



Trans Equality (Staff) Policy

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Signed: AMN Morgan

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Version Control

Version	Date	Changes
V1	03/10/23	Original document

Review

This policy is reviewed annually to ensure compliance with current regulations.
Approved and reviewed by annually by the Directors.

1. COMMITMENT TO TRANS EQUALITY

1.1 Edit Education is committed to promoting equality, diversity and good relations in everything it does. The school is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process.

1.2 Edit Education will not tolerate discrimination, victimisation or harassment on the basis of a person's gender identity, gender expression or trans status.

1.3 Edit Education seeks to provide a supportive environment for trans employees and to create a culture and environment where trans employees are able to thrive and are well supported during any process of transition.

1.4 The term 'trans' is used throughout this policy to acknowledge that there are a wide range of transgender, non-binary or non-conforming gender identities. These are described in the glossary (see Appendix A).

2. PURPOSE

2.1 This policy outlines the organisations commitment to ensuring that trans employees are treated with dignity and respect and are not disadvantaged in the workplace.

2.2 The aims of this policy are to ensure the Public Sector Equality Duty (which came into force on 5th April 2011) is being complied with (the Equality Act 2010 states that public bodies and others carrying out public functions must comply with the said public equality duty) and that the Gender Recognition Act (2004), is adhered to. Gender Reassignment is one of the protected characteristics covered by the Equalities Act.

2.3 The purpose of this policy is to assist managers and trans employees with practical information on workplace support for trans employees who are transitioning and prevent discrimination in line with the Equality Act 2010. The policy provides information on recruitment processes and specific steps schools should take to support employees who are transitioning.

3. DEFINITIONS

3.1 Definitions and terminology regarding trans people are evolving. Appendix A provides a glossary on some of the most commonly used terms. Individuals will self identify and how they choose to describe themselves should be respected by their managers and colleagues. Rather than assume, it is best to ask someone how they wish to be addressed.

3.2 'Trans' or 'transgender' describes people whose gender identity differs from their sex assigned at birth. They are umbrella terms covering people who:

- are intending to undergo, are undergoing, or have undergone gender reassignment at any stage;
- identify as having a gender different from that which they were assigned at birth and are planning or have had medical interventions such as hormones or surgery;
- identify as having a gender different from that which they were assigned at birth, but who are not planning any medical intervention; and/or,

- are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or not have medical interventions to align their body with their non-binary gender identity.

These are not mutually exclusive alternatives.

- 3.3 'Transitioning' is the process undertaken by a trans person in order to bring their gender presentation into alignment with their gender identity. This often involves dressing differently, using a different name and pronoun (e.g. she, he or they) and changing official documentation. It may involve various types of medical or surgical treatment, although this is not the case for all trans people.
- 3.4 Edit Education recognises there is no right or wrong way to transition and is committed to supporting each individual in their decisions.
- 3.5 Using inappropriate language and terminology can cause offence and distress and undermines the school's efforts to create an inclusive workplace for trans people.
- 3.6 Edit Education recognises that gender identity and sexual orientation are not interchangeable terms. Trans people can be bisexual, gay, heterosexual or lesbian and therefore employees should not assume that a trans colleague has a particular sexual orientation.

4. RECRUITMENT

4.1 Individuals who have already transitioned have no obligation to disclose their gender history. Job applicants and interviewees will not be asked their gender identity during the recruitment process – it is not a relevant criterion in selection. Neither is there any obligation for a transgender person to disclose this as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing officers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

4.2 References - Where a reference request is received for an existing employee who has transitioned, Edit Education will respect the employee's privacy and only respond using the employee's correct name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential.

When Edit Education requests a reference, the organisation will make the request using the prospective employee's correct name and gender since transitioning and will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the trans person.

4.3 Disclosure and Barring Services - Edit Education will be responsible for initiating and completing these checks in conjunction with the individual. There is a confidential application process for trans individuals, advice can be obtained from DBS (<https://www.gov.uk/guidance/transgender-applications>).

4.4 Safer recruitment documents -Where an employee is required to provide evidence of an essential qualification certificate or other documents e.g a right to work document as part of the organisations safer recruitment checks and it is in their former name, a copy of the

certificate or document will be stored securely on the employee's personal file and access restricted to authorised individuals. Edit Education will always 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 privacy of the individual.

4.5 Professional registration - If the employee's job involves professional registration, Edit Education will check whether the registration body has a specific, confidential process for gender transition.

4.6 Pensions and national insurance - Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans individuals will be advised of any implications. Advice can be obtained from gov.uk (www.gov.uk/government/publications/gender-recognition-how-pensions-and-benefits-may-be-affected).

5. SUPPORTING AN INDIVIDUAL TRANSITIONING

5.1 Edit Education recognises that trans job applicants and employees are not required to inform the school of their gender status 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.

5.2 The Gender Recognition Act enables people over eighteen to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender.

If a person has a gender recognition certificate they can obtain a new birth certificate showing their acquired gender. An employer should be able to use the birth certificate for most administrative requirements relating to employment, in the same way that they would for other employees. It is unlawful to request the gender recognition certificate. Indeed, if someone has reassigned their gender before joining you, you will have no need to know that they have a gender recognition certificate and have changed their gender.

