

## Single-sex services

### Doing an equality impact assessment



A guide for organisations that want to provide a single-sex service for women only (or for men only), with guidance about the Equality Act 2010 in the UK.

An equality impact assessment can help you show that your decision to provide a service for one sex only, or separately for women and men, was evidence-based. It is not a substitute for legal advice.

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**Sex Matters** is a human rights organisation campaigning for clarity about sex in law, policy and language

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## What is an equality impact assessment?

An equality impact assessment (EIA) is an evidence-based approach to decision-making that helps organisations ensure that their policies, practices, and processes are fair. EIAs are common in the public sector because of the Public Sector Equality Duty, which binds public authorities and certain other bodies in their approach to public functions. They are rarer in the private and charity sectors. But even there, a well-conducted EIA can help any organisation defend its decisions.

An EIA helps you identify and remove barriers to participation, or that disadvantage any protected groups. You can use it for both strategic and operational activities. You want to be able to show your working, and that you have considered whether there were practicable alternatives to exclusion. Or it might even help you to find an unexpected solution that avoids excluding a group from your service.

Every business or service will be responsible for a range of functions, activities and decisions, such as strategic decision-making, funding allocations, conferences, training courses and employment policies. You can't carry out an EIA before taking every decision (or you would never do anything else). But one may be worthwhile for any decision you consider at high risk of being challenged, for example adopting a single-sex policy. [We have produced a model policy for women's services such as refuges and rape crisis centres.](#)

The EIA will help to ensure that:

- you have understood the potential effects of the policy by assessing the impacts on different groups, both external and internal
- you identify adverse impacts or actions
- you identify if it is possible to remove, mitigate or justify adverse impacts
- your decisions are transparent and evidence-based.

Responsibility for the assessment, deciding who should be consulted, and who should sign off the EIA will depend on the nature of the policy, event or funding activity. We would suggest that an EIA of a decision to offer a women-only service should be signed off at a senior level.

**Ideally, an EIA should be factored in at the same time as risk, budget or health and safety policy decisions.**

## Gathering evidence

### Evidence-based policy making

In cases of new policies or management decisions there may be little evidence of the potential effect on groups that share protected characteristics. In such cases you should make a judgment that is as reliable as possible.

### Consultation

Consultation can strengthen these judgments by helping remove assumptions or sweeping generalisations about the impact on service users. But bear in mind that if your client group is particularly vulnerable, consultation may be neither possible nor desirable. Keep in mind the extent to which women are socialised to be self-sacrificing and accommodating, and the risk that service-users may be suggestible and eager to give you the answers they think you want to hear.

Consultation can add evidence to the assessment. Involving a diverse range of consultees will safeguard against 'groupthink'. Be aware that if your service already has an inclusive or, conversely, exclusive policy, it will not be enough to consult with existing service users: you ought to identify potential users, too (because your current policy will have defined the existing service-user group).

### Provisional assessment

If you do not have all the evidence you need at the initial stages, you may wish to conduct a provisional assessment. If you carry out a provisional assessment, make a plan to gather data so that a full assessment can be completed after a reasonable time. The scale of these plans should be proportionate to the activity in question. When there is enough evidence, you can prepare a full impact assessment.

## Evaluating impact

EIAs aim to identify differences in the needs and requirements of different groups of employees, service users and stakeholders, and to strike a balance. Policies are likely to have an adverse impact on some groups and not others. You will need to assess the weight of each impact.

“You are looking for bias that can occur when there are significant differences (disproportionate difference) between groups of people in the way a policy or practice has impacted on them, asking the question ‘Why?’ and investigating further.”  
*Acas, the Advisory, Conciliation and Arbitration Service*<sup>1</sup>

## Evaluation decision

Four options are open to you:

1. **No adverse impact identified**, so activity proceeds.
2. **Stop the policy or practice** because the evidence shows a negative impact towards one or more groups.
3. **Adapt the policy** to eliminate or reduce the negative impact.
4. **Proceed with caution.** Barriers and impact are identified, but having considered all available options carefully, there is no other proportionate way to achieve the aim of the policy or practice. (This is likely to be the case for single-sex services, or where positive action is taken.)

