

22 October 2021

WELSH GOVERNMENT'S LGBTQ+ ACTION PLAN

Purpose

1. To seek members' endorsement of the draft WLGA response to the Welsh Government's LGBTQ+ Action Plan and seek support for the development of a business case to provide equalities support to local authorities.

Background

2. The Welsh Government published its draft LGBTQ+ Action Plan for Wales on 28th July. The closing date for responses is 22nd October 2021.
3. This action plan is made up of 53 separate actions and builds on the recommendations of an Independent LGBTQ+ Expert Panel set up by Welsh Government in January 2021.
4. The draft Action Plan includes several overarching actions that can be summarised as:
 - Influencing the UK government to strengthening the protections afforded to trans and non-binary people under the law, including refugees and those seeking asylum
 - Mainstreaming the rights of LGBTQ+ people across the public sector in Wales
 - Intersectional LGBTQ+ training for public sector workers in Wales
 - Challenging heteronormative and cis-normative assumptions across society and within the public sector in particular
 - Improved data collection
 - Formalise the Independent Expert Panel to guide, monitor and evaluate the implementation of the plan.
 - These overarching actions echo many of the challenges local authorities have already identified within their corporate Strategic Equality Plans (SEPs) and echo similar cross-cutting interventions within Welsh Government's Race Equality Action Plan (REAP).
5. The Action Plan also proposes that the Independent Expert Panel evolves into a group that evaluates and monitors the implementation of the plan which echoes a similar intention seen within the REAP.

6. The draft Action Plan's more focused recommendations are structured around 7 thematic policy areas:

- Human Rights and Recognition
- Ensuring LGBTQ+ People's Safety
- Home and Communities
- Improving Health Outcomes
- Education
- Workplace
- Covid Response

Reaction to the Draft Action Plan

7. The Action Plan has been broadly welcomed by many organisations, however local authorities have noted the need for greater Welsh Government support in its implementation. Authorities have also emphasised the need for greater support in helping them understand their legal responsibilities, following a number of high-profile legal cases and recent media scrutiny.
8. There has been opposition and a 'Can the Plan' campaign involving several groups, including Merched Cymru and the Lesbian, Gay and Bisexual Alliance Cymru.
9. 'Can the Plan' campaigners' focus is on the Welsh Government's evidence base and approach and are concerned by the use of and implications of the definition of 'gender identity' which is not consistent with the statutory definition of 'gender reassignment' as a protected characteristic in the Equality Act 2010. The groups also express concern that individuals and groups with different views are not consulted and were excluded from the work of the Independent Expert Panel.
10. There has also recently been a coordinated campaign of FOIs and legal challenges around some local authorities' trans guidance for schools as well as public bodies' membership of Stonewall Cymru, given their stance on gender identity, promoting trans rights and the recent legal ruling about 'gender critical' views being a protected belief.
11. In response to 'Can the Plan', a statement in support of the Action Plan signed by 85 organisations (including Plaid Cymru, LGBT Labour Wales, Welsh Liberal Democrats, WCVA, Stonewall and Unite Wales) was presented to Hannah Blythyn MS, Deputy Minister for Social Partnerships in September:

We support the inclusion of trans and non-binary people within the provisions of the proposed Wales LGBTQ+ Action Plan. We support both women's rights and trans rights and do not believe there is any inherent contradiction between them.

