

Diversity Unit

Equality Screening and Impact Assessment

February 2022

Contents

Contents.....	2
Equality Screening and Impact Assessment.....	3
Introductory Guidance	3
What is it?	3
Why do we do it?	3
When should we do it?.....	3
How do we do it?	4
North ern Ireland.....	5
Wales	5
Procedural notes.....	6
Part 1: Equality Screening	7
Policy Details	7
Background.....	7
Equality Screening Questions	8
Deciding if an Equality Impact Assessment is necessary	8
Record of Decision.....	9
Procedural notes.....	9
Part 2: Equality Impact Assessment (EIA).....	10
Section 1	10
Section 2.....	12
Sign-off by Policy owner	37
Procedure Note.....	37
Annex A: Policies with an impact in Northern Ireland	39
Record of Decision and Sign-off by Policy Owner.....	40

Equality Screening and Impact Assessment

Introductory Guidance

What is it?

Equality screening and impact assessment (ESIA) helps us consider the effect of our policies and practices¹ on different people. It helps us minimise negative impact and potential discrimination and promote opportunities to advance equality, inclusion and good relations between different groups of people.

It is deliberately a time and resource intensive process because it encourages us to slow down and build in perspectives from a range of different people.

There are **two** main parts to equality screening and impact assessment.

- **Part 1 (Equality Screening):** The first part of the form presents a set of equality screening questions. These questions help determine whether the policy is relevant to equality and whether it needs to go through an equality impact assessment.
- **Part 2 (Equality Impact Assessment):** The second part of the form, is the equality impact assessment. This is where a panel of people review the proposed policy, particularly thinking about its impact on different groups of people, trying to identify and counter any potential negative impact and promote any opportunities to enhance equality. The panel suggests actions for the policy owner to adopt.

Why do we do it?

The process helps us improve our policies and build equality into our work. Equality screening and impact assessment (ESIA) helps us consider the potential impact of what we do on different groups who are susceptible to unjustified discrimination, some of whom are legally protected against this, whether by UK or other law. It helps us demonstrate that we have proactively considered equality when developing our policies.

When should we do it?

Assessing the impact on equality should start early in the development of a new policy or review of an existing policy. Assessing the impact on equality should be ongoing rather than a one-off exercise because circumstances change over time, so equality considerations should be taken

¹ Consistent with its broad definition in Section 75 of the Northern Ireland Act and other equality legislation, this guidance uses the term 'policy' as a shorthand for policies, practices, activities and significant decisions about how we work and carry out our functions.

into account both as the policy is developed and also as it is implemented. The guidance here is to help assess the impact on equality before the policy is implemented.

It takes some time to properly set up an equality impact assessment meeting if one is needed, so the equality screening questions should be considered as early as possible once the policy is drafted. If an equality impact assessment is required it will take a little time to identify a chair, a note-taker, a diverse panel and to set up the meeting arrangements.

In addition once the meeting has taken place there are likely to be actions to be implemented before the policy is launched. All this needs to be considered when determining the best time to address equality screening and impact assessment.

When we are implementing a policy that has been developed elsewhere, for example by a government department, or by a partner organisation we also need to assess the impact on equality. Although responsibility for the policy itself rests with the organisation that developed it, we may have choices in how it is implemented that can help eliminate potential discrimination and promote equality, inclusion and good relations.

How do we do it?

Consider the purpose of the policy, the context in which it will operate, who it should benefit and what results are intended from it. Reflect on its potential impact on people with different equality categories and think about which aspects of the policy, if any, are most relevant to equality. Answer the equality screening questions to determine whether an equality impact assessment meeting is necessary.

If an equality impact assessment panel meeting is necessary, identify someone to chair the meeting, and someone to take the notes. The chair and note-taker play a crucial role and specific guidance has been developed to support them:

- ESIA Guide for Chairs;
- ESIA Guide for Note-takers

A diverse panel should be approached, including a range of colleagues from different teams / departments / countries / regions as appropriate, some of whom should be directly involved in or impacted by the policy.

Panel members should be sent the part-completed ESIA form (i.e. Part 1 and Section 1 of Part 2) and the policy documents, giving them at least a full week to read them and prepare for the meeting.

We particularly focus on the following equality categories (many of which are protected by equality legislation in the UK and beyond):

- Age
- Dependant responsibilities (with or without)
- Disability

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- Gender including transgender people
 - Marital status / civil partnership
 - Political opinion
 - Pregnancy and maternity
 - Race or ethnic origin
 - Religion or belief, and
 - Sexual identity / orientation.

Invariably there are other areas to consider including socio-economic background, full-time / part-time working, geographical location, tribe / caste / clan or language, dependent on the country.

We also encourage consideration in support of our commitments towards decolonisation, particularly thinking about tone and positioning of the UK and other countries, especially but not only when policies are being developed from the corporate centre. The aim here is to raise awareness of colonial privilege so it can be avoided.

There should be reflection on what is being proposed against the organisation's values (open and committed; expert and inclusive; optimistic and bold).

The impact assessment panel meeting must be held, and Part 2 of this tool used, when you still have time to make changes, otherwise it does not have real value. As such the panel meeting should be held **at least one month** in advance of the planned implementation date for the policy.

After the meeting the action points identified by the panel are reviewed by the policy owner and implemented as appropriate. The policy owner confirms implementation of the action points or provides a planned date for implementation (and outlines a justification for any action points that won't be taken forward) and then signs off and sends the completed form to the audit inbox for audit by the Diversity Unit.

Northern Ireland

There is specific legislation in Northern Ireland which requires a more detailed process of equality screening and impact assessment for policies that are deemed to have high relevance to equality. This includes external consultation with relevant contacts and organisations. Given this, there is a need to confirm whether the proposed policy affects anyone in Northern Ireland. **If it does, all parts of the form need to be completed and the guidance at Annex A must be read and followed.**

Wales

As a public body operating in Wales there is a legal requirement for us to produce any information intended for the general public in Wales in the Welsh language. Therefore there is a

section in the form seeking confirmation of whether the Welsh public will be affected by the proposed policy.

Procedural notes

Please note, the document will be considered invalid for audit if not correctly completed.

- Complete Part 1 (Equality Screening) ensuring the Record of Decision is signed and dated by the policy owner (a digital signature including typed name is acceptable)
- If Part 2 (Equality Impact Assessment) is required progress to Part 2
- If Part 2 (Equality Impact Assessment) is **not** required, submit the Part 1 (Equality Screening) form to the ESIA inbox for audit by the Diversity Unit.

Submitted tools which pass the audit are uploaded to SharePoint and form part of a database of examples accessible by colleagues.

The audit process informs Diversity Assessment Framework (DAF) moderation in relation to the use of EDI planning tools. Please note this applies only to full use of the ESIA i.e. Parts 1 and 2. Any uses of Part 1 only do not count towards the DAF and are not uploaded to SharePoint.

Part 1: Equality Screening

Policy Details²

Title of policy	Changing how we monitor sex and gender on MyHR
Name of policy owner	Jane Franklin / Andy Phillips
Planned implementation date	1 November 2024

Background

Provide brief background information about the policy or change to it. Include rationale, intended beneficiaries and expected outcomes. Use as much space as you wish, the table below will expand as you enter information.

