

Transgender Equality Policy



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1. Introduction

We are committed to ensuring that transgender employees are treated with dignity and respect and are not disadvantaged in the workplace.

The policy sets out the steps we take to welcome and support transgender employees.

Underpinning our approach are Our Values and Behaviours. These are crucial to how we recruit, develop and support Our People.



We believe that people work better when they can be themselves and feel that they belong.

We are committed to providing a working environment that is free from discrimination, harassment or victimisation and will ensure that our recruitment, development and retention processes do not treat people less favourably because of their gender identity.

2. Scope

The policy covers all employees, temporary workers and job applicants and applies to all stages of employment.

The policy accompanies our Equality, Diversity and Inclusion policy.

Failure to take account of this policy may result in disciplinary action being taken against an employee.

3. Terminology

We recognise that terminology around gender identity is evolving as awareness increases and more people choose to self-define.

3.1 What is Transgender?

Transgender is an umbrella term describing the diverse range of people whose gender identity differs from the sex that they were assigned at birth. An individual may identify as transgender but may not identify with the binary concept of woman or man.

Gender identity and sexual orientation are not interchangeable concepts. Gender identity is about a person's innate sense of their own gender. Sexual orientation, or sexuality, is about to whom someone is physically and/or emotionally attracted e.g. whether you are heterosexual, lesbian, gay, bisexual or asexual.

Transgender people may be straight, lesbian, gay, bisexual, or asexual, just as non-transgender people can be. Transgender people usually label their sexual orientation using their gender as a reference. For example, a person who is assigned male at birth and transitions to female, who is attracted to other women would typically identify as a lesbian or gay woman. Likewise, a person who is assigned female at birth and transitions to male, who is attracted to other men would typically identify as a gay man. We will not assume that a transgender colleague has a particular sexual orientation.

We should all respect how an individual chooses to describe themselves and, if in doubt, should ask rather than assume. Using inappropriate language and terminology can cause offence and distress and undermines our efforts to create an inclusive workplace.

Appendix A to this policy provides a glossary of some of the most commonly used terms.

4. The law

4.1 Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". There is no requirement for the person to be under medical supervision to be protected. Under the Act, a person who takes time off work for gender reassignment must not be treated less favourably in respect of employment decisions, for example by being denied access to training or development opportunities.

The Act also protects anyone who is perceived to have the characteristic of gender reassignment or is associated with someone who has the protected characteristic of gender reassignment, such as an individual's partner or a friend.

An employee who treats a colleague less favourably because of gender reassignment, for example by refusing to work with them, may be held personally liable for discrimination.

4.2 Gender Recognition Act 2004

The Gender Recognition Act 2004 allows an individual to apply for a gender recognition certificate (GRC), which will give them legal recognition in their acquired gender and enables them to obtain a new birth certificate. The Act safeguards the privacy of an individual with a GRC by defining information relating to the gender recognition process as "protected information" and, except "in certain specific circumstances" (for example, for the purpose of preventing or investigating crime), it is a criminal offence to disclose such information without the individual's consent.

An application for a GRC will be made to the Gender Recognition Panel. Individuals are required to provide a medical diagnosis of gender dysphoria and evidence that they have lived in their acquired gender for two or more years and intend to do so permanently.

We will never ask an employee if they have a GRC or require anyone to apply for one for employment purposes.

5. How we support transgender equality

We recognise that job applicants and employees are not required to tell us their gender identity or gender history. The gender in which an individual chooses to present will always be acknowledged and respected. This extends to individuals who identify as non-binary, i.e. they do not regard their gender identity as exclusively male or female.

To promote a workplace that is inclusive of people, regardless of their gender identity, we adopt the following approach.

5.1 Recruitment

We wish to attract applicants from as wide a talent pool as possible. Except in exceptional circumstances, a job applicant's gender identity is irrelevant. If the nature of a specific role might lawfully prevent someone who is transitioning from applying, advice must always be sought from HR in advance of advertising.

Recruiting managers and interview panel members should not ask questions about an applicant's gender identity or history. If an individual chooses to mention this during the interview, they

should be informed that we support transgender employees and assured that the disclosure will have no bearing on the outcome of the interview, will not be revealed outside the interview room or noted on the interview record.

