



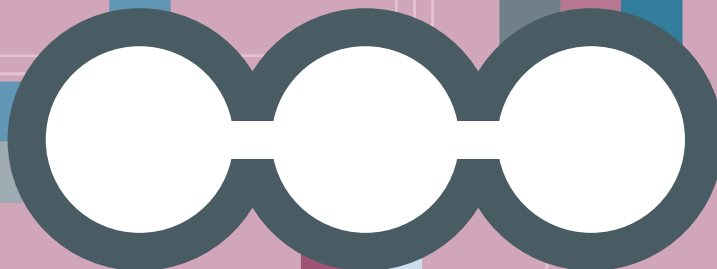
Stonewall
SCOTLAND

WHAT'S A PUBLIC SERVICE?

**A GUIDE FOR LESBIAN, GAY, BISEXUAL AND
TRANSGENDER PEOPLE TO GETTING THE
MOST OUT OF THE SERVICES YOU PAY FOR.**

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INTRODUCTION

Public services are just that: services provided by the government to the public. Many of these services are provided by local government – known as the local authority, or the Council – and everyone who lives in a certain area is entitled to benefit from the services provided by this organisation. Many people don't think their local Council does much for them, but in the grand scheme of things, lots of decisions which can affect you and facilities you can use are decided by or managed by your local Council on behalf of the whole community.

Public services provided by a Council can be social work services and care homes, schools, housing associations, fostering and adoption services, swimming pools and leisure centres, libraries, parks and gardens, street cleaning services, museums and art galleries, recycling and waste disposal, some licensed taxis and minicabs, trading standards, building and planning applications, and many more.

This guide explains what you as an lesbian, gay, bisexual or transgender (LGBT) person can expect from a local Council. As with all public and commercial services, many local Councils are still getting up to speed on what they have to do in order to prevent and tackle discrimination towards LGBT people who use their facilities and services. However, many Councils are making progress because they understand that recognising and responding to diversity can improve their service as a whole. Lesbian and gay employees at Councils have been protected from discrimination at work for some time, and local authorities have had a duty to promote equality of race, gender and disability for a while now and will soon have a duty to promote equality of sexual orientation as well. Council-provided services also have to adhere to the Sexual Orientation Regulations, which prohibit discrimination in the provision of goods, facilities and services, whether free or commercial. So why do many LGBT people still face discrimination, poor treatment and a lack of consideration from those who deliver services from or on behalf of local authorities?

Although this guide is about Council-provided services, the range of public services in Scotland and the UK is large. Public services are also very diverse and a particular problem you face in one service may not be present in another, although many of the problems LGBT people can face in their day to day lives will consistently fall into a few recurring categories. Everyone is entitled to use public services, though – so knowing what they are there for, what they are able to provide and how you can make the most of their services is useful.

HOW DO COUNCILS WORK?

There are 32 local authorities in Scotland, all of which are **unitary** authorities, meaning that they are the only local government in that area. The authorities are made up of councillors who are elected every four years. Registered voters who live in the area governed by the Council can vote in these elections. As well as elected members, each authority has a number of staff who are not elected and who carry out the day to day work of the Council in numerous areas and departments, responsible for implementing the policies of the elected councillors.

Each department of a Council has a councillor responsible for it. The departments are further subdivided into 'services' or sections; the department names vary in different Councils but the same type of work is carried out in each area. It can often seem difficult to know where to find a specific service within a local authority, but all local authority websites have an A-Z directory and a search function, and it is easy to call the main telephone number and ask to speak to someone at the service you want.

WHAT DOES MY LOCAL COUNCIL DO?

There are services provided by local authorities that everyone uses or benefits from, even if you're unaware of it, like road and footpath maintenance, refuse collection and street cleaning. There are some services that not everyone will use, but that most people are aware of, such as schools, libraries, social work, and sport and leisure facilities. There are also services that you may not use on a day to day basis, or ever use them at all, but you never know when you might need them, such as pest control, residential care and registration services (for births, civil partnerships and marriages, and deaths). And there are services that you may not even know the Council were responsible for providing, such as licensing applications for pubs, cafes and restaurants or social care services.