It has become clear that one of the changes previously made to MyHR is problematic. It is what is currently called the gender data, which gives options of female, male and other. This was an attempt to be more inclusive and enable people who are transgender, intersex or non-binary to have options beyond the binary categories.

However, because this data is used for calculating tax and benefits and in some instances these are dependant on sex, the category of 'other' was being rejected by the agencies that administer some of the benefits.

There is also a wider issue which is the conflation of sex and gender with our equality monitoring which is increasingly being noted as a cause for concern.

Therefore the proposal is to amend the headings and the categories on MyHR, to separate sex and gender and to explain exactly what is required and what the data will be used for in each section.

The sex data will be mandatory and will be used to determine individual benefits and employment-related matters as well as to monitor numbers of women and men working in the British Council, to calculate pay gaps and to monitor progress against equality targets.

The new gender category will have a wide range of options, including 'no gender' and will capture gender identity or the sense of self that many people have, which may or may not align to their sex. This data will be optional and will build over time. It will help inform decisions about facilities and policies when it is of sufficient data quality, as well as allowing a more nuanced picture about the British Council workforce and gender.

² Consistent with its broad definition in Section 75 of the Northern Ireland Act and other equality legislation, this guidance uses the term 'policy' as a shorthand for policies, practices, activities and significant decisions about how we work and carry out our functions.

Equality Screening Questions

To determine if an EIA is necessary, please answer the following by ticking yes, no or not sure:

Question	Yes	No	Not sure
Is the policy potentially significant in terms of its anticipated impact on employees, or customers / clients / audiences, or the wider community?			X
Is it a major policy, significantly affecting how programmes / services / functions are delivered?		X	
Might the policy affect people in particular equality categories in a different way?	X		
Are the potential equality impacts unknown?	X		
Does the policy have the possibility to support or detract from our efforts to promote the inclusion of people from under-represented groups?	X		
Will the policy have an impact on anyone in Northern Ireland?	X		
Will the policy need to be communicated externally in Wales and therefore translated into Welsh?		X	
Total responses Yes / No / Not sure	4	2	1

Deciding if an Equality Impact Assessment is necessary

If all the answers to the questions above are 'no' then an equality impact assessment is not needed. Please move to the '**Record of decision**' section below and record confirmation of this by indicating "is not required".

If you answered 'yes' to any of the questions, then an equality impact assessment is necessary. Please move to the '**Record of decision**' section below and record confirmation of this by indicating "is required" **then progress to Part 2**.

If you did not answer 'yes' to any of the questions but there are any 'not sure' responses then please discuss next steps further with the Regional EDI Lead or with the Diversity Unit, who will help you decide if an equality impact assessment is necessary.

Record of Decision

I confirm an equality impact assessment is required .
Policy Owner (Name): Jane Franklin
Policy Owner (Role): Interim Global Head EDI
Policy Owner (Signature): Jane Franklin (A typed signature is sufficient)
Country / Business Area and Region: Diversity Unit
Date: 24 October 2023

Procedural notes

Note 1: If an equality impact assessment **is required**, please complete Part 2, Section 1 and send this part-completed form to the panel along with any relevant background documentation about the policy **at least one full week** prior to the EIA meeting. This should include the draft policy and any supporting data or relevant papers.

Note 2: If an equality impact assessment **is not required**, please send this screening section (i.e. Part 1) of the form to the audit inbox for audit by the Diversity Unit.

Part 2: Equality Impact Assessment (EIA)

Section 1

This section is to be completed before the EIA panel meeting and sent at least **one week** in advance to the panel along with the policy and other relevant documents.

Title of Policy	Changing how we monitor sex and gender on MyHR
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1. Please summarise the purpose of the policy, the context in which it will operate, who it should benefit and what results are intended from it.

The purpose of the change is two-fold. One to correct a problem which was unintended and exists because of the introduction of the 'other' category when monitoring gender on MyHR.

The other is to use this opportunity to extend MyHR to allow us to capture sex and gender data and to do so separately, whilst only gathering the information of relevance.

This will affect all colleagues globally who have access to MyHR – which is all British Council employees. Importantly, what is being proposed here is not being proposed as an answer to how all sex and gender monitoring undertaken by the British Council is carried out. Separate guidance will be issued around monitoring sex and gender of external participants and contacts which will be developed by Diversity Unit, Dedicated EDI Leads and the Gender specialists within Cultural Engagement.

The changes to MyHR aim to ensure the personal information gathered about employees is framed appropriately and accurately. The changes will help end the previous and widely-prevalent tendency to conflate sex and gender and use them interchangeably. There will be options within MyHR for colleagues to respond as they wish (which includes not responding at all and also responding by saying 'no gender') to the gender category, regardless of whether this aligns to their sex. Responses to the sex question will be determined by the law in the different countries in which we operate.

2. Please explain any aspects of the policy you've been able to identify that are relevant to equality. This will contribute to the equality-focused discussion the panel will have.

This change is highly relevant to equality. It is especially relevant to people who hold gender-critical beliefs, which are protected by law, as well as those who hold a non-binary or fluid gender identity, and those who are intersex and transgender.

In some countries there is legislation protecting the rights of people who hold a non-binary gender identity. In others there are targets for the employment of transgender people. In many countries there is persecution and discrimination facing those who hold a minority gender identity, or who are transgender or intersex.

Some individuals hold strong feelings about the erosion of women's rights in particular and a concern that enabling self-identification of gender is problematic and to be avoided. These beliefs are known as gender-critical beliefs. They are protected by law in the UK and in some other places.

All of the above, and more, indicates the complexity surrounding this area and the need to consider the implications of what is being proposed carefully and in an atmosphere of respect, that promotes dignity for all people.

3. Please outline any equality-related supporting data that has been considered. This could include consultation with Trades Union Side or staff associations, equality monitoring data, responses from staff surveys or client feedback exercises, external demographic and benchmarking data or other relevant internal or external material.

There has been quite a lot of consultation which has informed the information that will be presented to the equality impact assessment panel. This includes:

- Regional HR teams who have reviewed the proposal, made comments and have provided information about the countries in their region which have more than two options for legal sex
- Cultural Engagement's Gender Team and their external advisors
- The working group who supported development of the Transgender and Intersex Inclusion Guide and case study contributors
- The internal working group who advocate for sex-based rights
- a:gender, an employee network supporting trans and intersex civil servants in the UK
- SEEN, an employee network supporting sex-based rights across the UK civil service.
- IGRM (Information Security Governance and Risk Management) team

Feedback provided has informed iterations of the proposal and/or will be presented to the panel.

Section 2

This section captures the notes of the Equality Impact Assessment panel meeting.

Title of Policy³:	Changing how we monitor sex and gender on MyHR
Date of EIA Panel Meeting:	7 November 2023
Name of Panel Chair:	Hafiz Furqan Bashir

1. Please list the names, roles / business areas and geographical location of the panel members. If contributions have been received in writing by people who could not attend please list their details too and note 'input in writing' by their name.