The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a transgender applicant whose identification documentation may be in their previous names. We will ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for the privacy of the individual.

Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with our Information Governance Policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.

5.2 Monitoring

In line with our Equality, Diversity and Inclusion policy we will gather and analyse information relating to the diversity of the workforce and applicants for employment. Equality monitoring enables us to identify under-representation and where there may be barriers to inclusion. This helps inform our priorities for action and provides a baseline for measuring progress. Gender identity is included among other personal characteristics in our equality monitoring.

The disclosure of personal information by employees/job applicants is voluntary and employees may withdraw their consent to its processing at any time. Any information disclosed will be treated in confidence, stored securely and used only to provide statistics for monitoring purposes in accordance with our Information Governance Policy. When communicating monitoring data, we will ensure that it is anonymised to avoid identifying individuals.

5.3 Employment

5.3.1 Supporting an employee who is transitioning

We will be supportive of an employee who has made the decision to transition.

We acknowledge that the transition process and the time it takes will be unique to each individual and that it is not always a single process. We will not make assumptions about the employee or what they need but will instead work with the individual to ensure that they have the support that is right for them.

Transitioning is a major decision and the individual may have taken years to come to this point. They may fear rejection or ridicule by their work colleagues. It is therefore vital that we support the individual so that they can continue to work without fear of discrimination and harassment.

Once we have been made aware by an employee that they will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with the employee. That person will work with the employee to develop a confidential action plan to manage the individual's transition at work. A template action plan is included at Appendix B.

The plan will consider what steps to take before, during and after the employee's transition. No action will be taken without the employee's consent.

It is important to develop a plan that is bespoke to the individual employee. Some of the key issues to address are likely to include:

- when and how an individual will present at work in their affirmed gender;
- handling a request by the employee to change their job temporarily during the transition process or to move to a new role permanently;
- the point at which colleagues, especially any direct reports, will be informed and how this will be done;
- if and how third parties, such as clients or service providers, should be informed;
- how absence from work for reasons associated with transitioning (for example, for medical appointments and/or medical treatment) will be handled;
- arrangements for changing the individual's name on their personnel records, email, security badges etc;
- confidentiality; and
- dress codes and/or uniforms.

Transitioning is a process that takes time, and, to help both parties, regular review meetings will be arranged to manage the process. This will ensure that the right support is in place and enable the plan to be amended as things change. Effective support for someone who is transitioning requires dialogue, agreed action and respect.

5.3.2 Redeployment

An employee who is transitioning may wish to be redeployed on a temporary or permanent basis. This may be because: the individual is in a public-facing role and wishes to avoid having to answer questions from the public about their gender identity; or the role involves particular tasks that will be difficult to undertake if undergoing a particular type of treatment (for example, hormone therapy that causes fatigue). Whilst redeployment cannot be guaranteed, requests to be redeployed will be discussed with the employee and, where practicable, we will seek to accommodate the employee's wishes. This will include agreement on whether the redeployment is temporary or permanent.

A manager should not put pressure on an individual to change jobs or make assumptions about their capability or wishes.

5.3.3 Benefits

An employee's gender identity will not have a bearing on any employment decisions or access to benefits, except where permitted by law. For example, an individual who has transitioned but does not have a GRC may be required to disclose their gender history for insurance and pension purposes. In such circumstances, we will handle such information in line with our Information Governance Policy.

Where pension and insurance providers request disclosure of an individual's gender identity, we will ensure that this requirement has been checked with the underwriter and the requirement is made clear in any scheme information provided to employees. In such circumstances, the employee's written consent will be obtained before disclosing their gender history and status.

5.3.4 Names and pronouns

We will take all necessary steps to ensure that an individual's change of name is respected. Whether intentional or not, consistently addressing a transgender employee by their previous name (known as "dead naming") is distressing to the individual and impacts on the person's sense of belonging.

We will always respect an individual's chosen pronouns. Consistently addressing a transgender employee by their previous name and/or an inappropriate pronoun may amount to harassment and will be dealt with accordingly.

