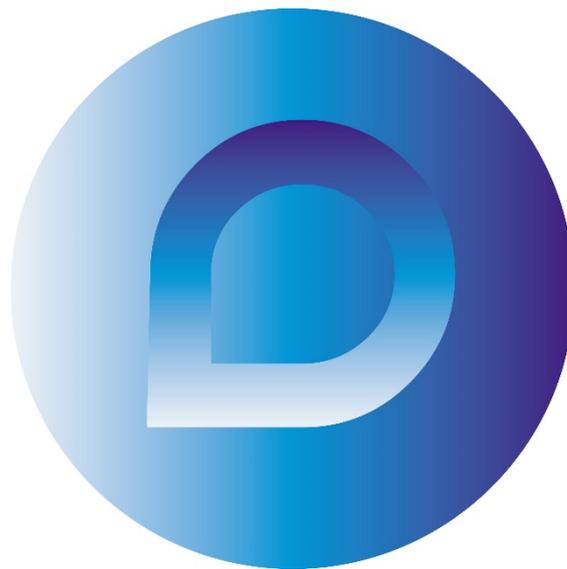


Trans Equality Policy



Reviewed: January 2021

Reviewed:	15/01/2021
Expiry Date:	14/01/2022
Next Review:	December 2021
Annual Appraisal:	August 2021

Trans Equality Policy

TABLE OF CONTENTS

1.0	Introduction	2 - 3
2.0	Policy Context	3 - 5
3.0	Trans Equality Policy	5 - 8
4.0	APPENDIX Transition Process Action Plan to Support Staff Transitioning Gender Action Plan to Support Students Learners / Service Users	9 - 11

References

Equality Act 2010

The Equality Act 2010 has strengthened and streamlined previous equalities legislation. Gender reassignment is one of the nine protected characteristics within the Act.

The definition of gender reassignment within the Act gives protection from discrimination to a person who has proposed, started, or completed a process to change their sex. The Act also protects:

- Trans people who are not under medical supervision
- People who experience discrimination because they are perceived to be trans people.
- People from discrimination by association because of gender reassignment.

Human Rights Act 1998

The Human Rights Act 1998 provides protection to trans people, principally under the right to a private life.

1.0 Introduction

As part of its wider Equality and Diversity strategy the By Design Group Ltd and associated companies is committed to providing an inclusive and welcoming community where staff and learners / service users are enabled to meet their full potential and are treated as individuals. This includes providing support and understanding to those individuals who wish to take, or have taken, steps to present themselves in a gender different to their birth gender.

The By Design Group Ltd and associated companies recognises that this can a very difficult and complex time for an individual and would wish to act in a sensitive and supportive way by having helpful policies and practices in place to ease any transitional period. We fully recognise our legal responsibility to protect the rights of transgender people and to ensure that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves.

This statement should be read as part of the wider set of policies including:

- NCS Equality Policy, LBD56A
- NCS Safeguarding & Equality, LBD53A
- Vulnerable Adults Protection Policy, LBD50A
- NCS Whistleblowing Policy, LBD55A

2.0 Policy Context

This Policy is fully supported by the Management Team of By Design Group Ltd and associated companies (BDG for future reference in this document) including **Richard Shaw – Director of NCS and Designated Safeguarding Officer (Executive Team)**, **Geoff Parsons – By Design Group Executive Chairman**, **Robbie Ridler – Assistant Director of NCS and Louise Curd – Director of Programmes (Executive Team)** are responsible for the implementation of this policy.

This policy is designed to focus on the support and advice that the BDG can offer to both staff and learners / service users who are undergoing any form of gender reassignment. It also aims to offer advice and guidance to managers / BDG staff or others who are helping to manage the support process at an individual level.

The Principles of the Policy are:

- Service users will not be denied access to BDG activities and services or fair and equal treatment while on using BDG services because of their gender identity.
- BDG will respect the confidentiality of all trans staff and service users and will not reveal information without the prior agreement of the individual.
- Staff will not be excluded from employment or promotion because of their gender identity.
- The BDG will provide a supportive environment for staff and service users who wish their trans status to be known. The BDG welcomes, and will provide, appropriate facilities for trans service users and staff.
- Transphobic abuse, bullying or harassment will be treated very seriously and dealt with under the appropriate procedures. (Anti-bullying Policy, LBD58A)

This policy extends to staff, volunteers, service users and participants with BDG activities.

This Trans Equality Policy will be reviewed and updated, if required, on an annual basis.

2.1 What is 'trans'?

- 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 transition.
- 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.

2.2 What is Gender Reassignment?

There are a small number of people in the UK whose gender identity does not match their appearance and/or anatomy. This is sometimes called gender dysphoria 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 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.

2.3 How is Gender Transition Achieved?

Diagnosis of transsexualism may take a matter of months or a period of years. Transition is achieved by the person undergoing gender reassignment. The process consists of counselling, followed by medication to alter the body and physical characteristics. During the early part of the process, it is possible the individual may display characteristics of both genders.