Policy Owner:

- **Jane Franklin**, Interim Global Head of Equality, Diversity and Inclusion, UK – Policy Owner

ESIA Chair:

- **Hafiz Furqan Bashir**, Regional Head of Equality, Diversity and Inclusion Middle East and North Africa, UAE – ESIA Chair

Note taker:

- **Popi Fasianou**, Interim Senior EDI Project Lead, Diversity Unit, Greece – Note taker

Panel Members:

- **Yahya Al-Khalli**, Business Operations Manager, Yemen
- **Stuart G. Anderson**, Chair of the British Council European Works Council and Teacher, Spain
- **Gillian Cowell**, Head, Gender and Inclusion, UK
- **Catherine Gater**, EDI Programme Manager, English and Exams, UK
- **Elham Gharib**, Consultant Schools Global Programme, UK
- **Vicky Gough**, Senior Consultant - Schools global programme, UK
- **Jonathan Gray**, Global Data Protection Officer (IGRM), UK
- **Asmaa Ibrahim**, Programme Management Officer Transformation, UAE
- **Ian McAuley**, Head of Customer Relationship Management CRM, UK

³ Consistent with its broad definition in Section 75 of the Northern Ireland Act and other equality legislation, this guidance uses the term 'policy' as a shorthand for policies, practices, activities and significant decisions about how we work and carry out our functions.

- **Michael O'Donnabhain**, Head of Operations Data Management English and Exams, UK
- **Erewarifa Okoluko**, Change Coordinator (Transformation), Nigeria
- **Liis Raudsepp**, British Council European Works Council representative and Project Manager, Estonia
- **Juanf Rodriguez**, EDI Manager for the Americas, Colombia
- **Sonja Uhlmann**, Safeguarding Manager and EDI Country Lead, Spain
- **Angela Yausheva**, Regional CE Operations Coordinator Wider Europe, Russia

Written feedback from:

- **Paul Clementson**, Country Director, Korea
- **Medy Wang**, Head of Equality, Diversity and Inclusion Cultural Engagement, China

2. Summarise the main points made in the discussion, noting which documents were reviewed. Note any points relating to clarity / quality assurance as well as points relating to equality issues.

Document(s) reviewed:

- Changing how we monitor sex and gender in the British Council v7 for ESIA
- ESIA Monitoring Sex and Gender on MyHR

Welcome and introductions

Each member of the panel introduced themselves, including their role and EDI-related experience

Setting context and providing clarifications

The Chair explained the roles, the process and that the purpose of the meeting was to focus on equality, in particular any potential for negative impact and any opportunity to promote equality and inclusion.

The Chair invited the Policy Owner to explain the context and give a brief overview of the policy. The Policy Owner explained that today's meeting is around a proposal to change the way that we monitor sex and gender on MyHR and clarified that the focus is only on that, not how data is monitored more broadly. The way that we are currently collecting data is problematic, as it gives the options of male/female/other. There are benefits tied to this category and the problem cannot remain. She explained the proposed changes and how the collected data will be used in the shorter and longer term. She clarified that the 'Changing how we monitor sex and gender in the British Council' document, version 7, will be used for the purposes of this meeting and mentioned that all regional HR teams have been consulted. The Chair invited questions from the panel.

Current categories on MyHR

A panel member asked whether the original set of categories on MyHR had gone through an Equality Screening and Impact Assessment before their set up. The Policy Owner responded that most probably they had not gone through an ESIA, and explained that some categories were long-standing ones, some others have changed, and others have become issues.

Nature of the current problem

Following up, the Chair asked for clarity on the exact nature of the problem. The Policy Owner explained that if colleagues ticked 'Other' and they were based in the UK, they would need to clarify their legal sex. It is a requirement that their data is passed on to the relevant government department that deals with pensions and benefits, and their sex-related benefits. She added that in certain countries there are only two legal sexes.

Provision of information by HR departments

A panel member asked how HR information was acquired from countries where there is no HR department. The Policy Owner clarified that regional HR managers were contacted and asked to look at all the countries in their region; they were also asked to identify if any of these countries had more than two legal sexes. The panel member provided written feedback after the meeting: 'Perhaps there is a possibility to consult networks and working groups in specific countries, which are not in the UK, as well. Especially, in countries where there are potential conflict/persecution/legal issues with gender identity. As we discussed during the meeting, regional HR teams might not have a deeply nuanced overview of local laws or attitudes (in regard to countries with small teams and no direct HR responsible people)'.

Monitoring in countries outside the UK

A panel member asked how the new system will look in countries, other than the UK, particularly in MENA. His understanding is that there will be a drop-down list according to country legislation. The Policy Owner explained that most countries will have male/female, as they have two legal sexes. She added that there is a small number of countries where documentation may be needed and allowance for a third category that could be called 'third' or 'X' or so. She provided more clarity about legal documentation and legal status in the UK. The panel member asked whether it is possible to have two options in MyHR, one that would allow you to indicate your legal status and another to indicate how you identify yourself. The Policy Owner explained that there will be two categories: 'legal sex', i.e. how one is recognised legally, which will be mandatory; and 'gender', which will be optional.

A panel member indicated that, within a country, there may be different laws in different communities/nations and asked whether this has been explored as well. He added that regional HR may not be aware of these variances. The Policy Owner responded that, to her knowledge, extensive research into each country was carried out in some regions by regional HR. The Chair added the example of a federal government within a country in South Asia, where the country has three legal sexes and the federal government only two. The Policy Owner agreed that this needs further probing and added that due to transformation there will not be any immediate changes to MyHR, so there will be plenty of time for proper research to

ensure that each country will see the appropriate categories. She clarified that this will be for countries and locations in which we are operating, not others.

A panel member asked for more clarity about the options that will be available within each country and whether this will be done by default or according to the actual country. The Policy Owner responded that to her knowledge, there will be customisation. Male/female will be a global category available in all countries and a third category (e.g. 'other') will be available where there are more than two legal sexes. The Policy Owner confirmed that this will be customisable according to the actual country.

The 'Legal sex' category: name of the third option

The panel member further queried the name of the third category and asked whether this will also be customisable. For example, different countries use different names that reflect local legislation, and these are better understood by people in these countries. He added that there may be a better term than 'other'. The Policy Owner responded that we need to be careful with how we set out the categories, so as to be able to aggregate and use the collected data. She added that this question will be referred to Andy Phillips and his team as the categories will be determined by them.

Another panel member added that it would be preferable to find a term that would not directly 'other' people and would be more palatable to staff, without compromising data aggregation. The Policy Owner mentioned that Equaldex provides a comprehensive list of countries, categories and their names and we probably need to go with the majority for aggregation purposes. The Policy Owner added that there will be need for a set of guidance, more user-friendly than the one currently offered via MyHR. She suggested guidance being available on Sharepoint and socialising it through messages. She confirmed that she will further explore wording and have a discussion with Andy Philips about aggregation and customisation.

Link to the EDI KPIs

The Chair asked whether the relevant EDI KPI will still be called 'gender balance' and whether it will be affected in any way. The Policy Owner explained that the target is to have 50% of women at senior level roles, on the basis that there are more women than men in the organisation overall. The other 50% could be the aggregate of the 'male' and 'other' categories. She added that in the longer term and as the data builds, the 'other' category will need to be monitored and cross-tabulated. She confirmed that the EDI KPIs will continue to be called 'targets'.

Use of terminology

Gender and sex have been used interchangeably for many years and it is very complicated to disentangle them. A panel member argued that the gender pay gap is called as such because a lot of the reasons for the disparities are cultural and socially constructed issues, not based on the biological and legal effects of the individual. She also provided further clarifications about gender strategies and gender gaps. Another panel member argued that pregnancy, which is a biological issue, impacts significantly on gender pay gap as women take time off for

pregnancy and primary care. To that, the other panel member responded that being a primary carer is not necessarily biological but rather a role that is socially determined.

