

From the office of: Corporate Governance
Telephone: 0116 2957572
Email: enquiries@eastleicestershireandrutlandccg.nhs.uk
Based at: County Hall, Leicester
Our Ref: M02062021LLR

CCG Headquarters
Leicestershire County Council
Room G30, Pen Lloyd Building
County Hall, Glenfield
Leicester LE3 8TB
Web: eastleicestershireandrutlandccg.nhs.uk

5 July 2021

PRIVATE AND CONFIDENTIAL

Cleo Madeleine

Via email to: request-761640-f482e6b0@whatdotheyknow.com

Dear Cleo Madeleine

Freedom of Information Request

Thank you for your email dated 2 June 2021 addressed to East Leicestershire and Rutland Clinical Commissioning Group, West Leicestershire Clinical Commissioning Group and Leicester City Clinical Commissioning Group in respect of your request for information under the Freedom of Information Act 2000. The Leicester, Leicestershire and Rutland Clinical Commissioning Groups (LLR CCGs) confirm our response below (your request is set out in *italics* for ease of reference).

This request relates to equality and diversity policies in your CCG, particularly in regards to transgender healthcare.

What is your local policy on the following:

1) Equality, diversity and inclusion for staff

Response: Leicester, Leicestershire and Rutland Clinical Commissioning Groups (LLR CCGs) have approved their new 4-year joint Equality, Diversity and Inclusion (EDI) Strategy with Equality objectives for the period 2021-25. The objectives are linked to the four goals contained in the NHS Mandated Equality Delivery System 2.

The Equality Delivery System (Equality Delivery System) measures our success against these goals which include:

Chief Executive: Andy Williams

Leicester office: St John's House, 30 East Street, Leicester, LE1 6NB. Tel: 0116 295 0750.
www.leicestercityccg.nhs.uk

Loughborough office: 55 Woodgate, Loughborough, LE11 2TZ. Tel: 01509 567700.
www.westleicestershireccg.nhs.uk

Glenfield office: Leicestershire County Council, Room G30, Pen Lloyd Building, County Hall, Glenfield, Leicester, LE3 8TB. Tel: 0116 295 7572. www.eastleicestershireandrutlandccg.nhs.uk

- Equality Objective 1 (EDS Goal 1) Better health outcomes
- Equality Objective 2 (EDS Goal 2) Improved patient access and experience
- Equality Objective 3 (EDS Goal 3) A representative and supported workforce
- Equality Objective 4 (EDS Goal 4) Inclusive Leadership

The strategy includes the equalities work we are undertaking with regards to service delivery and staff at a CCG and System level including the NHS People Plan.

Link: <http://3xmatc1p0cnc3crfv93ovogp-wpengine.netdna-ssl.com/wp-content/uploads/2021/06/LLR-Corporate-021-Equality-Diversity-Inclusion-Strategy-with-Equality-Objectives-Final-110521.pdf>

Equality Performance in relation to staff for the reporting year of 2019 -2020 can be found in the LLR CCGs individual annual reports using the links below. This includes NHS Mandated Services such as the Workforce Race Equality Standard. This year's annual reports for the period 2020 - 2021 are still subject to approval.

East Leicestershire & Rutland CCG

<http://12ibcm2f1hm941gh4lrpwwk1-wpengine.netdna-ssl.com/wp-content/uploads/2020/08/ELRCCG-Equality-and-Inclusion-Annual-Report-2019-20-v4-JUNE-2020-FINAL.pdf>

Leicester City CCG

<http://3xmatc1p0cnc3crfv93ovogp-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/Equality-and-Diversity-Annual-Report-201920.pdf>

West Leicestershire CCG

<https://www.westleicestershireccg.nhs.uk/your-ccg/equality-diversity-and-inclusion?highlight=WyJlcXVhbGl0eSJd>

We also undertake comprehensive Equality Health Inequality Impact & Risk Assessments (EHIIRAs) to ensure 'due regard' to the public sector equality duty. This makes sure that consideration is given prior to any policy or commissioning decision made by the Governing Bodies (or other committees) that may impact upon equality and human rights. This includes due regard being given to transgender individuals. A recent EHIIRA (June 2021) on the new Menopause and Andropause Policy for employees has ensured that impacts affecting transgender and non-binary individuals are included.

The LLR CCGs are currently reviewing their employment policies. A recent example of inclusion of transgender topics includes changes to the Sickness Absence Policy. The proposed wording states 'Once an employee has decided they wish to undergo gender reassignment it is essential that the employee is asked what assistance is required to support their transition. The line manager will need to discuss with the individual how they wish to handle the transition including absences from work. Further advice can be sought from Human Resources.

An employee is protected under the Equality Act 2010 as 'transgender' once they have proposed to change their gender, to undergoing a process to reassign their gender, or have done so. The line manager shall consider reasonable adjustments to accommodate the

equality related requirements including variation of working hours, flexible working hours or using a combination of unpaid and annual leave or paid time off to attend appointments.'

2) Equality, diversity and inclusion for patients

Response: This is covered in the above response in relation to the EDI Strategy, Annual Reports and EHIIRA's as they are for patients and staff.

The LLR CCGs also use Equality Monitoring to collect data which includes the protected characteristic of transgender. This helps when making any commissioning decisions which affects transgender staff or patients.

Each year NHS England issue the NHS Contract (full and short version). The main equality related requirements are contained within Service Conditions 12 and 13. This ensures that all providers of services comply with the Equality Act and mandated duties.

3) Provision of transgender related healthcare for children

Response: We would expect each individual Trust / Provider to have their own transgender healthcare policies in place; we do not have a specific contractual requirement for these.

Where the information is with the Provider, we would suggest for you contact them, as it is not appropriate for us to request information from another organisation to then pass onto a requester.

4) Provision of transgender related healthcare for adolescents

Response: Please see our response to Question 3. above

5) Provision of transgender related healthcare for adults

Response: Please see our response to Question 3. above

6) Capacity and consent to treatment for young people

Response: Please see our response to Question 3. above

7) Supplementing NHS care with private care

Response: Please see our response to Question 3. above

Please note that some documents that we provide may be copyrighted to the Leicester, Leicestershire and Rutland Clinical Commissioning Groups (LLR CCGs) and, under The Re-use of Public Sector Information Regulations 2015, may incur a licence agreement and fee should you wish to re-use them. If you do wish to re-use copyrighted material, you must ask our specific permission in all cases, which we may or may not give. Should you wish to apply for a licence, please write to the Corporate Governance Team at the above address.

If you are unable to open this or any other documents related to this request, please contact a member of the Corporate Governance Team in order to agree a new format.

If you are unhappy with the service you have received in relation to your request, please contact the Head of Corporate Governance in writing at the following address:

Head of Corporate Governance
Leicester, Leicestershire and Rutland Clinical Commissioning Groups
(i.e. East Leicestershire and Rutland CCG, Leicester City CCG and West Leicestershire CCG)
Leicestershire County Council
Room G30, Pen Lloyd Building
County Hall, Glenfield
Leicester
LE3 8TB

If you are still not satisfied following this, you can make an appeal to the Information Commissioner (ICO) who is the statutory regulator. Generally, the ICO cannot make a decision unless you have exhausted LLR CCG's complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

T: 0303 123 1113 or 01625 545745

E: casework@ico.org.uk.

Yours sincerely

Corporate Affairs Senior Assistant
Corporate Affairs Team