5.3.5 Updating employee records

We will agree with the individual what paper and electronic records need to be updated. These will include those records that may contain names, titles and other personal identifiers such as photographs on the organisation's website and intranet. The individual will be treated in the same way as other employees wishing to update their details. The employee will be notified of any records that cannot be changed without additional documentation.

Where an employee is absent while completing their transition, any records that hold personal details should be updated by the time the individual presents at work with their new identity, in line with the agreed action plan.

5.3.6 Confidentiality

All records that include details of an employee's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them (in which case the employee will be made aware of this and told why). Where other people in the organisation need to be

aware of the employee's transition to make a change to a particular record, we will obtain the employee's consent, and restrict the information to those who need to know.

Where there is a need to retain documentation that shows someone's gender history, this information will be stored confidentially in line with the requirements of data protection legislation. Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action.

Care will be taken to ensure that any search of the organisation's records by others will not inadvertently reveal an employee's gender history.

It is an individual's decision as to whether they choose to reveal their gender status and we will respect their right to privacy. The right to privacy will apply regardless of whether or not the individual has a GRC.

Where an employee discloses to their Manager or HR, information about their gender history or status (verbally or in writing), this will be treated as confidential. Such information will not be shared with others, unless there is a specific reason and then not without the written consent of the individual concerned. Disclosure of the gender history of someone with a GRC without their specific permission would normally be a criminal offence.

Information relating to an employee's gender status or history will not be disclosed to a third party without the individual's consent, for example when responding to a reference request.

5.3.7 Communication

Where an employee chooses to transition while working for us, we will work together with them to agree who will be told and by whom, and when and how this will happen. The most important consideration is that the employee feels safe in the workplace.

The employee may wish to tell colleagues about their transition or may prefer for this to be done by someone else on their behalf. We will encourage the individual to do what is best for them and, if the employee is not ready to tell anyone at the early stages, we will respect the employee's wishes. The employee is entitled to privacy and we will seek to protect them from intrusive enquiries.

Where an employee has a public or client-facing role, we will discuss with the individual what third parties need to know and how this should be handled.

5.3.8 Bullying and harassment

We adopt a zero-tolerance approach to harassment, bullying or victimisation and such behaviour may result in action being taken under our disciplinary procedure.

Examples of harassment against transgender people include:

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about transgender people;
- asking an individual if they have a GRC;
- jokes and banter about someone's gender identity or transgender people generally;
- refusing to use the appropriate pronoun (for example, calling a trans woman "he") or calling the person by the name they had before they transitioned;
- threatening behaviour or physical abuse;
- intrusive questioning about someone's gender identity or transition;
- excluding a transgender colleague from conversations or from social events;
- refusing to work with someone because they have transitioned; and
- displaying or circulating transphobic images and literature.

All employees are made aware of our policy on investigating claims of bullying and harassment and the procedures in place for handling complaints.

Any complaints of bullying and harassment are taken seriously and dealt with promptly.

5.3.9 Toilets and facilities

Following the UK Supreme Court judgement, the Council are redesignating accessible toilets as unisex toilets for individuals to use. This will be reviewed following the publication of the updated code of practice from the Equality and Human Rights Commission.

5.3.10 Dress codes

If a transgender employee is required to wear a uniform, we will ensure that arrangements have been made to provide them with a uniform appropriate to their gender. The uniform will be available from the point at which the individual presents in their affirmed gender.

We will agree with the employee what flexibility in our dress code may be permitted to accommodate the process of transition or where a gender-specific mode of dress would be uncomfortable for the individual.

5.3.11 Training on transgender equality and gender reassignment

We will put training in place to help our workforce to understand what is and is not acceptable behaviour and to differentiate myth from reality, thereby minimising the potential for conflict arising from misunderstandings. Discrimination because of gender identity is included in other training as appropriate, for example, recruitment and selection and absence management training.

Appendix A: glossary

Acquired gender: Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, many people now prefer to use the term "affirmed" gender.

Assigned gender: The gender assigned to someone at birth, based on their physical characteristics.

Cisgender (or Cis): Describes someone whose gender identity matches the sex that they were assigned at birth.

Cisnormative: An assumption that gender is a binary concept and that being cisgender is the norm.