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WHAT TO EXPECT

Public services should not make assumptions about you, your life, your family circumstances or anything else about you. All local authorities have a **Customer's Charter** (or something with a similar name) which sets out what they will do for you and what you can expect from them, and how you can help them by working with them and getting involved, including using their complaints and feedback procedure and letting them know if you have any specific needs or requirements to use any service.

West Lothian Council holds a diversity week each autumn, drawing attention to equality and diversity issues across the whole Council and enabling people from all departments to get involved, mainstreaming their equality and diversity agenda.

LGBT PEOPLE AND PUBLIC SERVICES

Stonewall Scotland's 2009 public services research, *Service With A Smile*, showed that a third of LGBT people surveyed were worried, nervous or apprehensive before accessing a public service like those provided by a local authority. Over half of respondents were worried about being discriminated against, and 50% of people had already had a negative experience when using a local Council service such as leisure, transport, education, social work or housing.

... [My] social worker allowed a verbal homophobic attack in a meeting.

... I was refused entrance to a leisure centre as they stated that I may offend other service users.

A number of people in this research were unhappy when public service employees assumed they were straight, but at the same time felt safe that they had 'passed' and would avoid any potential awkwardness or trouble from service staff.

It is annoying [when they assume I am straight] – I have long hair and wear makeup but that shouldn't mean I am straight or even straight-looking.

[I felt] good as I knew that I would be safe on my journey, if [the bus driver] thought I was straight the rest of the passengers maybe thought the same.

These experiences show that many LGBT people are apprehensive about using services provided by their local authority. Even if they are not concerned about people being particularly nasty, constantly having to come out to local authority staff who assume you are straight can be irritating and uncomfortable, particularly in situations where there is prolonged and in-depth contact, or a need for personal or sensitive information to be shared, such as in social work. This can make using a service very difficult.

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The Sexual Orientation Regulations, which have been in place since April 2007, apply to services provided by your local Council, meaning that people using these services should not be discriminated against. Even though many services provided by your local authority are free, it doesn't mean you are any less entitled to fair and equal treatment from staff at these services; they are for everyone so everyone is entitled to the same level of respectful service.

The **Edinburgh Equalities Network**, supported by the City of Edinburgh Council and NHS Lothian, brings together public services, community groups and individuals to collect views and information on equality issues, including sexual orientation and gender identity.

Stonewall Scotland works with local authorities (and other public services) to provide advice on working with and considering the needs of LGBT people, including how to maintain confidentiality and anonymity when working with LGBT people, handling complaints appropriately, recognising the barriers that LGBT people face in accessing services, and how to change staff attitudes so that the staff do not make assumptions about service users or have discriminatory approaches to working with LGBT people. By developing knowledge and understanding around these issues, services will be in a position to impact on these reoccurring barriers to participation and will be a step closer to providing a service that is equally accessible to all.

I can think of lots of times [where the service experience has been bad] – generally the bad treatment ranges from things that aren't pleasant but manageable (i.e. assuming that I am straight) to people being nasty. I tend to put the 'more manageable' stuff to one side but over a long period of time of it happening a lot – it can really get you down.

It's true that not all services are likely to involve making your sexual orientation clear to service staff or even discussing it at all. But many services might – and all services are required to treat their service users equally. There are a number of Council services where your sexual orientation may be part of the reason for your choice to access the service, such as the housing department or homelessness facility. There are services where your sexual orientation is more likely to become known to staff, such as education services or any facility that requires you to declare or discuss your marital status or living arrangements, or any service that you access with your partner – even the local library or swimming pool.

Service providers shouldn't make assumptions about who is LGB or T, or talk differently to someone because of how they look. LGBT people are all different and may have multiple identities, so someone who is black and LGBT, or older and LGBT may feel even more excluded. A service provider can communicate its awareness of LGBT service users by including a wide range of identities in its advertising material, publicity and publications, or making sure that staff ask inclusive questions when filling out forms or collecting information. By doing this, the service will start to send a message to the LGBT community that it is on the way to becoming more inclusive.

Perth and Kinross Council understood how important it was for all staff, especially senior management, to understand LGBT issues. They got the message across through articles in the staff newsletter, leaflets and posters in Council offices and workplaces. Now, customer service staff and senior managers understand what they need to do to offer an equal service to LGBT people.