Legal basis for related benefits

A panel member asked to what extent it is a legal requirement to collect data on legal sex, as there is a direction towards co-responsibility and no difference in treatment between male/female. They asked whether it is a solid legal necessity to ask for 'legal sex' data in all the countries where we operate or it is a UK-driven necessity. The Policy Owner confirmed that research related to 'legal sex' is what regional HR departments have been consulted about, but she would investigate further.

A panel member provided written feedback before the meeting: 'In terms of 'calculating tax and benefits' mentioned in the 'Background' section, it might be helpful to outline here what are the cases or even a few more examples of where data is used to calculate tax and benefits and how it is used, so discussion can go in more depth to consider equality impact. In some cases, if we find out that actually the decision factor not only sit within the British Council through MyHR, but also with the commissioned external agencies, then plans can be taken into consideration to do with other parties as well.'

Transparency and clarity of communications

Another panel member highlighted the importance of transparency in relation to this and other categories, ensuring that colleagues understand the reason we are doing this and how the collected data will be used. In his view, it is important that this is linked to all other national legislations. The documents reviewed by the panel make it clear that there is a legal issue. He highlighted there is also the need to ensure that the reasons for collecting gender data are equally clear to colleagues and the need for clear communication that this is entirely voluntary.

A panel member argued that the onboarding process for new staff is important and suggested socialising the reasons for gathering data to hiring managers. The Policy Owner agreed that onboarding is crucial, as new colleagues often do not know what type of data they are asked to provide and for what purpose.

The 'Gender' category: name, options, communications and ordering of categories

A panel member suggested to rename the 'gender' category to 'gender/gender identity' for better clarity. [More details can be found under the 'Different ages' equality category below, p. 20.]

The Chair invited the Policy Owner to comment on that. The Policy Owner invited views from the rest of the panel members on whether we should have 'legal sex' as one category, and 'gender/gender identity' as the other category. She explained that these terms are politically loaded in some parts of the world, and this may be confusing. In the UK, there is resistance to using the term 'gender identity' from the transgender community, as for them, gender is about

their sense of self and one does not need to say 'my sense of self *and* identity'. For others, it is helpful to distinguish that we are referring to gender identity rather than gender norms or gender roles; it is about how one sees themselves, what their identity is.

A panel member asked whether the category of 'gender/gender identity', will have an option for open text. The Policy Owner explained that there will be specific categories on the form (these are listed in 'Changing how we monitor sex and gender in the British Council v7 for ESIA'). The reason is that open text would make analysis impossible, and the whole process would become very problematic. The proposed categories are fixed, but quite broad. The panel member asked whether a list of specific options, instead of a wide array of possible options, would make some people feel excluded. The Policy Owner responded that the reason for doing this is that we can start to see where people are based within the organisation and whether there are any barriers to progress for people who identify with different genders at different points. This may prompt mitigating action, e.g. facilities, sessions and recordings of these etc. The Policy Owner reconfirmed the importance of clarity about the purpose of this category and the use of data. The Chair suggested that there is a description/definition for each of the options in the 'gender' category to enhance clarity during completion, and the Policy Owner said this could be considered, as it was previously done in the equality monitoring forms.

A panel member asked whether the 'none' option will be available in the 'gender' category, for people who do not believe they have a gender identity. The Policy Owner confirmed that this will be available.

A panel member wondered whether we can be imaginative with the titles, e.g. 'legal sex' and 'how you see your gender'. He agreed with the Policy Owner that holding sessions before launch would be helpful and suggested that a route for people with enquiries may also be helpful. He agreed with the Chair that it would be helpful to have definitions of terms and suggested to proactively have the communications reviewed by a person who has not got English as their first language. This would additionally be helpful especially as there may be contradictory definitions. The Policy Owner agreed that these are all helpful points.

A panel member referred to the question of whether we should have 'gender' or 'gender/gender identity' and argued that 'gender identity' has more clarity. For example, a Google search shows more commonality in the definition of 'gender identity' rather than 'gender'. Within the Gender and Inclusion team, 'gender' is about the socially constructed roles and norms, which is distinct from a sense of self. She mentioned that Stonewall, uses the term 'gender identity' about one's own personal feeling, and that she would be drawn to heading this category 'gender identity' or to alternative wording, e.g. 'how do you define your own gender'. The Policy Owner said that she would discuss the use of creative headings, e.g. 'how you see your gender/gender identity' with Andy Phillips.

A panel member highlighted the importance of having consistency with other tools used to collect data, e.g. the staff survey. From her experience, quite often there is discrepancy

between data given officially and data provided anonymously. She also suggested that we may need to search the reasons that colleagues are not engaging with the data. She noted a correlation between more complexity leading to more accurate data, but wondered whether complexity discourages people. She also wondered whether there is a trust issue that we need to address. The Policy Owner found this a good idea.

A panel member agreed with the idea of having a question rather than a single word. Also, for them, slashes may show uncertainty. They made a point that trans or non-binary people would welcome the fact that more options than male/female are available, and it would not be confusing. They argued that this is probably a good opportunity to educate the rest of the organisation around these terms. They welcomed the explanations given in the document about intersex being a gender category, although it is not. They also pointed that there is difficulty in the English language to talk outside binary, which is not necessarily the case in a lot of other cultures around the world. The Chair agreed about the importance of language and the meaning of different terms in different languages.

Another panel member argued that the difference between sex and gender is a spectrum and that, in their opinion, English is somewhere in the middle. They also raised the point of ordering of questions and noted that if the question about 'legal sex' is first, then people might feel excluded. They suggested that the 'gender' question is first or, if the 'legal sex' question is first, to mark that the question about 'gender' will follow. The Policy Owner presumed that we can be flexible about the ordering of questions and said that she would discuss with Andy Phillips. She also noted that this part may even be populated automatically by the documents submitted when joining the organisation and that she would clarify this as well. The panel member wondered how this is modified if one changed their legal sex. The Policy Owner said this would be done on the basis of documentary evidence provided by the individual and validated by HR. This holds for other categories, e.g. change of name, change of nationality, whereas in other categories, e.g. religion, disability status, this is done directly by the individual.

Data security, GDPR and related risk

A panel member asked whether safety of data outside the work environment has been considered, for example when a member of staff with access to this data leaves the organisation. The matter of data security, especially sensitive data, is crucial. The Chair agreed that it is crucial, for example when covering for an HR staff, and he added that it carries potential danger for people in some countries.

A panel member followed up on the matter of data security and said that, although the purpose of collecting sex data is understandable, the purpose for the gender category is not clear. They asked whether the data is linked to the individual or it is collected for statistical purposes. If the latter, the question is who will have access to it and there is an issue of trust. The Policy Owner explained that a very limited number of HR people have or will access to it, similarly to other sensitive personal data such as religion and sexual orientation. She clarified that it will be the People Insight team who produce aggregated data after it has been

anonymised. She clarified that line-managers will not have access to it; protection that currently holds for other categories, will hold for this category.