Make a record on your risk register, and ensure that you keep good records of the decision-making process, including any consultation you have undertaken.

Someone with the protected characteristic of gender reassignment may have a diagnosis of gender dysphoria, and may therefore be considered disabled under the Equality Act. That means that you should consider whether there are reasonable adjustments you can make to accommodate them. If the way that you provide the service means they cannot be accommodated, could you provide the service off-site, for example? But bear in mind that you only have to make **reasonable** adjustments, so you are entitled to take cost and logistical difficulties into account.

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<sup>1</sup> <https://learnwithunite.org/assets/Uploads/Acas-managers-guide-to-equality-assessments.pdf>

## APPENDIX: sample equality impact assessment

### 1. Name of policy/funding activity/event being assessed

Women-only exercise class

### 2. Summary of aims and objectives of the policy/funding activity/event

To make exercise accessible to the widest possible range of women in XXX

### 3. What involvement and consultation has been done in relation to this policy? (for example with relevant groups and stakeholders)

Contacted the following local women's groups asking them for their views on demand for a women-only exercise class:

- Women's Inclusive Team
- XXX Women's Health Group
- XXX Patient Involvement Group
- XXX Women's Group
- Local Women's Aid
- Women's Health and Family Services
- Muslim Women's Collective
- Bengali Women's Group
- Somali Mothers and Toddlers Group

Of the six groups that responded, all were in favour of a women-only class. Three made the point that their members would be most unlikely to be willing to attend a mixed class, and two said that some of their members had said that if they attended a mixed class they would fear disapproval or lack of permission from their families or communities. All six said that their members' options for exercise were limited, and that a women-only class would be a significant addition to local provision.

### 4. Who is affected by the policy/funding activity/event?

Women and men (including trans-identifying males – who might identify as “transwomen”, “trans women”, “non-binary” etc...) in XXX who might wish to join an exercise class.

### 5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?

Request feedback on web page for the class. Review feedback in 12 months' time.

Protected characteristic group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (such as adjustment to the policy)
Disability	Yes	We are not aware of any instances, but if trans-identifying males are more likely than women to have a disability, the policy may put them at a particular disadvantage compared to women.	None practicable or proportionate: to be recognised by the target population as a women-only class, the class must exclude all males.
Gender reassignment	Yes	Any trans-identifying females who prefer to attend an all-women class will be adversely affected.	None practicable or proportionate, as above.
Marriage or civil partnership	Not applicable		
Pregnancy and maternity	Not applicable		
Race	Not applicable		
Religion or belief	Yes	Many potential users adhere to religious or cultural practices that would make it impossible for them to attend a mixed-sex class. The proposed class is the only way to make this exercise class accessible to them.	Not applicable – the impact is positive
Sexual orientation	Not applicable		
Sex	Yes	All potential users are women, who face greater barriers to inclusion in sport and exercise than men do.	Not applicable – the impact is positive
Age	Not applicable		

## Final decision

### Explanation / justification

Is it possible that the proposed policy or activity, or change in policy or activity, could discriminate or unfairly disadvantage people?

The class necessarily discriminates against males.

### Tick the relevant box

1. No barriers identified, therefore activity will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the data shows bias towards one or more groups.
3. You can **adapt or change** the policy in a way which you think will eliminate the bias.
4. Barriers and impact identified, however, having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

**Will this EIA be published?\* Yes / Not required**

**Date completed:**

**Review date (if applicable):**

### Health warning

Until there have been more test cases, all legal advice on whether you are or are not allowed to exclude trans-identifying males (transwomen) from single-sex services has to be treated as provisional. So although we are confident we have read and understood the relevant law correctly, there is a contrary view – and until the courts have ruled on these questions, there can be no certainty.

## More resources

Sex Matters has also produced these related documents:

Single-sex services:  
**Providing a women-only service**



Single-sex services:  
**Model policy**



You'll find these plus updates and other resources in the [Single sex services section](#) of our website.

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