Cross dresser: Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Cross dresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.

Dead naming: Referring to a person who identifies as transgender or non-binary by their birth name and not their chosen name.

Gender or Gender Identity: Describes a person's innate sense of themselves. They may identify as female, male, as having no gender, or as having a non-binary gender. A person's gender identity may not correspond with the sex that they were assigned at birth. Gender is increasingly recognised as not being a binary concept, but on a spectrum.

Gender dysphoria: A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.

Gender expression: How an individual presents their gender identity to others, for example through their appearance and behaviour.

Gender reassignment (or transitioning): The process where an individual changes their expressed gender to live fully in the gender with which they identify. For example, a person who was assigned female at birth decides to take steps to live the rest of their life as a man. Gender reassignment does not require medical treatment and is a protected characteristic under the Equality Act 2010. For many transgender people, the terms "gender confirmation" or "gender affirmation" are now preferred to "gender reassignment".

Intersex: An individual who is biologically not of the male or female sex. The sex that an intersex person was assigned at birth may differ from their gender identity.

LGBT+: Lesbian, gay, bisexual, transgender is a commonly used acronym. The "plus" denotes inclusion of other identities such as intersex or asexual. The acronym is often expanded to LGBTQI with "Q" standing for Queer (or questioning) and "I" for intersex.

Misgendering: When a transgender person is referred to by the sex that they were assigned at birth.

Natal gender (or natal man/natal woman): Used as an alternative by some people to Cisgender (or Cis).

Non-binary: A term used by people who feel that their gender identity is not binary male or female. Some non-binary people may identify as having no gender or being genderless (Agender), while others may identify in between male and female, or as having a gender that is different to either male or female. Some people identify as "gender fluid" meaning that their gender identity moves between two or more gender identities in different circumstances.

Pronouns: Terms people use to refer to others - often gendered "he/him", "she/her" - sometimes neutral/unisex "they/them". (This is not an exhaustive list.)

Sex: The biological and physiological differences that define men and women.

Trans man (female to male): Used to describe a person who was assigned as female at birth but identifies as male and is transitioning, or has transitioned, from female to male.

Trans woman (male to female): Used to describe a person who was assigned as male at birth but identifies as female and is transitioning, or has transitioned, from male to female.

Transgender (or trans): An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth.

Transitioning: The steps taken by individuals to live in the gender with which they identify. These steps can be social, psychological, legal and may sometimes involve medical procedures. Each person's experience of transitioning is unique to them. Transition is not about the individual "becoming" as it is about them "gender affirming".

Transsexual: Under the Equality Act 2010, a transsexual person is someone who has the protected characteristic of gender reassignment (see above). A transsexual person does not have to be under medical supervision to be protected under the Act. The term is now considered to be out of date and the more inclusive term "transgender" is preferred.

Transphobia: A fear of or a dislike of transgender people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.

Appendix B: Action plan template

This action plan provides an outline of the key actions to be taken to ensure that an employee's transition at work goes as smoothly as possible.

The action plan should be shaped and led by the employee as much as possible and be sufficiently fluid to take account of changing circumstances and preferences. There should be agreement on the confidentiality of the plan and who will have access to it.

Where other people in the organisation will be responsible for taking action identified in the plan, it is crucial that the need for confidentiality and data protection are understood.

Employee details

Current name of employee	
Payroll number	
Name after transition	
Preferred pronouns after transition	

Manager responsible for action plan

Name of manager:	
Job title	

Return to work following transition

When will the employee present for work in their affirmed gender?	Date:
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Does the employee wish to be away for an agreed period (e.g. on annual leave) and present in their affirmed gender on their return?	Yes / No
Provide details:	

Will there be any phasing?	Yes / No
Provide details:	

Would a period of flexible working be beneficial if practicable	Yes / No
Please provide details of any period of flexible working agreed	

Redeployment

Does the employee wish to remain in their current role or, if practicable, be redeployed for the period of transition?	Yes/No
If the employee would like to be redeployed (on a temporary or permanent basis) this should be discussed with HR and any arrangements agreed, detailed below. The employee should not be pressurised to change jobs or move from a public-facing role to a back-office function.	