The same panel member asked whether data will be shared across borders. The Policy Owner said that it is held on MyHR under EU data protection laws, and nothing will be done differently. An action point is to check on data security that holds for MyHR as a whole and mentioned that there are Frequently Asked Questions available that explain the purpose of equality monitoring. She asked whether there is a particular concern for sharing across borders and the panel member responded that this is a more general consideration. The Chair added that sometimes when individuals change roles within the same or different regions, continue to have access linked to their previous roles. The Policy Owner said that all points are noted and reconfirmed that data security that holds for MyHR will be discussed with Andy Phillips for provision of reassurance.

Another panel member confirmed that, in terms of GDPR requirements, access to EDI data is restricted only to colleagues who necessarily need that to do their job. This is quite a high bar, as this is some of the most sensitive information that the organisation holds. Data Protection Act requirements weigh heavy on the British Council, including international data transfers. The panel member confirmed that MyHR has undergone Data Protection Impact Assessment (DPIA) and provided clarifications about data transferring borders and the current regime between the UK and EU. They underlined the importance of ensuring that EDI data is accessed only by the right people and invited the panel to raise incidents with GSD and IGRM, if they notice any.

A panel member raised the issue of risk related to holding sensitive data linked to people on MyHR, rather than collecting this data anonymously. They also referred to real-life examples of incidents where people maliciously publicised sensitive data after they had been laid off. They also highlighted the importance of useful data and wondered whether there is a better way of capturing useful data in an anonymised way, especially in countries where there is a higher risk related to this type of data. They suggested that only data related to the legal sex is collected via MyHR and the rest of the data is collected in a way that would entail less risk. The Policy Owner agreed that there are other ways of collecting data that would probably get more people engaged, but questioned whether this would result in better data as it would be impossible to track it to individuals. She wondered whether this is riskier than other equality areas, for example religion, disability etc. She reminded the panel that this category will be optional and as an alternative she suggested triangulation of data collected via MyHR with that collected through other tools, for example the staff survey.

Another panel member wondered whether complete anonymity exists and argued that by tracking this data we can also track the impact of our work and the measures that we are taking. She added that gathering this data through MyHR enhances the visibility of people in categories other than male/female.

Another panel member agreed that anonymous data is difficult to analyse and wondered whether this is an opportunity to explain better the work around the MyHR process. He made the point that a lot of pressure is put on MyHR and its administration.

A panel member wondered whether anonymity could be breached when data could be tracked down to the original individual, especially if they are part of a small team and we are following their progression in the organisation. The Policy Owner confirmed that there are protocols and fewer than five people in one category are not reported.

Another panel member remarked that similarly to safeguarding policies, we minimise the risks involved to be able to have achievements that have a big impact on people's lives. The Chair agreed that it is important to have mitigations in place to minimise risk, and as the Policy Owner explained, these exist.

The Chair invited the panel to focus on each equality category with the purpose to identify any potential for negative impact and any opportunity to promote equality and inclusion.

Equality categories

(this section should be read in conjunction with Section 3; written comments were provided after the meeting, due to lack of time to cover all categories)

Different ages (older, middle-aged, young adult, teenage, children; authority generation; vulnerable adults)

A panel member said that the difference between 'sex' and 'gender' may not be understood by many people. People may need a lifetime to understand 'gender' and a lot of people, who do not fit into the binary gender categories, are impacted by this. People may not realise it at an early age, it can affect them later in life. There are changes happening in our society and the world, and different generations and age groups view gender differently. Older people have different ways of looking at gender. The panel member wondered whether employees in different age groups will be able to understand what the categories on MyHR will mean essentially.

Another panel member said that we need to acknowledge that for people who grew up with 'gender' being an alternative word for 'sex', this will be quite confusing. He suggested that we have 'gender/gender identity' for better clarity. He pointed out that the panel may well understand the nuance and terminology, but across our global organisation where English is a global shared language, 'gender' is understood in English as an alternative to 'sex'. He added that we need to clearly explain, if we want good data. In his view, in the UK, we can collect good data in this category from younger rather than older people, and there is the risk of slumping the overall data. [This comment triggered further discussion captured under the heading 'The 'Gender' category: name, options, communications and ordering of categories' above.]

A panel member noted that people may have a better understanding of their gender identity with age. They referred to Colombia where there are now three legal categories (male/female/non-binary), and young adults change to 'non-binary'. For them this is not a fixed category in the sense that it can change when more options are offered. The Policy Owner agreed that this is the case in other countries, and it can change on the basis of documentary evidence.

Different dependant responsibilities (childcare, eldercare, care for disabled and/or extended family)

A panel member asked whether there are different dependant responsibilities benefits for men and women. The Policy Owner clarified that benefits linked to retirement age may be different for male/female. Also, other benefits, for example related to maternity and paternity that depend on one's legal sex. Same-sex couples can claim shared parental leave.

Disabled people (physical, sensory, learning, hidden, mental health, HIV/AIDS, other)

A panel member remarked that this could have a positive impact on people's mental health, as people who had been negatively impacted by having been misgendered for a lifetime, would feel 'seen' and enabled to be themselves at work.

A panel member mentioned that some practitioner groups find a higher incidence of gender questioning within the neurodivergent community, although there is not hard data. In this context, making people feel 'seen' can have a positive impact on this community as well.

A panel member wondered whether there would be a negative impact and potential for harm for people who would not identify with the gender/gender identity options given. The Policy Owner said that some of the actions already indicated (sessions, recordings, facilities, point of contact) would mitigate for this. The panel member also made the point that terms change over time, and it would be helpful if there was an 'Other' option with open text. The Policy Owner said that she would discuss the 'Other & please specify' option with Andy Phillips. The Chair noted that there may be an opportunity to learn by monitoring this as the data builds. The Policy Owner agreed and noted that, as happens with the Census, a popular response may become a category.

Different ethnic / racial and cultural groups (majority and minority, including Roma people, people from different tribes / castes / clans)

A panel member noted that trans or non-binary who are in a racial minority group face double marginalisation and this may be an opportunity for them to be 'seen'. It can have a positive effect on people from racial minority groups as it removes obstacles and gives them the opportunity to be themselves.

Another panel member remarked that it depends on the cultural context; in their country people do not want to be 'seen' and gender, similarly to religion, is considered a private matter. People may not feel comfortable to provide this data. The Policy Owner clarified that colleagues are encouraged to select 'Prefer not to say', if they do not want to provide this data, and they must not be pressured to provide it.

A panel member argued that from an African perspective, 'sex' and 'gender' are used interchangeably. Also, in African countries it is a crime to identify with another gender and security of data is crucial as colleagues could be prosecuted. The Chair clarified that the 'legal sex' category will be customised in line with country legislation, and the 'gender' category will be optional and include the 'Prefer not to say' option.

Another panel member argued that in terms of visibility we should give the opportunity both to transgender/non-binary people who would like to be 'seen' and those who would not. They asked for clarity about whether the suggestion is to prevent people in African countries to provide gender data or to ensure the highest security for sensitive information. The panel member who gave the African perspective, clarified that it would not be the organisation preventing the individuals, but the individuals themselves, as it would be a crime to identify with another gender. Even selecting 'Other' would put them in danger in the event of data leak. They both agreed that we need to find a balance. The Chair added that in some countries this is the case for sexual orientation as well.

A panel member mentioned that when MyHR was introduced, countries where it is illegal to ask for this type of data to be provided questioned this, and the response was there is the 'Prefer not to say' option. The Policy Owner reminded the panel that there is also the option 'It is not applicable in-country' and that this option could also be added in this category.