Plaid Cymru	Learning Disability Wales	Trans Support Wrexham	My Discombobulated Brain	Cardiff Trans Singers
Wales Green Party	Race Equality First	Proud Bluebirds	Draig Enfys	Wipe Out Transphobia
Welsh Liberal Democrats	GMB Wales & South West	Newport County Football	Constellation: The Amber Project	Barry Pride
LGBT Labour Wales	Brook Cymru	Army Cadets Wales	LGBT+ Sports Cymru	RCT Pride
Plaid Pride	The Wallich	FFLAG	Tai Pawb	Llanelli Pride
Chwarae Teg	Viva LGBT	Llanelli LGBTQ+ Support Group	Autism Puzzles	South Wales Gay Men's Chorus
Welsh Women's Aid	Diversity Role Models	Undivided Consultancy	All Wales Peoples First	Aled Edwards, Human Rights Activist
WEN Wales	LGBT Cymru Helpline	Rainbow Wall	Songbirds Choir	The Gathering
Pride Cymru	Bi Cymru	Queer Emporium	Disability Arts Cymru	Safer Wales
Stonewall Cymru	Platform	Aberration	Paned o Gê	Pride Wrexham
Llamau	The Huggard	Glitter Cymru	Mid and North Powys Mind	Fast Track Cardiff & Vale
WCVA	Hidayah LGBTQ+	Unique Trans Support	Bi Cardiff	Parents Voices Wales
Shelter Cymru	University of South Wales Students Union	Umbrella Cymru	Bi Swansea	Cymorth Cymru
Race Council Cymru	GIRES	Impact LGBTQ+	Welsh Trans Alliance	Romani Cultural and Arts Company
Terrence Higgins Trust	The Jacob Abraham Foundation	Deaf Cymru Pride	Cardiff LGBTQ+ Law Clinic	Bridgend Coalition of Disabled People
LGBTQymru	The Amelia Trust Farm	Faith Tent (Multi Faith)	Unite Wales	YMCA Swansea & Good Vibes
Iris Prize		St Giles Trust	Unite Wales LGBTQ+	
Carmarthenshire LGBTQ+ Project				
Mencap Cymru				

WLGA Draft Response

12. Welsh local government has a proud track record of working with the Welsh Government, partners and communities in promoting equality and fairness for all communities, including the LGBTQ+ community.
13. Senior council figures feature prominently in the annual Pinc Awards and several councils have come together under the banner of Proud Councils to proactively coordinate, promote and share work particularly around Pride Cymru events and LGBTQ+ staff networks. The WLGA and several councils are members of Stonewall's Diversity Champions Scheme and several councils in the past have participated in Stonewall's Workplace Equality Index.
14. Feedback on the Action Plan from local authorities has been positive, with broad sector support for the overall aims of the plan. Local authorities have noted, however the need for greater Welsh Government support in its implementation. Authorities have also emphasised the need for greater support in helping them understand their legal responsibilities, following a number of high-profile legal cases and recent media scrutiny.
15. It is therefore proposed that the WLGA welcomes the Welsh Government Action Plan, the Welsh Government's efforts to establish a more targeted strategy to support LGBTQ+ people within Wales, and the opportunity it represents to provide local authorities with clearer advice and guidance.
16. The WLGA's draft response is included in Annex A, however, it is summarised as follows.

17. Many proposed actions are endorsed, including actions relating to the ending of conversion therapy and the inclusion of LGBTQ+ issues within the asylum estate, as is the commitment to provide greater guidance for local authorities and schools in regard to supporting trans learners, particularly given recent challenges.
18. A greater emphasis on intersectionality is also welcomed and could perhaps be strengthened in some areas. However, this same emphasis on intersectionality also highlights the need to develop policies and strategies in a more joined up way, and further consideration of how the plan could evolve to reflect overlapping commitments within other key equality strategies or action plans, for example the recent Race Equality Action Plan (REAP) and Locked Out would be welcomed.
19. The Action Plan could be further clarified and strengthened to improve the overall deliverability of the plan, including:
- Clearer alignment of strategic priorities and targeted actions across Welsh Government's equality action plans/strategies
 - Greater clarity on intended ownership of specific actions within the action plan
 - Establishing an agreed timetable of delivery of actions
 - Further details on what coordinated support will be available to local government and other public services to deliver listed actions
20. The WLGA response also suggests that Welsh Government guidance and a clear position on consulting and engaging with all relevant stakeholders, including gender critical organisations, would be welcome and would support local authorities and public bodies.
21. As was the case with the REAP, the overarching aim to formalise the Independent Expert Panel to "guide, monitor and evaluate implementation of the plan" requires further clarity. Within local authorities, governance and accountability for delivery of the equalities agenda is incorporated within existing governance and reporting arrangements and local authorities have their own internal democratic and managerial governance and accountability arrangements. Actions within the plan may relate or could be integrated within wider Strategic Equality Plans and Objectives and authority's annual Strategic Equality Plans. These processes are overseen by cabinet and senior leadership teams, with oversight and challenge through scrutiny committees.

