities to do. This report outlines the work that Local

Authorities will need to be involved in, some of which we already do but other aspects will need to be put in place or developed further.

- 2.6 Human rights and recognition:** look at ways to stop asking for information like name, age or gender when it's not needed; raise awareness of human rights in LGBTQ+ communities; continue to vocally defend and promote the rights and dignity of trans and non-binary people in Wales to take a full and equal role in Welsh society at all levels.
- 2.7 Ensuring LGBTQ+ people's safety:** work with the Police to look at ways to build strong, trusting relationships in communities; work with the Police to find ways to support LGBTQ+ people better so they feel confident to report hate crimes; connect with the LGBTQ+, disabled and Black, Asian and Minority Ethnic communities to find out what issues they face to help the Police understand hate crime better and improve how they work; work with the LGBTQ+ community to find out why people don't report violence against women, domestic abuse and sexual violence (VAWDASV) then use this information to raise awareness and find ways to support people to report this type of crime.
- 2.8 Home and communities:** support LGBTQ+ community groups and organisations so people get the same quality of support from services wherever they live in Wales, including services in Welsh; with the Welsh Government, find ways to fund LGBTQ+ youth support services; work with services and organisations to find long-term funding to support LGBTQ+ young people, especially in rural areas; support LGBTQ+ events and use them to raise awareness of human rights and respect; promote positive role models of LGBTQ+ people – with a particular emphasis on the Democratic Renewal campaign to promote participation in democracy including standing for office; work with LGBTQ+ people, groups and communities to get more involved in Culture and Sport; have more LGBTQ+ people on forums; make sure homelessness services meet the needs of LGBTQ+ people; and ensure people claiming asylum get the support they require.
- 2.9 Improving health outcomes:** target public health services towards LGBTQ+ people who are at risk; work with NHS Wales, Social Care Wales and services to make sure staff have the right training to support LGBTQ+ people; check codes of practice and guidelines so they include the needs of all LGBTQ+ people; make sure future reviews of mental health services check how they support LGBTQ+ people, including young people; work with NHS Wales and trans communities to promote healthcare services so more trans people feel safe to use them.
- 2.10 Education:** deliver a curriculum that includes LGBTQ+; make sure training helps teachers and professionals to support LGBTQ+ young people and stop bullying; help families of LGBTQ+ young people, through 'Parenting. Give it time'; take into account new trans guidance for schools and Local Authorities when it is produced; continue to invest in hate crime prevention programmes and work with colleges and universities to ensure that they are LGBTQ+ inclusive environments for learners and staff.

- 2.11 Workplace:** a single approach to workplace training resources will be developed; there will be information for employers about the protections and responsibilities they have to make sure trans people have their rights; collect information about our workforce.
- 2.12 Covid-19 response:** look at the experiences LGBTQ+ people had during lockdown so we can help them recover.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Welsh Government's draft Plan and subsequent work for us as a Council will contribute to the achievement of the well-being goals, and in particular, will support progress towards the following:
- A more equal Wales - a society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).
  - A Wales of cohesive communities - attractive, viable, safe, and well-connected communities.
- 3.2** The Council's Strategic Equality Plan and its equality objectives align with the corporate well-being objectives so as to demonstrate the interconnectedness and contribution to overall well-being for residents of the Vale of Glamorgan. We will keep under review the actions under these objectives to ensure that they reflect our commitment to improve the lives of LGBTQ+ people.

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** There are no specific financial implications arising from the consultation on the Welsh Government's LGBTQ+ Action Plan for Wales. Implementation of actions arising from the Plan will be required to be undertaken within existing resources if additional funding is not forthcoming.

Section five of the draft consultation response provides the Council's response to financial resources issues.

#### **Employment**

- 4.2** Many of the actions arising from the Plan have employment implications with the aim of achieving fairer employment outcomes LGBTQ+ people.
- 4.3** Training will be required for council officers and members in a number of areas including understanding the issues faced by LGBTQ+ people.

## **Legal (Including Equalities)**

- 4.4** The Equality Act 2010 created a public sector equality duty, replacing the race, disability and gender equality duties. The duty came into force in April 2011. The duty covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. Under the general duty, public sector organisations must have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation;
  - advance equality of opportunity between different groups;
  - foster good relations between different groups.
- 4.5** The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership.
- 4.6** Action arising from this Plan falls within the public sector equality duty.

## **5. Background Papers**

- [Draft Plan](#)
- [Draft Plan – Easy Read](#)
- [A consultation for young people](#)
- [Recommendations of expert panel](#)
- [Integrated impact assessment](#)
- [Children’s rights impact assessment](#)
- [Consultation document](#)

## **Consultation questions**

The Action Plan has six main themes: Human Rights and Recognition; Safety; Home and Communities; Health and Social Care; Education; and the Workplace. We would like your thoughts on the proposed actions within each theme. You may want to comment on one or all of these areas.

Please use the following questions as the basis of your response. You are welcome to add additional comments or information if you wish.