A panel member provided clarity about the EU position which is that we can ask any question, but we cannot mandate an answer. If we made this category mandatory, that would be against the law. They also pointed that, for example in African countries where we can potentially put the individual in legal trouble, we should not be asking this question, regardless of the fact that we do not intend to disclose the information. They agreed with the Policy Owner's suggestion to have the 'Not applicable in-country' option and leave it up to the individuals. The Policy Owner confirmed an action point to check whether it is appropriate in terms of MyHR this category to appear in some countries and not in others, and if not, to have the 'Not applicable in-country' option. Relevant guidance should also be provided.

Different genders (men, women, transgender or intersex people, other issues)

A panel member remarked that sex is a protected characteristic under the Equality Act. Also, in line with the Code of Conduct, this category should read 'different sexes and genders'. The Policy Owner confirmed that this will change when the ESIA form is reviewed shortly.

Different languages (Welsh and/or other UK languages, local languages, sign language/s)

The Chair remarked that this category has been touched upon and the panel has already discussed different meanings in different languages and the need to have communications reviewed by colleagues whose English is not their first language. There were no other comments in this category.

At this point the Chair noted that more than half of the categories were covered, but there was no time for the rest. The Policy Owner suggested that comments for the rest of categories (i.e. from the 'Different marital status (single, married, civil partnership, other)' onwards) are provided in writing in a document shared on Teams by Friday 10 November. The panel agreed to that.

Written comments provided by the panel via Teams for all categories are captured in Section 3.

3. Capturing information about the protected groups / characteristics

Based on the notes of the discussion (section above), record here any potential for negative impact identified and any opportunity to promote equality, inclusion and good relations. (The header row in the table will repeat if the table continues on to a new page.)

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
Different ages (older, middle-aged, young adult, teenage, children; authority generation ⁴ ; vulnerable adults)		<p>Might be helpful for people to feel 'seen' and this might be appreciated especially by younger people who tend to be more open to non-binary gender.</p> <p>Many older people may be coming to terms with their own gender identity and the options around gender, as well as the discussions related to this, may help older people understand their own and other people's gender identities.</p>
Different dependant responsibilities (childcare, eldercare, care for disabled and/or extended family)		<p>Members of staff who have children or spouses or other people in their lives who are coming to terms with issues related to trans or non-binary identity - even if the staff member themselves identify according to their assigned sex at birth, still the fact that our organisation provides a space for trans and non-binary people to express identity</p>

⁴ The term 'authority generation' refers to cultural or national norms and customs in relation to particular age generations. For example, in some countries older people are held in high esteem and are considered to have a form of social authority by virtue of age. In addition, different generations (Generation X, Y, Millennials, Baby Boomers) are also thought to have varying common attitudes towards authority, with [for example Baby Boomers commonly questioning authority.](#)

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
		could have a positive impact on binary staff with trans or non-binary dependents, and improve their well-being, as they understand that these issues will be recognised and understood by their employer, the British Council.
Disabled people (physical, sensory, learning, hidden, mental health, HIV/AIDS, other)		By recognising the existence of different gender identities through MyHR, the organisation will help improve the health of staff members who identify as trans or non-binary. We're often told that it's good for our mental well-being if we can bring our whole self to work, and for people who identify as trans or non-binary, this is a chance to bring your whole self to work. Trans and non-binary people face daily 'misgendering', in work, as well as outside work, and this can have a negative long-term effect on people's mental health. Also, by understanding how many trans people we have in the organisation, it will help us understand if we need to provide specific policies and health-care protection to people who are undergoing re-assignment surgery or other medical procedures in preparation for changing your legal sex.
Different ethnic / racial and cultural groups (majority and minority, including Roma people, people from different tribes / castes / clans)	Following the ESIA and listening to the comments there, while I 100% support the 'Legal Sex' question, I came out of the session feeling that the 'Gender Identity' question, linked to named individuals, not	For people who are in a racial minority, e.g. black people in Europe, then they already face enormous obstacles at work in terms of race – if in addition to being black you are female, tran-male, trans-female, non-binary

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
	<p>anonymously, puts people at risk in some countries within the organisation in a variety of ways. There's a risk for a data leak (unintended or malicious - and we are a target of hackers, including state actors), a risk in how that information is managed within MyHR, risks of 'over the shoulder'/gossip etc. In balancing risk against gain, there has to be a compelling case about what we're going to do with this data (and what the data we actually collect in practice could tell us), and whether we could achieve the same aims through other means, e.g. anonymously. I can't see that compelling case.</p> <p>We are an organisation in which we often employ nationals of third countries, and also have a lot of workers who travel internationally on our behalf - there may be cases where there is apparently little issue with collecting this data in the country where someone is based, but it may become a problem if they travel.</p> <p>Culturally most countries in Africa recognise male and female gender. Unintentional bias and discrimination could be an outcome of having this kind of information available.</p> <p>Written comment provided before the meeting: 'The risk in collecting gender data in</p>	<p>etc then you will face additional barriers, a kind of double marginalisation that may make it more difficult for you to succeed at work. By recognising different gender identities, this change should ease some of that burden on black colleagues or colleagues who are in a racial or tribal minority within their own country. Also, there are many cultures around that world that don't follow the European binary concepts of male/female, so we are already providing a disservice to colleagues in those places who identify as trans, non-binary, hijra, two-spirit, kathoey etc.</p>

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
	<p>countries which discriminate against, persecute and/or legislate against different groups and genders – this risk is the danger that may be posed by a leak of the data provided. An associated risk is to the accuracy of the information provided by staff in such countries, and therefore to the validity of the data generated for those countries. Invalid data could have knock-on effects for groups that are discriminated against, depending on how it is used’.</p>	
<p>Different genders (men, women, transgender or intersex people, other issues)</p>	<p>If the aim is to help people to be seen, then it might be counter effective if we only enable certain genders to have options to tick their gender and some genders are still left under "other". It might be mitigated by having an additional open writing box, next to the existing options, where people are free to put anything, they feel applies for them.</p>	<p>The benefits here are so obvious to me that it’s really just re-stating the importance of this change to people who identify as trans or non-binary. Currently, we don’t provide recognition beyond binary and that is not in keeping with the reality of the world we live in, and the real lives of people who work in our organisation, as well as their dependents. By making this change, we will enable people to be ‘seen’ – the section on gender will be optional, so people also have the option of not being seen. This is a key moment in British Council’s history when we get to enable an important area of inclusion that, to date, hasn’t been very inclusive. We’re an organising that prides ourselves on our inclusivity, and one of our key values is to be ‘Optimistic and Bold’ – I understand that issues around gender cause a lot of fear, because people who identify as binary don’t really understand what life is like for people</p>

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
		<p>who don't identify as binary. We need to be bold and optimistic that this change will uphold our organisational values. We shouldn't be afraid of allowing this change to happen, and the world won't end if we allow an optional category on MyHR to allow people who are trans and non-binary to be counted in EDI data.</p> <p>Regarding the question on Legal Sex: some countries, e.g. India, have additional legal recognition to male/female, and the British Council has an obligation to any such individuals working for it, to recognise that on MyHR.</p>
Different languages (Welsh and/or other UK languages, local languages, sign language/s)	Different languages may not have corresponding words/concepts for gender/gender identity - which may exclude some staff.	<p>Opportunity to facilitate wider dialogue on these terms and better understanding of different views and perspectives.</p> <p>Provide opportunities or info sessions or any other format to explain directly to people why gathering this data is important and what are the benefits for all. Especially in countries where expressing their gender identity freely is frowned upon, seen as something non-work related or even criminal. Sharing gender identity info might not be self-explanatory to everyone and without context might bring out counter effective attitudes.</p>
Different marital status (single, married, civil partnership, other)		