Local Government Equalities Support

22. The LGBTQ+ Action Plan includes several actions which will impact directly on local authorities, several may be incorporated within wider equalities or human resources work, however, some will require coordinated, collective advice, guidance, policy development, support and training.
23. The LGBTQ+ Action Plan builds on wider expectations placed on local government through the recent Race Equality Action Plan, Locked Out report and wider equality reforms such as the recent introduction of the new socio-economic duty.
24. Although local government has supported these reforms, there are significant expectations for action and improvement in local government which will require expertise and capacity, ranging from the development of new policies, improved EIAs, improved data collection and reporting, consultation and engagement, training and wider HR implications around recruitment and retention.
25. The WLGA has limited capacity to support equalities and, although a new Improvement Team has been established, which is providing support to authorities around corporate government and performance, there is limited capacity to support local government meet increasing expectations and statutory duties around equalities.
26. Until 2015, an Equalities Unit was based in the WLGA which was funded by the Welsh Government. The Welsh Government however decided to end the grant funding in 2015. The Unit was a team of 5 people at one stage and was originally headed by Naomi Alleyne, now WLGA Deputy Chief Executive. It was a hugely respected and successful and provided a wide range of support to authorities, including:
 - Providing equalities training for members and officers;
 - Developing guidance and sharing best practice on a range of equalities related matters, particularly EIAs;
 - Providing bespoke local advice and support around equalities matters;
 - Developing and developing an equalities improvement framework for local government, underpinned by peer review; and
 - Working with Welsh Government and partners on shaping national policy, guidance and frameworks.
27. Cllr Jane Mudd, as WLGA Spokesperson for Equalities, Anti-Poverty and Migration has highlighted the need for local government equalities support and the case for reinvestment in a WLGA equalities unit with Jane Hutt MS, Minister for Social Justice in recent meetings (the latest on 14th October).

Recommendations

26. Members are asked to:

- 26.1 Comment on and approve the WLGA's draft consultation response to the Welsh Government's Draft LGBTQ+ Action Plan (Annex A); and**
- 26.2 Agree that a business case for the establishment of a WLGA Equalities Team is developed and further advanced with Welsh Government through the Spokesperson and Deputy Spokespersons for Equalities, Anti-Poverty and Migration.**

Report cleared by Cllr Jane Mudd, as WLGA Spokesperson for Equalities, Anti-Poverty and Migration

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Annex A

DRAFT WLGA RESPONSE TO THE WELSH GOVERNMENT'S DRAFT LGBTQ+ ACTION PLAN

The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.

The WLGA is a politically led cross-party organisation, with the leaders from all local authorities determining policy through the Executive Board and the wider WLGA Council. The WLGA appoints senior members as Spokespersons and Deputy Spokespersons to provide a national lead on policy matters on behalf of local government.

The WLGA welcomes the publication of the Welsh Government's draft LGBTQ+ Action Plan. Local government is committed to working with the Welsh Government, partners and our communities in promoting equality and fairness for all communities.

Senior council figures feature prominently in the annual Pinc Awards and several councils have come together under the banner of Proud Councils to help coordinate, promote and share work particularly around Pride Cymru events. The WLGA and several councils are members of Stonewall's Diversity Champions Scheme and several councils in the past have participated in Stonewall's Workplace Equality Index.

