

## **TRANSGENDER POLICY AND PROTOCOLS**

### **PURPOSE**

This policy has been formulated to provide guidance and advice to staff about transsexual and gender reassignment issues. This policy applies to all stakeholders of North West Community Services Training Ltd (NWCS).

### **What is gender reassignment?**

There are a small number of people in the United Kingdom whose gender identity does not match their appearance and/or anatomy. This is sometimes called gender dysphoria, or gender identity disorder. People with this medical condition who decide to adopt the opposite gender to the one assigned at birth are known as 'transsexual people'. Medical treatment to enable transsexual people to alter their bodies to match their gender identity is highly successful. The process is known medically as 'gender reassignment'. Transsexual also includes persons living in their new gender, but who have elected for personal reasons not to undergo surgical treatment. Transsexualism is not the same as, and should not be confused with, 'cross dressing', transvestism, or sexual orientation. Transsexualism is not a life style choice, nor a facet of sexual orientation, nor a disease.

The Equality Act 2010 has strengthened and streamlined previous equalities legislation. Gender reassignment is one of the nine protected characteristics within the Act and is also included in the Public Sector Equality Duty. The Equality Act 2010 provides protection against direct and indirect discrimination, discrimination by association, discrimination by perception, discrimination in cases of related absence from work, and all forms of harassment and victimisation.

### **INFORMATION**

Trans is an inclusive term for people who identify themselves as transgender or transsexual. The word Trans can be used without offence (as an adjective) to describe people who:

- Are undergoing gender reassignment
- Identify as someone with a different gender from that in which they were born, but who may have decided not to undergo medical treatment
- Choose to dress in the clothing typically worn by the other sex

### **OBJECTIVES**

- NWCS is committed to being fair and inclusive and will not discriminate against an applicant, employee or learner who is undergoing, or who has undergone, gender reassignment.
- Transsexual staff are entitled to be treated with respect and permitted to perform their roles free from harassment and unfair discrimination. NWCS views harassment or discrimination against any learner or member of staff on any grounds as a serious disciplinary offence.
- NWCS is committed to complying with relevant legislation and codes of practice as a minimum benchmark. Wherever possible we strive to exceed legislative requirements by developing policies and procedures that help us to achieve our aim of being a working environment that is fair and supportive to individual needs and one which expects all staff and learners to be treated with fairness, dignity and respect.

## **RESPONSIBILITIES**

- All members of NWCS staff are responsible for helping to ensure that individuals do not suffer any form of discrimination as a result of their gender reassignment, and that they are supportive of individual needs. Every person working for NWCS will be accountable for the operation of this policy as they carry responsibility for their own behaviour and actions, on and off site during working hours or any activity associated with us.
- All staff in a managerial position are responsible for seeking to prevent any infringement of the policy amongst the staff for which they are responsible and taking action where appropriate.
- The Senior Management in conjunction with HR will be responsible for providing training on this policy.

## **SUPPORTING LEARNERS**

- NWCS fully supports any learner going through issues to do with gender dysphoria. NWCS will work with all groups inside and outside of the centre, to support learners and to ensure that their training programme is not adversely affected during what can be a stressful time for learners. NWCS will also ensure that learners are protected and safe within the training centre. Confidentiality will be maintained at all times.
- Complaints from learners relating to harassment and bullying will be dealt using the complaints policy in conjunction with this policy.

## **SUPPORTING EMPLOYEES**

- A member of staff going through the process of gender reassignment can seek support from their line manager or member of the SMT. It is a matter of personal choice as to who should be contacted, an action plan to cover the period of their transition will then be drafted. Confidentiality will be maintained at all times, for staff who may be undergoing transition, or have in the past undergone gender reassignment.
- All members of staff should try to refer to the transsexual person by their new name and use pronouns appropriate to their new gender role.
- If a member of staff is in a possession of a gender recognition certificate it is unlawful to disclose their transgendered status without their consent.

## **TRANSITION ACTION PLAN FOR STAFF**

- The staff member and the SMT/HR will write an action plan together for managing the transition to the opposite gender from the one assigned at birth, whilst they are in the workplace. This will include agreeing dates of transition and communication plans, with NWCS being guided at all times by the individual's preferences. Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans, together with any other notes of the meeting, must be kept strictly confidential in the individual's personnel file or learner file, as appropriate. After a person has successfully transitioned into their new gender role, or obtained a gender recognition certificate, these records will be destroyed.

## **USE OF SINGLE SEX FACILITIES**

- An action plan and a discussion with the individual will agree the point at which the use of facilities such as toilets should change from one sex to the other. A transsexual

employee/learner should not be invited to use disabled toilet facilities, nor facilities of their former gender.

### **MEDIA INTEREST**

- Staff and learners are advised to maintain strict confidentiality and not provide any information. Any media queries should be addressed to SMT.

### **SICKNESS AND ABSENCE**

- In putting together the transition action plan (Appendix A), the time the employee/Learner will need in order to undergo gender reassignment treatment should be discussed. When the individual is absent for treatment or surgery then normal sick pay arrangements or absence arrangements should apply. The normal policy for medical appointments should also apply, flexibility should be offered. A fit note will be required, but the sick note does not need to state the procedures performed.
- For the individual, living with transsexualism produces similar personal responses to those associated with any other life-altering condition, which will naturally lead to some individuals suffering stress. However once the issues are identified and gender reassignment commences, such problems are usually resolved.

### **DISCLOSURE & BARRING SERVICE (DBS)**

- The DBS has developed a separate application procedure, which allows transsexual applicants to exclude previous names from the Disclosure Application form. However, applicants will still be required to send details of their previous identity in a separate letter directly to the SMT.

### **PRE-EMPLOYMENT**

- Individuals who have already adopted their new social gender have no obligation to inform NWCS of their change. Job applicants and interviewees will not be asked their transsexual status.

## APPENDIX A

### Action Plan to support staff/learners transitioning gender

- Does the staff member/learner feel comfortable continuing in their current role? Are there any temporary or permanent changes to the role which should be considered to support the employee?
- Is any time off required for medical treatment? If so how will this be dealt with?
- What is the expected timescale of the medical and surgical procedures, if known?
- What will the employee/Learner new title and name be?
- When do they wish to start using this name and title? Will there be any phasing?
- When do they wish to start dressing and presenting as their acquired gender? Again will this be phased? (This may not necessarily be the same date as above.)
- Are there any dress codes which need to be considered?
- When does the employee/learner wish to use toilet and changing facilities appropriate to their acquired gender? Please note disabled toilets should not be suggested as an alternative.
- When, how and which Human Resources records and or systems will need amending?
- When and how should colleagues be informed of the transition?
- Is there any education material which could be used?
- If this action plan is not drawn up with input from line manager/and or Human Resources, consider how and when they might need to be involved.
- If any bullying or harassment occurs how will it be dealt with?

Actions agreed:

Date of next meeting:

### Sources of useful information

- The Gender Trust [www.gendertrust.org.uk](http://www.gendertrust.org.uk)

The trust is recognised as an authoritative centre for professional people who encounter gender identity related issues in the course of their work.

- Transgender Zone [www.transgenderzone.com](http://www.transgenderzone.com)

Support for transsexual persons.

- Press for Change [www.pfc.org.uk](http://www.pfc.org.uk)

Press for Change is a political lobbying and educational organisation, which campaigns to achieve equal civil rights and liberties for all transgender people in the United Kingdom through legislation and social change.

- Equality Advisory Service [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)
- Disclosure & Barring Service <https://www.gov.uk/guidance/transgender-applications>