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
Different political views or community backgrounds (particularly relevant to Northern Ireland)	Different ethnic/community groups might have polarising political views (conservative/liberal, etc), but are working side by side (not only in Ireland, but for example in Eastern Europe). There is potential for shadow-bullying / discrimination / isolation in teams.	For people from the minority Catholic community in Northern Ireland, there are arguably already some cultural and political barriers in terms of being successful at the British Council. Adding misgendering and lack of recognition of people who trans or non-binary and from the Catholic community in Northern Ireland is again another kind of double marginalisation. This change could have a positive impact on Catholics in Northern Ireland who identify as trans or non-binary, as it recognises their gender and that makes a bit easier for people to feel proud of the organisation they work for.
Pregnancy, maternity, paternity and adoption (before / during / after)	If pregnancy/maternity benefits are based on legal sex - is there a risk that transmen who have a GRC/male legal sex and can give birth miss out on maternity rights. Likely to be rare but it's not clear how that would work in practice for both statutory and enhanced maternity benefits and rights to time off for appointments etc. Same for paternity rights.	Issues around providing adequate support and health care for people who are pregnant or starting a family are incredibly complicated. Right now, in terms of providing that support to staff members who are trans or non-binary, we are 'flying blind', as we don't even know that these people exist. This change will help us better understand the existence of trans and non-binary people within our organisation, so we can support all staff members during key times in their life – pregnancy and adoption being two of those.
Different or no religious or philosophical beliefs (majority/ minority/ none)	Written comment provided before the meeting: 'A possible perception by those who hold gender-critical beliefs that the collection of information by the organisation, from staff who have elected to provide such information	This change will provide further support to other categories where people are able to be counted in terms of their personal beliefs. Religious beliefs, or the right to not believe, are incredibly important to staff members

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
	<p>and have effectively self-identified in respect of gender, is in active opposition to respect for gender critical beliefs, and equal account being taken of gender-critical beliefs’.</p> <p>Linkages between religious beliefs and views on gender identity may be an issue/lead to conflict between different staff groups (addressed through gender identity question being optional and through communications that different people may have different beliefs and the policy aims to enable those differences to be expressed in the data).</p> <p>Negative to those who reject the concept of a 'gender identity' which is separate from their biological sex, and who wish to defend sex-based rights which are impacted by this concept. By simply asking the question, the British Council is implicitly/effectively taking sides on this question. It may be said, there is no pressure. Yes, not in a managerial sense, but at a personal level, there's a pressure to not be on 'the wrong side' of an issue, and a worry about the potential implications of not going along with it. It's a similar issue in giving 'options' to individuals about whether to include their pronouns in email signatures. Formally, no pressure, but actually, a view on whether or not to buy in to the idea, is still a pressure. If I don't add my personal pronouns, will some people think</p>	<p>self-identification and 'bringing yourself to work'. No-one should be ashamed of their religious or non-religious beliefs. By including a further element of self-identification in relation to gender, I believe this will uphold and support other self-identification categories such as religious or philosophical beliefs.</p>

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
	badly of me? Am I marking myself out as 'not being on board'?	
Different sexual orientations (gay, lesbian, bisexual, heterosexual)		As with religious belief, I think this change will provide further support to other categories where people are able to be counted in terms of their self-identification. Being able to be counted in terms of sexual orientation is incredibly important to people's mental well-being, as well as giving the organisation key data on how comfortable people feel working for the British Council, depending on their sexuality. No-one should be ashamed of their sexual orientation and I believe the British Council should provide people with support and protection in their workplace. By including a further element of self-identification in relation to gender, I believe this will uphold and support other self-identification categories such as sexual orientation.
Additional equality grounds (such as socio-economic background , full-time / part-time working, geographical location, other ⁵)	Geographical location – in terms of collecting legal sex data, there may be occasions when someone is legally considered a third category in their own country but works for the British Council in a country where there is only a binary option.	To come out and identify as either trans or non-binary can have a huge impact on people's economic situation. Many trans and non-binary people are forced to leave the security of their family homes, or even their community because of their gender expression or identity. This means that trans and non-binary people are likely to move downwards in terms of their socio-economic status. The British Council could play a

⁵ Any other categories people share that might impact on how the policy affects them.

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
		<p>hugely positive role in the world by identifying obstacles that prevent trans and non-binary people from working with us. The issue right now is that we don't have enough data on our existing trans and non-binary people to understand if there are already potential obstacles for trans and non-binary people to find employment with us. Targeted recruitment of trans and non-binary people who are suffering socio-economic inequality because of their gender identity could absolutely transform the lives of future trans and non-binary staff members around the world, and this is something that British Council could be incredibly proud of and in keeping with our organisational values.</p>
British Council values (open and committed; expert and inclusive; optimistic and bold)		<p>I think the main positive impact would be on our value Optimistic and Bold. The British Council is well-respected as an organisation that values inclusion, and we have already done amazing things e.g. in relation to sexual orientation. Dealing with so many local cultures and contexts is certainly challenging, but we need to be brave enough to rise to this challenge and provide a global workplace that is welcoming to people of all genders.</p> <p>Positive opportunity to promote inclusivity and recognition of gender identities beyond the (mainly) binary sex definitions.</p>

Equality categories (with prompts to guide full consideration)	Potential for negative impact	Opportunity to promote equality, inclusion and/or good relations between different groups
		To extend this, we say we involve "everyone in the conversation"; this will hopefully help us understand who "everyone" is
Alignment with our commitments to decolonise our work (positioning of UK and other countries, power, status and privilege)	The gender identity question is no doubt a controversial point, but the current concepts, language, framing and ideas about gender identity have been shaped largely in the US and Europe, and to carry those ideas forward globally to all countries in this form seems Eurocentric to me. I've lived in Mumbai and am familiar with the Hijra community and their legal status as a 'third sex' (which the 'Legal Sex' question would address), but although Hijra are often referenced by transgender activists and supporters, that doesn't necessarily support many of the concepts being asserted in asking this question in this way in a working environment. Liberals in the past supported the idea of the British Empire's 'civilising mission'. As an organisation, we need to be cautious and reflective from a decolonisation perspective about asserting a new set of progressive values on other countries - and also given that these values that are still controversial in the UK.	<p>Unfortunately, European colonisation has had a terrible legacy of imposing binary gender culture on parts of the world that were previously more open in relation to trans and non-binary gender. This change would be one small step in direction of redress of that colonial legacy, and it will also help us regain respect in parts of the world (e.g. South Asia, the Americas, Asia-Pacific) which are way ahead of Europe in terms of understanding trans and non-binary people within their societies.</p> <p>As discussed in the meeting – if communication of the policy highlights that different countries globally eg Colombia, India have a different perspective on legal sex – it moves away from a UK or Europe centric approach. Opportunity for learning about different cultures/approaches.</p>

4. Agreed actions

Insert additional rows for more action points and number each individual action point. (The header row in the table will repeat if the table continues on to a new page.)