The final stage for some individuals is to undergo surgery. Not all persons going through gender reassignment undergo surgery; it is a personal choice and not a key criterion in the process of definition to gender change.

Indeed, much of the transition process is more about social aspects such as name, clothes, appearance, and personality rather than the medical aspects that are often associated with it.

At some point the person will want to start to live full time in their 'new' gender and their name and other records (such as their driving licence, birth certificate and passport) may be formally changed. The person is expected to live and work in their new gender role for a minimum period of one year prior to any irreversible surgical intervention. This period is often referred to as the 'real life experience' or 'real life test'.

Every individual may choose a wide and differing set of options in the way that they wish to shape their future lifestyle and the choices they wish to make. The most important role that we can play at BDG is to offer support and guidance at any or all stages of an individual's journey and to facilitate any procedures or processes as appropriate.

2.4 What it is Not Transsexualism

Transsexualism is not the same as, and should not be confused with, 'cross dressing', transvestism, or sexual orientation. Transsexualism is not a lifestyle choice, nor a facet of sexual orientation, nor a disease.

2.5 Intersex

Intersex is a biological condition that people are born with. Intersex people can have a combination of male and female anatomy; as a result, their biological sex cannot easily be classified as either male or female. Until recently, the medical profession encouraged surgery on intersex babies so that the child would conform to stereotypical male or female appearances. Subsequently, many intersex people encountered difficulties later in life as the gender prescribed by the medical profession and society was different from the gender with which they associate. The advice now is to wait until an informed choice can be made.

Not all intersex people opt for surgery, and many will consider themselves to be intersex rather than male or female. While trans issues are different from intersex issues, intersex people who had their gender incorrectly prescribed at birth may decide to transition to the gender with which they identify later in life.

3.0 Trans Equality Policy

Trans Respect Guidelines

The following informal guidelines on how to treat people who are transitioning may be helpful for a trans person's colleagues and learners / service users:

- Think of the person as being the gender that they want you to think of them as.
- Use the name and pronoun that the person asks you to. If you are not sure what the right pronoun is, then simply ask. If you make a mistake with pronouns, correct yourself and move on. Do not make a big deal out of it.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people are often sensitive about revealing information about their past, especially if they think it might affect how they are perceived in the present.
- Similarly, respect their privacy. Do not tell others about a person's trans status. If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- Respect people's boundaries. If you feel it is appropriate to ask a personal question, first ask if it is ok to do so. Personal questions include anything to do with one's sex life, anatomy (not just genitalia) and relationship status – past, present, or future. Questions such as 'Are you on hormones?' can be considered personal.
- Listen to the person and ask them how they want to be treated and referred to.

3.1 Support Employees:

An employee going through the process of gender reassignment can seek support from their manager, and HR.

3.2 Learners / Service Users:

A learner / service user going through the process of gender reassignment can seek support from BDG staff.

It is a matter of choice who should be contacted but it is recommended that the contact person works with the employee to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times, for staff and learners / service users who may be going under transition or have in the past undergone gender reassignment.

3.3 Transition Action Plan

The employee or learner / service user and their main contact should write an action plan together for managing their transition whilst involved with the BDG. This will include agreeing dates of transition and communication plans, BDG 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 must be kept strictly confidential and any records destroyed after the person has successfully transitioned.

Sample action plans are contained in the Appendix of this policy.

3.4 Identification

3.4.1 Name changes

Trans people can easily change their legal name by making a statutory declaration of name change. However, some do not choose to change their name immediately or at all. They may wish to use a shortened version of their name or a nickname. If this is the case it is preferable that managers are advised of the preferred name in advance so that the legal name is not used in error. Once a trans person has made known their chosen name, this name should be used in all circumstances, rather than their birth name. Also, a person who identifies with a certain gender, whether or not they have had surgery, should be referred to using the pronoun they prefer (this could be he, she, or they).

3.4.2 Identification

A full gender recognition certificate (GRC) gives a trans person the means to obtain a new birth certificate but other official identification and services reflective of their preferred gender can be gained without a full GRC including a passport, driving licence and the ability to change bank details. The BDG has no right to ask for or see this certificate. However, it may ask for a statutory declaration of name change or other official identification.

It is important to recognise that there can be very real cost implications in changing identity documentation, and this may not be accomplished all at once especially by learners / service users and lower paid employees. The BDG should be prepared to be flexible wherever possible and to be very clear about what information is required as well as any alternatives that can be offered.

3.5 Practical support

Staff and Learners / Service Users:

3.5.1 Time Off

Trans staff and learners / service users will require time off for a wide variety of medical appointments. Appointments to see a specialist may involve travelling long distances. The amount of time off required following surgery will vary greatly from 1 to 12 weeks depending on the nature of the surgery and the physical demands of the person's work or study. In all cases the member of staff or learner / service user should not be treated any less favourably than if they were absent due to sickness or injury.

