

## Introduction and an update from our Chair

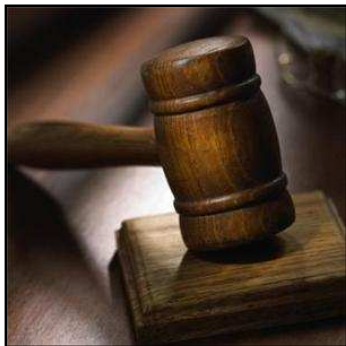
Welcome to the second issue of **Forum News**, published quarterly by the **Forum for Sexual Orientation and Gender Identity Equality in Post-School Education** ("the Forum"). In this Winter Edition we will provide an update on our current and future work; give information on topics and projects of interest; and highlight the latest case law news relevant to sexual orientation equality.

In the past year since our successful training events, the Forum and its members have developed resources and been involved in various activities promoting sexual orientation and gender identity equality. Our first publication was launched in May 2008 giving guidance on trans rights. This reflects the fact that trans equality is increasingly being recognised as an equality strand in its own right, particularly within the Single Equality Bill.

The Forum worked in partnership with the Learning and Skills Improvement Service (LSIS) to produce a DVD training toolkit for sexual orientation equality. This DVD showcases good practice in the lifelong learning sector and has been distributed to all providers in the sector, and some universities.

Our plans for 2009 include a new project on the relationship between religion and belief and LGBT equality, which aims to produce a resource for the sectors and serve as a launch pad for further discussions about this often problematic area. The Forum's first national conference is also planned in March and we hope to see many of our readers there (see page two).

## Case law news



Many have welcomed the outcomes of appeals in two recent employment cases:

- London Borough of Islington v Ladele (2008) EAT 0453/08/1912; and
- English v Sanderson Blinds (2008) EWCA Civ 1421 CA.

The first confirms that the right not to be discriminated against on grounds of religion or belief does not translate into the right to manifest one's belief in a way that discriminates against others.

Islington council won its appeal against a ruling that it discriminated against a Christian registrar who refused to conduct civil partnerships.

Registrar Lilian Ladele had said that she could not conduct civil partnerships as a matter of religious conscience. Islington council insisted that all its registrars participate in registering civil partnerships and disciplined her when she refused. In July 2008, an employment tribunal had found that the council had unlawfully discriminated against her. But in December, the employment appeal tribunal (EAT) upheld Islington council's appeal, ruling that the earlier tribunal had "erred in law" and that there was no basis for concluding that "discrimination had been established".

The judgment emphasised the need to draw a distinction between the employee's reason for objecting to civil partnership – her religious belief – and her employer's reason for treating her as they did – which was her conduct.

Islington council has a legal duty not to discriminate against service users and a policy commitment to promoting equality on grounds of sexual orientation. The judgement confirmed that it was entitled to require all its staff to participate in the non-discriminatory provision of services.

In the second case of English v Thomas Sanderson Ltd, both the employment tribunal and the EAT had ruled that the repeated homophobic harassment of Mr English was not unlawful because he is not gay and those harassing him knew this. However, in December 2008, the Court of Appeal overturned this decision, clarifying that the sexual orientation of the person being harassed was irrelevant. The judgement reiterated that it was not the purpose of the legislation that a claimant must declare his or her true orientation in order to establish a claim.

## Forthcoming Training and Events

- ECU Conference - Evidence for equality: the experiences of LGBT staff and students in higher education**  
**4 March '09, London** - this conference will launch the findings of research into the experiences of over 4,000 lesbian, gay, bisexual and transgender (LGBT) staff and students in higher education and give delegates the opportunity to shape the direction of future ECU work based on the research. With such a momentous response rate to an online survey in November 2008, this research is a first for higher education (view details at: [www.ecu.ac.uk/our-projects/lgbt-in-he](http://www.ecu.ac.uk/our-projects/lgbt-in-he)). It will provide empirical and robust evidence on the barriers and issues specifically affecting LGBT staff and students. The conference will provide an opportunity for delegates to consider the most appropriate steps to now be taken in supporting LGBT equality in higher education. To book a place at the conference, please visit the conference website at: [www.ecu.ac.uk/events/evidence-for-equality-the-experience-of-lgbt](http://www.ecu.ac.uk/events/evidence-for-equality-the-experience-of-lgbt) and complete the booking form by 24 February.
- AoC Training: Sexual Orientation Equality in the FE Sector – a practical workshop, 5 March '09, Birmingham** – this workshop is aimed at colleges and will provide information, guidance and advice on promoting sexual orientation equality and developing an LGB-friendly college. Real examples of good practice in a college will be discussed and expert speakers include members of The Forum. Visit [www.eventsforce.net/sexualorientation03](http://www.eventsforce.net/sexualorientation03) for booking information.
- The first national conference of the Forum for Sexual Orientation and Gender Identity Equality in Post-School Education, 24 March '09, Birmingham** – Save the date for the Forum's inaugural conference - employers, employees, learners and trade and student union representatives in post-school education are all welcome. Delegates will gain information about the work of the Forum and guidance on trans equality.
- UNISON FE Seminar – 27-28 March '09.** Discussion of wide range of issues affecting college members and keynote speech on equality from Trevor Gordon. Updates on national negotiations and policy developments. Email [education@unison.co.uk](mailto:education@unison.co.uk) for more information.

## Useful publications

Visit [www.officeronline.co.uk/lgbt/](http://www.officeronline.co.uk/lgbt/) for the latest **NUS publications** for LGBT officers, activists and students. Recent publications include:

- Trans students and accommodation** – a briefing for officers exploring the issues relating to providing halls of residence accommodation for trans students, including minimum standards and practical ideas for ensuring trans-friendly accommodation
- LGBT History Month Toolkit** – a toolkit for student unions



Visit [www.unison.org.uk/out](http://www.unison.org.uk/out) for:

- UNISON guide on harassment at work** – everything you need to know about tackling harassment on any ground
- OUT in UNISON** – Winter 2008/9 – newsletter on LGBT equality in UNISON
- Annual report** of UNISON LGBT Committee and record of decisions of 2008 LGBT conference

Visit <http://www.lluk.org/3063.htm> for a list of useful resources on LGBT equality.

## Forum contacts and further information

The **Chair of the Forum** is Seth Atkin, UCU ([satkin@ucu.org.uk](mailto:satkin@ucu.org.uk)). **Lifelong Learning UK (LLUK)** provides secretariat and financial support to the Forum. For further information about the Forum's work please contact the Equality and Diversity team at LLUK at: [equalityanddiversity@lluk.org](mailto:equalityanddiversity@lluk.org) or visit [www.lluk.org/3487](http://www.lluk.org/3487).

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