Action identified by Panel	Agreed by Policy Owner (Yes / No)	If not agreed, please provide justification	Has action been completed? (Yes / No)	If not, indicate planned date to complete
Further research via regional HR of what is provisioned and is legally valid as options in the 'legal sex' category in countries / locations where we operate	yes		Regional HR have been sent the final proposal and asked to check it carefully	
Discuss with the People Insight team and confirm the name of the third option in the 'legal sex' category, holding in mind aggregation and customisation	yes		Yes – 'other legal sex' has been decided	
Prepare a user-friendly set of guidance on Sharepoint and socialise this with messages	yes		drafted	
Further investigate via regional HR whether asking for 'legal sex' data is a legal necessity in countries outside the UK	no	Regional HR have already provided their feedback on the proposal. No further action deemed necessary		
Socialise the reasons of why we are gathering data to hiring managers for the purposes of new staff onboarding	no	The legal sex data is mandatory and has always been collected (although called		

Action identified by Panel	Agreed by Policy Owner (Yes / No)	If not agreed, please provide justification	Has action been completed? (Yes / No)	If not, indicate planned date to complete
		something different). The new gender identity category is entirely optional.		
Consider providing a description/definition for each option under the 'gender' category, similarly to the previous equality monitoring forms	no	MyHR doesn't allow this. Those providing their gender identity are likely to know what the option they have selected means. There is however some detail provided in the accompanying communication and in the FAQ.		
Consider providing sessions, recordings, facilities and a point of contact to explain the process and categories before launch	yes		This is likely to be done as one of a number of changes to MyHR.	
Consider having the pre-implementation communications reviewed by a person whose first language is not English	yes		The final comms were shared with many colleagues whose first language isn't English – including the EDI Leads	
Discuss with the People Insight team whether we can use 'creative headings' for the two categories, especially the 'gender' category	yes		This isn't possible but the discussion took place.	

Action identified by Panel	Agreed by Policy Owner (Yes / No)	If not agreed, please provide justification	Has action been completed? (Yes / No)	If not, indicate planned date to complete
Search the reasons why colleagues have different levels of engagement with data given officially and data provided anonymously	no	Outside the scope of this ESIA		
Discuss with the People Insight team whether we can be flexible about the ordering of the two categories	yes		Discussion took place – the decision was to have the mandatory category first.	
Clarify whether the 'legal sex' category is populated automatically and confirm how this is modified, if one changed their legal sex	yes		This is now made clear in the communication document	
Check what data security holds for MyHR as a whole and ask for reassurance by the People Insight Team	yes		This has already been done as part of MyHR's introduction. IGRM were included in the ESIA.	
Discuss with the People Insight Team whether there can be an option of 'Other & please specify' under the 'gender' category	yes		This is not something that will be taken forward as the analysis of free text is not recommended	
Confirm the name of the 'gender' or 'gender/gender identity' category	yes		Gender identity	
Check whether it is appropriate in terms of MyHR to have the 'gender'	yes		This has been checked but won't be possible	

Action identified by Panel	Agreed by Policy Owner (Yes / No)	If not agreed, please provide justification	Has action been completed? (Yes / No)	If not, indicate planned date to complete
category appearing in some countries and not in others; if not, to have the 'Not applicable in-country' option. Relevant guidance should also be provided				

Sign-off by Policy owner

I confirm that the policy has been amended as identified in the **agreed actions** table above. Any actions planned but not yet completed will be implemented before the policy is introduced. If the policy has an impact on people or functions in Northern Ireland, I confirm Annex A has also been completed. Please ensure the majority of agreed mitigating actions have been taken before the policy owner signs and the tool is submitted for audit.

Policy Owner (Name): Jane Franklin

Policy Owner (Role): Global Head EDI

Policy Owner (Signature): Jane Franklin
(A typed signature is sufficient)

Country / Business Area and Region: UK / Diversity Unit

Date: 15/10/2024



Procedure Note

Once the identified actions have been completed the Policy Owner (or someone acting on their behalf) must email the completed ESIA form to the audit inbox for audit by the Diversity Unit.

Annex A: Policies with an impact in Northern Ireland

In accordance with the Guide for Public Authorities, policies which have a **major** impact on equality will share some of the following factors:

- they are deemed to be significant in terms of strategic importance;
- the potential equality impacts are unknown;
- the potential equality and/or good relations impacts are likely to be adverse or experienced disproportionately by groups who are marginalised or disadvantaged;
- the policy is likely to be challenged by a judicial review;
- the policy is significant in terms of expenditure.

Policies which have a **minor** impact on equality will share some of the following factors:

- they are not unlawfully discriminatory and any residual potential differential impact is judged to be negligible;
- aspects of the policy are potentially unlawfully discriminatory but this possibility can readily and easily be eliminated by making the changes identified in the action points at Section 4;
- any differential equality impact is intentional because the policy has been designed specifically to promote equality for particular groups of disadvantaged people;
- by amending the policy there are opportunities to better promote equality, inclusion and/or good relations.

Policies which have **no** impact on equality will share some of the following factors:

- they have no relevance to equality, inclusion or good relations;
- they are purely technical in nature and have no bearing in terms of the impact on equality, inclusion or good relations for people in different equality groups.

For policies impacting on people or functions in Northern Ireland, you must identify whether any of the issues identified by the EIA panel in the table at Section 2, Point 3 above are likely to have a **major**, **minor** or **no** impact on equality.

This consideration must be given to all the items listed in the table at section 2, Point 3 whether they have potential for negative impact or the opportunity to promote equality, inclusion and good relations.

Equality categories	Negative / Positive impact on equality, inclusion or good relations		
	No	Minor	Major
Age		x	
Dependants		x	
Disability		x	
Ethnicity		x	
Gender		x	
Marital status			
Political opinion		x	
Religious belief		x	
Sexual orientation		x	

If the answer to the above questions is NO, no further action is needed.

If **minor** impact is identified and the actions listed at Section 4 will address this, no further action is needed. Where the actions listed at point 4 will not sufficiently address the impact, additional measures that might mitigate the policy impact as well as alternative policies that might better achieve the promotion of equality of opportunity and/or good relations should be considered.

If mitigating measures and/or an alternative approach cannot be taken then the policy should be subject to full Equality Impact Assessment (EQIA) aligned to Northern Ireland's equality legislation.

If a **major** impact is identified in any of the answers above, then the policy should be subject to full Equality Impact Assessment (EQIA) aligned to Northern Ireland's equality legislation.

For guidance on completing full EQIA aligned to Northern Ireland's equality legislation, see <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>.

A member of the Diversity Unit should be involved in any EQIAs that take place.

Record of Decision and Sign-off by Policy Owner

Please delete two of the following statements (those that do not apply).

I confirm that a full EQIA is not needed, providing all the Agreed actions at point 4 and / or other noted mitigating actions are carried out.

—

Note other mitigating actions that are not listed at Section 4 here:

Signed by:

____Jane Franklin____ (Name) ____Global Head EDI____ (Role) ____15/10/2024_ (Date)

Procedure Note: The Policy owner (or someone acting on their behalf) **must** email the completed ESIA form to the audit inbox for audit by the Diversity Unit.

Prepared by the Diversity Unit
Version 2: 2 February 2022