There may be a need for close relatives of trans staff or learners / service users to have time off to care for them in the same way this would be necessary for parents or carers in other circumstances. There should not be any less favourable treatment in such cases.

3.5.2 Single Sex Facilities

A trans person should have access to 'men-only' and 'women-only' areas according to the gender in which they live permanently. Ideally there should be access to gender neutral toilet facilities wherever this can be reasonably accommodated. BDG and the individual will agree the point at which the use of facilities such as changing rooms, shower rooms and toilets change from one sex to the other. Requiring the person to use disabled toilet facilities is not acceptable unless the individual is disabled.

3.5.3 Records

If a trans employee or learner / service user is transitioning when at BDG and following their statement of intent to transition, their staff or learner / service user record should be changed at a mutually agreed time to reflect their preferred gender and name. This must include all paper records which must be replaced with a full set of new ones in the new name and gender. No records should be changed without the permission of the employee or learner / service user concerned.

3.5.4 References

References for current staff who have transitioned must make no reference to the person's former name or gender and must use the appropriate pronoun.

3.5.5 Recruitment

Where formal documents are required before commencing employment, confidentiality should be emphasised when asking for a birth certificate or passport as if the person has not yet been issued with new identification, the birth certificate will clearly show the person was born with a different name and gender. The same situation can

arise with a passport from another country that does not have the same legislative provision as the UK. Therefore, some flexibility may be required in what is asked for.

3.6 Learners / Service Users Only:

3.6.1 Accommodation

When a learner / service user needs accommodation and advises that they are transitioning or intend to transition once at BDG, it is advisable to formally agree the point at which they will begin to live day-to-day in their acquired gender. This will enable the correct form of accommodation to be allocated from the start. Students are encouraged to discuss their personal requirements in confidence and in person with relevant staff at BDG. The BDG will ensure as much flexibility and discretion as possible when dealing with learners / service users requests in relation to transgender.

3.7 Support and Advice

- **Equality and Human Rights Commission (EHRC)** is a statutory body with responsibility for protecting, enforcing, and promoting equality across all protected characteristics.
- The Gender Trust is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work.
- The Beaumont Society is a support network that promotes better understanding of the conditions of transgender, transvestism, and gender dysphoria.
- Gender Identify Research and Education Society initiates, promotes, and supports research, particularly to address the needs of people who have a strong and ongoing desire to live and be accepted in the gender in which they identify.

5.1 Transition Process

The chart below provides an overview of a typical transition and may prove useful for those managing or representing staff or service users throughout the process whether it involves medical intervention or social orientation. It is important to note that every individual’s situation will vary depending on a wide range of factors that can come into play.

A person identifies that their physical gender is not their actual gender.
The person is diagnosed with gender dysphoria.
The person informs their institution that they want to transition to their preferred gender and will commence a real-life experience.
After at least three months, the person begins hormone therapy.
At the person’s request, the institution updates its records to reflect any name change and their new gender.
A new staff or student file is created and any documents revealing their former name and gender that must be kept (for example, pension records) are marked ‘confidential’.
If the person is a student and they have changed their name, they are informed that they must legally change their name before a degree certificate can be issued in their new name.
After at least 12 months, the person may undergo genital surgery.
After two years of living in their chosen gender, whether or not they have undergone surgery, the person applies for a gender recognition certificate.
A gender recognition certificate is awarded, and the person is issued with a new birth certificate.
The person is now legally recognised in their chosen gender – all documents and references that have not already been changed must now be changed.
If the person is a staff member who is a member of the institution’s pension scheme, they must send their new birth certificate to the appropriate person to ensure their gender is changed on pension records.

5.2 Action Plan to Support Staff Transitioning Gender

Does the employee 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? (Considerations should include security aspects such as lone working, night working.)
What is the expected timescale of the medical and surgical procedures, if known?
Is any time off required for medical treatment? If so, how will this be dealt with?
What will the employee's 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? (Do new uniforms need to be ordered?)
When does the employee 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

5.3 Action Plan to Support Students Learners / Service Users

Does the Learner / Service User feel comfortable continuing with their current activity? Are there any temporary or permanent changes to the learner / service user experience and obligations which should be considered to support the learner / service user? (Consider security aspects.)
What is the expected timescale of the medical and surgical procedures, if known?
Is any time off required for medical treatment? If so, how will this be dealt with?
What will the learner / service user 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 learner / service user wish to use toilet and changing facilities appropriate to their acquired gender? Please note disabled toilets should not be suggested as an alternative.
When should other members of staff be informed, and how should this happen?
When and how should other learners / service users be informed of the transition? Is there any education material which could be used?
If any bullying or harassment occurs how will it be dealt with?
Actions Agreed
Date of next meeting