Question 1

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

The WLGA welcomes the Welsh Government efforts to establish a more targeted strategy to support LGBTQ+ people within Wales. Specific actions relating to the ending of conversion therapy and the inclusion of LGBTQ+ issues within the asylum estate are particularly welcome, as is the commitment to provide greater guidance for local authorities and schools in regards to supporting trans learners. Feedback from local authorities has also been positive, with broad sector support for the overall aims of the plan.

However to ensure the plan is effective, greater clarity around anticipated timescales of delivery and ownership of actions is required. Furthermore the overall efficacy of the plan would likely be enhanced by a more robust consideration of how actions listed within the plan intersect with the already-established priorities identified by Welsh Government in other relevant documents.

A greater emphasis on intersectionality is also welcomed, and could perhaps be strengthened in some areas. However, this same emphasis on intersectionality also highlights the need to develop policies and strategies in a more joined up way, and further consideration of how the plan could evolve to reflect overlapping commitments within

other key equality strategies or action plans, for example the recent Race Equality Action Plan (REAP) and Locked Out would be welcomed.

As is noted in the consultation response below, we have identified areas that could be clarified and developed to improve the overall deliverability of the plan. These are supported within the feedback we have received from local authorities. These can be summarised as:

- 1) Clearer alignment of strategic priorities and targeted actions across Welsh Government's equality action plans/strategies
- 2) Greater clarity on intended ownership of specific actions within the action plan
- 3) Establishing an agreed timetable of delivery of actions
- 4) Further details on what coordinated support will be available to local government and other public services to deliver listed actions

Authorities have also noted that the socio-economic implications of the plan are not adequately explored. As such the experiences of LGBTQ+ people within rural communities are largely undeveloped.

Question 2

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

Feedback from local authorities regarding the plan's overarching aims has been positive.

However it has been noted that the relationship between these overarching actions and the specific policy areas or themes outlined within the strategy are not always clear or consistent with other equality strategies. Establishing overarching principles, rather than actions, may help local authorities and public bodies understand the common threads that run through and connect Welsh Government's approach to the equalities agenda.

As was the case with the REAP, the overarching aim to formalise the Independent Expert Panel to "guide, monitor and evaluate implementation of the plan" requires further clarity. Within local authorities, governance and accountability for delivery of the equalities agenda is incorporated within existing governance and reporting arrangements. Further detail regarding the future role of the expert panel would be welcomed to minimise duplication and unnecessary administrative burdens.

As Welsh Government will be aware, local authorities have their own internal democratic and managerial governance and accountability arrangements. Actions within the plan may relate, or could be integrated within wider Strategic Equality Plans and Objectives and authority's annual SEP reports. These processes are overseen by cabinet and senior leadership teams, with oversight and challenge through scrutiny committees.

This scrutiny could also be informed, and improved, through peer challenge from other authorities, and should involve staff forums and networks and include community and local stakeholder engagement.

Authorities are also subject to regulatory regimes, including through the Equality and Human Rights Commission, Estyn and Audit Wales (for example, Audit Wales is commencing a national programme of work around Equality Impact Assessments).

There are several existing mechanisms that could be used to support the delivery and oversight of the LGBTQ+ action plan, for example Ministerial Remit Letters to Sponsored Bodies. The Workforce Partnership Council and (Shadow) Social Partnership Council could also be key vehicles as forums that bring together the Welsh Government, public service and private sector employers and trade unions, particularly given the cross-sector impact the plan hopes to achieve.

The plan would also benefit from a more focused and explicit consideration of wider strategic developments across the sector. For example, the REAP proposed a wide range of actions across similar policy areas, however while both plans emphasise the importance of intersectionality within their development, it is not clear whether Welsh Government has considered the proposed actions of other recent documents in the development of this plan and how they may impact one another.

Authorities have also emphasised the need for greater support in clarifying and helping them understand their legal responsibilities, following a number of high-profile legal cases and recent media scrutiny.

Question 3

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

Local authorities have been largely supportive of the proposed actions included within the draft action plan to date. However, they have also noted that the plan currently lacks sufficient detail regarding ownership of actions.