COMPLAINING

If you feel that a local authority service has not been carried out to the expected standard, you can submit an official complaint. Contact details for writing or telephoning will be listed on the Council's website, or if you wish to complain in person, any member of staff at the service should be able to deal with your complaint, or find someone who can.

Depending on the nature of the problem with the service, there are various steps that can be taken. Most of the time, if your complaint is about how you have been treated by a member of staff working for the Council your complaint should be formally recorded and an official response received within a certain time period. The service manager should normally send you a written reply within a specified number of working days from the acknowledgement of your complaint. The time may vary depending on the Council or the nature of the complaint you are making – for something that needs investigation or for something that is more difficult for a service to deal with, it is common to send a letter acknowledging the complaint and promising the answer or resolution at a later date.

You also have the right to make a complaint about a Council service to the Scottish Public Sector Ombudsman. The Ombudsman will expect you to have complained to the Council first before you contact them, and any such complaint must be sent within 12 months of the incident or matter for complaint.

If your complaint is still not resolved after discussing the issue with senior staff members, or the Ombudsman, if you feel you have been discriminated against by the Council and this is because you are LGB or T, you are protected under the Equality Act (Sexual Orientation) Regulations 2007. The Stonewall Scotland website (www.stonewallscotland.org.uk) has more information about these regulations, including further guidance on how to take a discrimination case further, including making a claim in the Sheriff court.

You can also inform Stonewall Scotland about your experiences of using Council services, whether it's a good or a bad experience. Stonewall Scotland can provide support for you if you wish to complain to a service, or direct you to those who can help you. We are always interested in hearing about good experiences, too!

Civil partnerships have been available to same-sex couples since 2005. As the registration of civil marriages and civil partnerships will involve the same procedures, most documents and information provided by local councils have added the extra information on rather than develop entirely new guidance. **West Dunbartonshire Council** has a specific paragraph about civil partnerships on its Registration services web page, making a clear statement that civil partnerships are on a level with civil marriages.

GETTING INVOLVED

Like all governments, local authorities are intended to be transparent and accountable to the people they serve. There are a number of ways to find out about the Council's activities and have some influence in what they do.

You can attend most Council meetings in order to get a better idea of what's going on. If there is an issue you're interested in, you can make your ideas known by contacting the specific department of the Council. There are also regular meetings that allow local residents to have their say and influence some of the decision-making, which may be organised to examine a specific issue (see the section on **Consultations**) or may just be a regular meeting that the public are invited to attend. Even for meetings that are held in private, notes of meetings are generally made available on request, or they are available to download from the Council's website.

While the full Council (all members of the Council) is theoretically responsible for all the decisions made, in practice most of the work is delegated to smaller groups of councillors or Council officers.

Consultations are another way in which Councils involve the public in their decision-making processes, allowing communities to have an active role in decisions that affect them. Knowing what the local community's priorities are helps Councils to plan their services, make the best use of resources, and be open and accountable. Consultations usually involve attending a round-table event to discuss an issue or, sometimes, responding to questions about the policy or practice by filling in a form.

Councillors are elected by the local community and are there to represent its views – local elections are held every four years (usually at the same time as other elections) so it pays to use your vote if you want to have your say. If you want to voice any issues with your local councillor in person, you can contact them via your local authority or attend their **advice surgeries**, which are held at regular times in community locations and are available to everyone seeking information and advice, making a complaint, or enquiring about local authority services. Your Council's website will have details of all the councillors' surgery times and contact details. Many local councillors, particularly in more rural areas, are quite active in the community.

Stonewall Scotland's Good Practice Programme has produced a range of publications for public services on how to make their organisations more inclusive for LGBT service users, covering themes including community engagement, inclusive publicity and advertising, leadership, monitoring, equalities training and other tips. These are available from www.stonewallscotland.org.uk/gpp

CONTACTS

DirectGov is the official UK government website, with information about all aspects of local and national government for service users, including links to all local authority websites – www.directgov.co.uk

Stonewall Scotland

Campaigns for equality and justice for lesbian, gay, bisexual and transgender (LGBT) people living in Scotland.

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