Communication

Discuss and agree with the employee the method and content of the communication. Adapt the approach as necessary for:

- colleagues and/or direct reports;
- other employees; and
- relevant third parties.

If planning to get information and/or support from an external organisation, ensure that arrangements are made in good time.

Transitioning is a private matter and so the wishes of the employee are paramount. Deciding on who is told, how they are told and what they are told must be led by the employee, with support from their main point of contact/manager.

The employee should not be pressurised into taking responsibility for informing people.

Who needs to know about the employee's transition and why?				
Name of individual/s, department or organisations	When will they be told	Who will tell them	How will they be informed	Will the employee be present?

Issues to consider

1. What specific information do they need (e.g. what will be the employee's title, name and pronouns)?
2. Is any training required to help raise awareness and understanding of gender identity and transitioning?
3. How can the employee's immediate work colleagues and/or direct reports support the employee?
4. How will queries and questions be handled (e.g. use of single-sex toilets and facilities)?

Employee records

Anything that holds the employee's name, image, title or information that could reveal their previous identity needs to be amended by the time that the individual presents in their affirmed gender. Examples of what records to change include:

Item	Person/Service responsible for updating and by when
Staff ID card	
Email address / Officer 365 account	
Email signature	
Voicemail	
Business cards	
Any other IT related records (provide details below):	
Website and Intranet profiles	
Work related subscriptions (provide details below)	
Forthcoming external training	
Articles in company publications naming the individual	
Company photos	
Union membership	

Current and historic HR and training records will be updated as appropriate by HR Services. The Manager/agreed point of contact is responsible for notifying and consulting with HR. HR will also ensure that any necessary updates to pension records and records relating to employee benefits are also made in agreement with the employee.

HR notified: Y/N	HR representative notified:	Date notified:
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Confidentiality

Are there any records that need to be retained which include details of the employee's gender history?		Yes/No
What are they?	Why do they need to be retained?	How will appropriate levels of confidentiality be maintained?

Be careful to ensure that historical documents that contain references to the employee's previous name can be accessed only by a limited number of named individuals. The reasons for retaining any historical records must be clearly outlined and explained to the employee.

Pensions and insurance

Is the employee in the Pension scheme	Yes / No
Can the records with the pension provider be updated? If so detail who will do this and when.	

Is the employee covered by any other Corporate insurance policies that require gender information?	Yes / No
If so, detail if the information can be updated and who will do this and when.	

Dress codes

Is the employee required to wear a uniform for work	Yes / No
If the employee will require a new uniform agree here what will be provided and by when, along with any transitional arrangements agreed.	

Have any other arrangements in respect of the Councils dress code been agreed to support the employee's transition?	Yes / No
Please provide details:	

Absence

Time off work for treatment associated with the employee's transition should be excluded from absences for the purposes of trigger points under the organisation's absence management procedure.

How will any absences associated with the employee's transition be handled?

Some people transition without any medical intervention at all. For those employees who require time off for the process of transitioning, discuss in advance how much time off might be required and allow flexibility, as this will depend on what the employee chooses to do, the type of treatment, its availability and location. Waiting times for reconstruction surgery vary across the country, and the individual may need to travel some distance for treatment. Plan for absences by arranging cover for the employee if necessary.

Any treatment the employee chooses to have should not be regarded as cosmetic or elective.

Training on transgender equality

Is there a need to provide general training on transgender equality?	Yes / No
Please provide details:	

Consideration should be given to ensuring staff (as appropriate) are directed to the organisation's equality and diversity content on the intranet or elearning platform. Timing and context for training is important - be careful not to compromise the privacy of the individual who is transitioning.

Bullying and harassment

Has the Bullying and Harassment policy been publicised and is it easily accessible to employees.	Yes / No
Please provide details:	

Media interest in transition

Consider whether there is a potential for media interest in the transition and if a communications plan/approach needs to be agreed with the Communications team. Make sure colleagues understand the need to maintain confidentiality and not breach the employee's right to privacy.

Has this been considered	Yes / No
Please provide details:	

Ongoing support of an employee who is transitioning

How often should progress meetings be scheduled?	
Please provide details: (agree frequency and timing, but be flexible)	