### **Question 1**

**Do you think the Action Plan will increase equality for LGBTQ+ people and what do you think the priorities should be?**

Overall, the plan contains a set of well-intentioned priorities that could improve the lives of LGBTQ+ people provided that the right conditions are in place including policy, guidance and resources.

This action plan will make organisations / individuals think about how inclusive they are, how they need to increase awareness, and how they can change their practices, policies and behaviours. This will help to support people who identify as LGBTQ+ to achieve their full potential and feel safe to be their authentic selves.

We feel that there should be a number of priorities, as follows:

Encourage ongoing dialogue regarding the barriers that LGBTQ+ communities face.

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Create and sustain cultures where individuals can openly discuss their lived experience should they wish to do so, seek support, make suggestions and celebrate good experiences without fear.

Education and awareness raising to support people to have conversations without fear of offending and to be appropriately curious to learn about issues that LGBTQ+ people face. This would be for the benefit for people in work as well as those using services.

Build a better understanding of our population and the needs of our LGBTQ+ communities. This will help people to feel free to be open about their identity as well as feeling valued and respected for their contribution. We can then celebrate the diversity that this brings.

Improving the professional learning offer is a key priority as the teaching profession as a whole lacks confidence in this area and as a result there is a lack of equality in provision. Sufficient professional learning time and access to high quality materials and resources is needed to enable members of the teaching profession to create an inclusive LGBTQ+ environment and culture for learners and staff, and to support them to develop an inclusive LGBTQ+ curricula.

Providing national trans guidance for schools and local authorities is essential and well overdue. Individual local authorities have attempted to fill the void created by the absence of national guidance by creating their own guidance. This has left schools and LAs open to legal challenge in this very complex area.

### **COVID-19**

It is clear that the measures taken to reduce the impact of COVID-19 on public health has disproportionately impacted all vulnerable groups. This is



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particularly true of LGBTQ+ people and young people and therefore carrying out a full investigation into the reasons for this would be welcomed and could help inform future planning.

### **Question 2**

**Do you agree with the overarching aims? What would you add or take away in relation to the overarching aims?**

We agree with the overarching aims but the key to success is the completion of the proposed actions.

There could be more emphasis on strengthening the capacity and opportunity for better engagement and communication with LGBTQ+ people. This should include reference to the funding needed to support such programmes with a recognition of the value of the community cohesion role to contribute to sustainable change.

It is encouraging to see that refugees and those seeking asylum are included specifically.

We welcome the recognition of public sector workers to benefit from training and education to ensure greater awareness and confidence.

Intersectionality should be stronger and referenced throughout the aims, reflecting the need to approach people as individuals.

There should be a greater focus on children and young people. This should include how we raise our understanding and awareness so we are

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in a better position to support those who are exploring their identity. It is important that we understand the issues that are important to our young people and that we educate them to welcome and support diversity as they are our future.

### **Question 3**

**Do you agree with the proposed actions? What would you add or take away in relation the actions?**

We agree with the actions about LGBTQ+ and Safety but feel there could be more about the important work of the Local Authority or Community Safety Partnerships. There should be more emphasis on the importance of Community Safety Officers in developing improved relationships with and better outcomes for the LGBTQ+ community. This includes a commitment to making this role permanent and secure so that work with South Wales Police and other partners can continue. This will help us to better understand and therefore better engage with LGBTQ+ people and those with other protected characteristics.

Whilst it is appreciated that this is an overarching action plan and that more regional or local plans are likely to be developed, we would welcome some more specific commitments to what the intention and possibilities are behind the terms ‘work with, engage and target’.

The emphasis on professional learning and empowering professionals and young people to tackle phobic behaviour and practices is key. As stated above, time and resources are needed to provide professional learning for staff to create an inclusive LGBTQ+ environment and to develop an inclusive LGBTQ+ curricula. Sufficient professional learning time, contact

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with external partners who have expertise in this area, and access to high quality resources is needed. Time is also needed to work across the primary and secondary sectors to ensure that worked planned in relation to developing an inclusive LGBTQ+ curricula demonstrates appropriate progression.

As stated previously national trans guidance for schools is essential. Hate crime is a growing concern and investment in prevention programmes is welcomed.

The promotion of resources to support families and young people is welcomed but investment will also be required to develop such materials. The wording of action 49 requires changing to avoid confusion particularly in relation to the sentence “Give it time.”

### **Question 4**

**What are the key challenges that could stop the aims and actions being achieved?**

Lack of funding to execute the necessary engagement and consultation to create effective local plans and move them forward.

With regard to improving **health** outcomes:

- There is not enough emphasis on integrated health and social care teams supporting people, it feels like a very clinical/medical model.