Many transgender people will not obtain a gender recognition certificate to permanently change their gender but will want to live with a different name to the one they were given at birth. A name can be changed using a statutory declaration or deed poll.

5.3 Once Edit Education has 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 (see Appendix B for template action plan). 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.

5.4 It can be an extremely difficult step for someone to approach their manager about transitioning. They are likely to worry about the response. The transition process will be led by the individual concerned. However, organisations should ensure that the individual is supported and respected throughout the process.

5.5 Telling colleagues - The manager and employee will discuss the individual's preferences in relation to informing others, including other managers, colleagues, and other relevant contacts. They will agree whether the employee will do this, whether they would prefer the manager or a work colleague to do this, or a mixture of these options. They will also get express written agreement from the employee about when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and will be agreed in advance.

5.6 Uniforms and dress codes - Managers will be flexible, and will support the preferences of the trans person wherever possible. Trans employees have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

5.7 Changing facilities, toilets and other single sex facilities - Trans employees are entitled to use single gender facilities in accordance with their affirmed gender. For non-binary people, this might mean using gender-neutral or accessible facilities, or using a combination of different facilities. However, trans employees will never be required to use accessible toilets unless they wish to do so.

5.8 Updating records - Electronic records will be updated in a timely manner, to coincide with the date on which the workplace transition begins. Care will be taken to ensure that records do not link back to the former name – this may entail creating a whole new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that nothing is missed.

Where it is not possible to update a record, for example, pre-employment checks undertaken when the employee started, it will be stored in a secure place and access will be restricted to authorised individuals.

5.9 Customer facing roles - There is no reason why an employee who is transitioning should not continue in a customer facing role. However, some people might prefer a period of redeployment during transition, or as a permanent change. Managers will work with the trans employee to find a solution that meets the needs of both the employee and the organisation.

5.10 Attendance at appointments and time needed for treatment and surgery - Time off to attend transition-related appointments and treatment will be granted in line with the provisions of the Leave of Absence policy. Employees may wish to consider a temporary change to their working arrangements during this process and managers will accommodate such requests where possible.

6. REPORTING UNACCEPTABLE BEHAVIOUR

6.1 Edit Education has a zero-tolerance approach towards discrimination and harassment based on gender identity, gender expression or gender history. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. Managers are responsible for taking timely action where misconduct occurs on the grounds of an employee's gender identity, in line with the Grievance Policy.

7. SUPPORT FOR EMPLOYEES WITH A FAMILY MEMBER WHO IS TRANSITIONING

7.1 If an employee is supporting a family member who is transitioning, they may need to take time off to support them during the process. Where possible managers should try to support employees to manage such requests using the provisions of the Leave of Absence Policy.

APPENDIX A: GLOSSARY. THIS IS NOT A DEFINITIVE LIST.

Cis/Cisgender (pronounced sis): Someone who identifies exclusively with their gender assigned at birth. Non-transgender is also used by

Transgender: An adjective not a noun (someone is not 'a transgender').

Sex change/pre-op/postop: Inaccurately implies that someone should have surgery to transition

Biologically/genetically male/ female or born male/female: Overly-simplifies a very complex subject. A person's sex is determined by a number of factors; a person's biology

Gender dysphoria: describes when a person experiences distress because of a mismatch between their sex assigned at birth and their gender identity. (also a clinical diagnosis).

Gender reassignment: to undergo this can mean medical intervention but it can also mean changing names, pronouns, dressing differently and living in their gender not the one assigned.

Gender stereotypes: way people are expected to behave based on their perceived gender.

Gender variant: someone who doesn't conform to gender stereotypes.

Gender binary: relates to the view that gender is male or female; however many people do not relate to being distinctly male or female.

Non-binary: umbrella term for someone who does not feel that they are either male or female.

Gender-queer: person who does not subscribe to conventional gender distinctions but identifies with neither, both or a combination of male and female genders.

Gender fluid: a person who does not have a fixed gender.

Mx (pronounced miks): an honorific title before a person's surname or full name used to avoid specifying gender or by those who prefer not to identify themselves as male or female.

Pronoun: refers to a person's gender in conversation. Some people may prefer to be referred to in gender neutral language (they/their or zi/zir) If you aren't sure it is far better to ask than just guess

APPENDIX B – DEVELOPING A PLAN

The following is a useful starting point to develop a plan. Questions and points to consider:

Who needs to know? - Which staff? Who will them? When?

Telling colleagues/friends and people you work with/external customers

- Who will tell colleagues/external customers?
- Will you be there?

- When will this take place?
- Where will this take place?
- What information will be provided? Getting ready for your first day back
- When will this be?
- Change of role?
- Are you ready?
- Are colleagues ready?
- Additional support for you and/or family?

Changing everything into your new identity

- Name badge
- Who will do this?
- When?
- IT systems
- Email / Intranet address entry
- Work-based social media e.g Twitter
- Union membership
- Pensions scheme
- Certificates/awards