The plan would also benefit from the inclusion of a timetable of delivery associated with each action. As was the case with the REAP, the inclusion of deadlines helped local authorities more clearly understand the expectations Welsh government had of them.

As addressed in more detail in question 5 and 6, clarity on the package of support made available by Welsh Government to facilitate the implementation of the plan would be welcomed.

Human Rights and Recognition

The WLGA is supportive of actions listed within this section of the plan.

Local authorities would welcome further information in regards to the anticipated implications on local authorities for a number of actions, specifically those impacting data collection and their role in promoting understanding around rights and entitlements.

Ensuring LGBTQ+ People's Safety

The WLGA is supportive of actions listed within this section of the plan, and welcomes the emphasis on partnership working within this section.

The issue of street harassment, and strategies that can be pursued to combat it, is perhaps one area which has not been adequately engaged with within the actions listed.

Home and Communities

The WLGA is supportive of the actions listed within this section of the plan. However, the grouping of actions is very broad and could benefit from further clarification as to why actions have been grouped in this way. Welsh Government may wish to consider breaking up this group of actions into clearer and more concise themes, or alternatively, moving actions into less developed groups.

The inclusion of Asylum Seeker related actions and the nation of sanctuary agenda within the plan is a welcome addition, and mirrors previous operational concerns raised by the Wales Strategic Migration Partnership.

The WLGA would welcome further information in respect of Welsh Government's plans to deliver on the actions listed and the anticipated impact on local government this is likely to have. For example, how will it work with youth work sector to identify longer term sustainable funding models for service deliver?

Improving Health Outcomes

The WLGA is again supportive of the actions listed within this section of the plan, and is keen to see local authorities appropriately involved where there is an impact on social care.

Education

The strategic investment in professional learning and training on designing a fully LGBTQ+ inclusive curriculum is most welcome. However, in order for this to be successful it must be developed and delivered by highly qualified professionals, however further clarity around how schools will access this training will be needed. In addition, sufficient time will be required by school based professionals to develop the resources and implement the professional learning. This could prove challenging within the current Curriculum for Wales timelines.

It is important that consideration is also given to training for Governors, any complaint or concern regarding school practice would be considered by the Governing Body so any training/resources should reflect this requirement.

In order to empower professionals to adequately support LGBTQ+ young people and tackle homophobic, biphobic and transphobic bullying, and further embed a rights based approach to learning, there needs to be sufficient funding for training providers. This will support capacity and sufficient information for signposting both during and after training has been completed in schools to ensure any concerns or follow up are addressed effectively. The introduction of statutory trans guidance for schools and local authorities is welcomed and meets a genuine, and emerging need for clearer instruction which will benefit both schools and local authorities. Welsh Government guidance would be a useful tool in

ensuring schools across Wales have a shared understanding of rights and obligations, and establish a consistent approach to support for learners and their families.

It is proposed that this work should be prioritised by the Welsh Government and local authorities have suggested that the recently published [guidance from the Scottish Government](#) could be a helpful blueprint for the Welsh Government in developing Welsh-specific guidance.

The continuation of investment in hate crime prevention programmes across Wales is welcomed.

The targeted funding of research into the experiences of the LGBTQ+ population of Wales is a positive action to support a greater understanding of the pertinent issues. In order to inform professional learning and curriculum development, this action should be a priority.

Workplace

The WLGA is supportive of actions listed within this section of the plan, but also notes that the limited number of actions within this section, disguises the wider cumulative implications on “workforce”, particularly within local authorities, as these actions are dispersed throughout the plan.

There are a number of issues currently affecting the local government workforce at this time, while some of these issues are longstanding, many of these challenges are linked to the ongoing repercussions of the pandemic. The clearest example of this being within social care and the well-publicised shortage of HGV drivers. There are however other pressures on local government workforces that are less publicised.