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- We are particularly interested to explore undertaking targeted public health work to combat issues where LGBTQ+ people are disproportionately at risk, including substance use, sexual health and mental health (Action 36).
- We welcome Actions 38 and 39 which include consideration of the needs of LGBTQ+ people in competency frameworks and registering bodies. It is a good step forward that this is included as part of the inspection/regulation frameworks.
- We feel that Action 46 is very light in terms of social care. It is important that there is a joined-up multi agency/multi professional approach based on the ‘tell us once’ principle. There should be a joint front door for health and social care related services that will reflect the specific needs of LGBTQ+ people to have shared care arrangements given that the evidence indicates that health outcomes are disproportionately lower. This inequality in outcomes must be addressed.
- There is no mention of delivering services or assessments based on intersectionality, or how this can be captured and services developed to meet an individual’s needs. We think this is a missed opportunity.
- We still need to capture lots of data to fully understand our population’s needs – not just LGBTQ+ but all protected characteristics. We need to provide an enabling culture where citizens feel empowered to share this information. This would allow us to develop appropriate services to meet the populations health and wellbeing needs.
- The commitments and expected outcomes in Actions 58 and 57 need to be clarified. Action 57 identifies that there needs to be action for

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children and young people to address the impact of the pandemic. Yet in action 58, it says to commission a study to understand the impact of the pandemic, with no commitment to address the issues identified (which it does for children under action 57)

With regard to **Education**:

It will be important to ensure sufficient investment to develop a comprehensive professional learning offer is provided.

Schools are currently dealing with significant changes in light of the Curriculum for Wales, introduction of the ALN Act and addressing the impact of Covid-19. There is a need to ensure that there is sufficient time and space allocated for the professional learning that is needed in this area.

There is a significant gap in knowledge and understanding relating to LGBTQ+ amongst professionals working within education. Addressing this will not happen overnight and will require a cultural shift to take place to recognise the significance and importance of this area of work.

There is variability in the links that schools currently have with external partners who have expertise in this area. There is a need to ensure that schools are aware of the support that external partners can offer and that this is available bilingually.

Action 50 states a commitment to providing statutory national trans guidance for schools and local authorities. This is long awaited national guidance and should be a priority to ensure that the needs of children and

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young people exploring their gender identity are met in what seems to be an increasingly hostile environment in this regard.

### **Question 5**

**What resources (this could include funding, staff time, training, access to support or advocacy services among other things) do you think will be necessary in achieving the aims and actions outlined?**

To fulfil the aims and objectives, access to a range of resources will be needed including funding, staff, time, training, access to support or advocacy services.

We need sustainable and long-term funding for a role to address community cohesion. The difficulty and burden placed on roles where there is only a commitment to yearly funding makes it challenging to create and execute long term plans. Whilst there are many short-term actions that can improve equality for LGBTQ+ groups, a long-term strategy is needed to work on truly fostering positive integration and equality for all. This is equally applicable to all support services funded in this manner.

It would be useful if national training resources could be made available. We need training to help develop the right levels of awareness, understanding and information.

There needs to be support to equip existing organisations to be fully open and accessible to those with protected characteristics. We do not feel that specialist services are necessary, but workforce development to improve understanding is essential.

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### **For Education:**

As stated previously providing adequate funding and time for professional development will be essential if meaningful progress is to be made.

Time is needed for teachers to work on a school / local / cluster level to review and refine their curriculum in order to develop an inclusive LGBTQ+ curricula. Time is needed for primary and secondary schools to work together to ensure that there is appropriate progression in the curriculum that is being planned.

It would be useful for schools to have a directory of external partners who could support work in this area as well as examples or case studies of effective practice across different sectors.

## **Question 6**

**Do you feel the LGBTQ+ Action Plan adequately covers the intersection of LGBTQ+ with other protected characteristics, such as race, religion or belief, disability, age, sex, and marriage and civil partnership? If not, how can we improve this?**

It is positive that the plan covers intersectionality, however, we feel that this could be strengthened. We need to understand the population more, how impacts affect the different intersections of the protected characteristics and how to address this appropriately.

These intersectional issues are complex and can create tensions between different interests which can be problematic and hinder positive change.

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We are not sure how much of the research referred to reflects the experience of children and young people. Although we note the need to consider younger people in the actions, we wonder if there should be greater consideration as to how that would be done.

### **Question 7**

**We would like to know your views on the effects that these proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

**What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

We do not believe that there would be any specific impact on the Welsh language from these proposals.

### **Question 8**

**Please also explain how you believe the proposed policy approach could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**



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It would appear that the Welsh language has been considered in terms of it being treated in no less favourable a way than the English language and no adverse effects on opportunities to use the Welsh language have been identified.

### **Question 9**

**This plan has been developed in co-construction, and discussions around language and identity have shown that the acronym LGBTQ+ should be used. This stands for lesbian, gay, bisexual, transgender and queer/questioning people, with the + representing other sexual identities. As a result we refer to LGBTQ+ people in the Plan.**

**What are your views on this term and is there an alternative you would prefer? Welsh speakers may wish to consider suitable terminology in both languages.**

We feel that the term we use should be determined by individuals who are LGBTQ+. Therefore, if the consultation outlined has been extensive and informed by a representative group of LGBTQ+ people, then it is appropriate for the current iteration of the Plan. We understand that language and views change, so it is appropriate that this will be kept under review and revised as appropriate in future revisions of the plan.

### **Question 10**

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**We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

We have no other issues to comment on.

### **Name**

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**Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.**