

▼ CITY COUNCIL NAMED AND SHAMED AS A DISCRIMINATORY EMPLOYER IN THE TIMES EDUCATIONAL SUPPLEMENT

Brighton & Hove City Council has been singled out as a discriminatory employer by *The Times Educational Supplement*, because of its handling of a case brought by a transgender teacher. By Richard Smith.

DAVID LEPPER MP



But the complainant's calls for an investigation into the Council's policies towards transgender people, supported by **David Lepper**, the **Labour MP** for **Brighton Pavilion**, are still being ignored.

In June 2007, the Council was ordered to pay a transgender teacher **£35,000** after being found guilty of victimising and discriminating against her. The identity of the teacher is subject to a restricted-reporting ruling. The payment was awarded for loss of earnings and injury to feelings. It has been estimated that the **Council** spent **£100,000** fighting the **employment tribunal**. The Council has not disclosed how much was spent, and has failed to respond to questions as to why it decided to fight the case.

Andy Baldwin, a former co-ordinator of the **LGBT Community Safety Forum**, co-wrote the tribunal cases. He commented: *"We are trying to encourage positive changes and challenge this Council's well-known, shocking culture of bullying, discrimination, secrecy and misuse of resources. They don't seem to care that this behaviour seriously harms people."*

An employment tribunal found that the male-to-female teacher had lost the opportunity to find work after the council revealed her change of gender in a reference to a recruitment agency, despite a request not to do so.

The tribunal heard that **Philip Morgan**, the former education, training and employment manager for the Council, had sent a fax to a recruitment agency, disclosing the teacher's gender reassignment. The fax was sent to **Hays Educational Personnel** following a request to the Council for a reference. The reference contained several comments about the teacher that made her gender reassignment known. The teacher had asked for a reference from Morgan, as he had previously head hunted her when he was a head teacher. He delayed responding, but then sent a fax secretly that disclosed the teacher's former name and former gender. The secret fax also informed the agency that she had previously raised proceedings against a Brighton School and East Sussex Country Council alleging discrimination.

The teacher discovered the contents of the fax after she contacted the agency to disclose under data protection any documents held in her name. The tribunal **told** the Council to provide any prospective employer or employment agency with a non-discriminatory reference. The **Equalities and Human Rights Commission** (EHRC), the government's new equality champion, **sponsored** the case and **represented** the victim at the tribunal.



PHILIP MORGAN @ HEARING

Morgan appeared before a **General Teaching Council for England disciplinary panel** in Birmingham on **September 11**. The panel heard that Morgan had discriminated by refusing to give a reference, and by referring to her as both "he or she", "him" and "her". Morgan claimed he was misadvised by the **Council's head of personnel and solicitor Ian Yonge**. The General Teaching Council will be announcing its decision soon.

The **Sex Discrimination (Gender Reassignment) Regulations 1999** make it unlawful to discriminate on the grounds of gender reassignment in employment or vocational training.

- *Times Educational Supplement* is Britain's leading publication covering the world of primary, secondary and further education. The article, printed last month, is available online at www.tes.co.uk/article.aspx?storycode=6002373.
- The victim has published all correspondence to date on the website: <http://brighton-council-cover-up-transgender.blogspot.com/>
- To read the Equality and Human Rights Commission report: www.equalityhumanrights.com/en/yourrights/equalityanddiscrimination/gender/atwork/Transgenderissues/Pages/transsexualismcasedecisions.aspx

COMMENT ▼

Due to a restricted reporting ruling we cannot identify the transgender victim in this case. While frustrating it was the only way the victim was guaranteed a fair hearing at the original Tribunal. Despite the case being sponsored by the Equalities and Human Rights Commission, Brighton & Hove City Council chose to use taxpayers money to appeal the original decision and take on the commission the governments new equality champion. The victim wants to know why. Every council tax payer should also want to know why and how much financially it has cost the city.

The General Teaching Council for England decided that the Council manager involved, Philip Morgan, who no longer works for Brighton Council had a case to answer. At the hearing in Birmingham last month Morgan clearly pointed the finger at his masters at Brighton Council.

Without an independent whistleblowing policy, cases like this will continue not only to bring shame on the city but also the politicians who remain silent and allow this type of discrimination to continue. Peoples lives continue to be destroyed while those masquerading as beacons of the liberal left turn a blind eye.

James Ledward