The current jobs market is very buoyant, with many vacancies available which often leads to pay inflation in order to attract candidates and recruit into positions. This has placed local government in a challenging position of trying to recruit and retain staff in a very competitive market, particularly competing against the private sector where they have more flexibility to increase pay rates and salaries to meet demand.

While the wider implication on employment patterns post-pandemic is still not fully known, anecdotal information suggests a higher than usual turnover among local authority staff, particularly in areas where the proposals of additional training fall, such as within social care.

Welsh Government may wish to consider how they can work in partnership with local government to ensure that resources allocated to improving training provision stay within the sector. Additionally, they may also wish to consider how the plan’s actions contribute to the development of a more inclusive and positive public sector culture that welcomes and retains diverse staff.

Question 4

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

While a significant number of actions throughout the plan relate to services delivered by local authorities, it is not clear whether Welsh Government expects authorities to deliver these actions within current resource limitations, or whether further support will be made available.

Local authorities have consistently highlighted the issue of limited capacity and resources when delivering strategies associated with equalities. Increasingly local authorities are also highlighting for an increasing need for specialist knowledge in the face of increasing public interest in aspects of the equalities agenda. It is important therefore that the Welsh Government provides adequate resources to support the delivery of the action plan, or coordinates or commissions specific guidance, resources and support, to facilitate delivery. Related to this, Welsh Government may also wish to consider wider workforce challenges local government is currently experiencing, as described in question 3.

Similarly, a number of actions lack sufficient detail regarding scope, for example, actions relating to data collection. It is unclear whether the Welsh Government intends this point to be specific to recruitment practices or have wider applicability.

A further key challenge which may impact on deliverability of the plan, is the increasing legal and political complexity, challenge and sensitivities around consulting and engaging with all relevant stakeholders associated with this agenda (which we understand now includes gender-critical organisations). However, the Welsh Government may be in a position to issue further guidance which addresses these matters and provides clarification, for example, through their “statutory guidance to local authorities and schools”, as referenced with the draft plan.

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?

Local authorities have consistently highlighted the issue of limited resources, when delivering on the commitments and expectations in national action plans. As a result it is reasonable to assume that local authorities will require a combination of;

- Funding (particularly if it is expected that local authorities are to take on responsibility for delivery of actions)
- Staff time (particularly in respect of undertaking additional training)
- Training (a range of training options appropriate to managerial levels, ranging from a focus on terminology, LGBTQ+ history etc, to more technical training on the equality act)

Local authorities have also highlighted the need for more technical guidance on a range of issues relating to LGBTQ+ issues. It is therefore positively acknowledged that the draft action plan also includes a commitment to issue local authorities with improved guidance in this area (Action 39 + 50). The WLGA would welcome the opportunity to engage with the Welsh Government on this topic.

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?

While Welsh Government has conducted an integrated impact assessment, the plan could benefit from a more explicit engagement with how Welsh Government sees the intersectional benefits of its actions. This could be achieved through the provision of further detail in regards to the actions already listed, or alternatively, through clearer reference to other relevant strategic documents, such as the REAP, Locked Out, SEPs ect.

It has also been noted that consideration of the Socio-economic duty is absent from the plan and related Impact Assessments. This has resulted in the issues related to rurality being undeveloped across the plan. Further iterations of the action plan and subsequent impact assessments may benefit from explicit engagement with how the Welsh Government sees the applicability of the SED in relation to the plan.

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?

Local authorities have emphasised the importance of ensuring that any resources or guidance materials issued to local authorities and schools (including materials associated with training related actions) are fully bilingual and that careful consideration has been given to the use of the correct terminology in both languages.

The upcoming work related to the 'National Policy on Linguistic Infrastructure' should also support Welsh language users to develop their confidence in using the most appropriate standardised terms in Welsh.

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.

N/A

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.

The WLGA is keen to consider the consultation feedback relating to this question as this process will be a valuable exercise in identifying widely accepted terminology that could be used by all public bodies.

Question 10

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: