

Trans and Gender Identity Guidance for Staff



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Contents

1. Aims and purpose of guidance
2. Scope of guidance
3. Data Protection
4. Definitions
5. Equality Act 2010
6. Gender Recognition Act 2004
7. Discrimination and other treatment
8. Raising concerns
9. Recruitment
10. Equality and monitoring
11. Dress Code
12. Facilities
13. Transitioning at work plan
14. Responsibilities
15. Applicants
16. LGBTQ+ Staff Network
17. Training
18. Support services available
19. Review

Date	Author	Version	Reason for change
January 2022	Chloe Johnson – EDI Project Manager	Version 1	Initial Draft
April 2022	Chloe Johnson – EDI Project Manager	Version 2	Head of HR Business Partnering feedback
May 2022	Chloe Johnson – EDI Project Manager	Version 3	SoNet Consultation Feedback
November 2022	Chloe Johnson - EDI Project Manager	Version 4	Stonewall Feedback
January 2023	Alix Langley – Director of OD and EDI	Version 5	Review of policy for JNCC
July 2023	Sanchia Alasia- Head of EDI	Version 6	Amendments following consultation
September 2023	Alix Langley-Director of OD and EDI	Version 7	Review and amendments for submission to Executive
October 2023	Alix Langley- Director of OD and EDI	Version 8	Updates following Executive for launch

1. Aims and purpose of guidance

This guidance has been written to provide guidance and assistance for line managers and colleagues. It is designed to provide general guidance in terms of LSBU’s approach to gender identity; the prohibition of discrimination at work because of gender identity; and to provide support for staff of all ages who have already transitioned, are transitioning, non- binary members of staff, and those who have informed the University that they are in the process of taking steps to change the gender they were assigned at birth.

This guidance aims to provide a practical guide for the transitioning process to ensure that staff are made aware of any relevant support needed to make the process as smooth as possible for colleagues and managers. This guidance applies to all employees who are transitioning regardless of which stage they are at. It is intended that the EDI team provide advice and guidance of a specific nature, for all cases.

LSBU is committed to promoting equality, diversity and inclusion in everything it does. We are committed to equality of opportunity for trans and non-binary people throughout recruitment and employment, including supporting trans employees through any transitioning process. LSBU seeks to provide a supportive environment for trans and non-binary staff and to create a culture and environment where staff can thrive and are well supported during any process of transition.

2. Scope of guidance

This guidance applies to all our employees and potential employees regardless of intersectionality such as race, ethnicity, sex, gender identity and gender expression, disability, sexual orientation, age, religion or belief, pregnancy or maternity status, marriage and civil partnership status or socio-economic background.

This guidance does not form part of any contract of employment or contract to provide services and we may amend it from time-to-time following consultation with the relevant trade unions.

3. Data Protection

Any special category information disclosed regarding gender identity and transitioning will be treated confidentially and only shared with the necessary parties or with consent. LSBU is committed to protecting personal information that we may hold. All information will be processed lawfully, fairly and in a transparent manner. For more information you can access our Staff Privacy Notice [here](#).

4. Definitions

Terminology about equality, diversity and inclusion continues to evolve, and we are aware that there are varying preferences for terms by different people. This section is intended to provide some helpful information about how terms are being used but is not intended to be an exhaustive list or to provide definitions that everyone would accept.

You might also find it helpful to review the glossaries provided by Stonewall or Gendered Intelligence, as other sources of information. Details of these and other organisations who support trans people can be found in Section 11.

‘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 – non-binary is an umbrella term for people whose gender identity does not sit comfortably with ‘man’ or ‘woman’. 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.

‘Transitioning’ is the process undertaken by a trans person to bring their gender presentation into alignment with their gender identity. Each person’s transition will involve different things. This can often involve dressing differently, informing friends and family or 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.

5. Equality Act 2010

The Equality Act 2010 (the “Act”) protects trans people who are “proposing to undergo, is undergoing or has undergone a process or part of a process to reassign their sex” from discrimination, harassment and victimisation during all stages of the employment relationship, including in relation to recruitment, terms and conditions, promotions, transfers, dismissals and training.

A person is also protected under the Act if they are perceived to be trans or associate with a trans person.

Discrimination includes:

- (a) Treating a person less favourably than others because of gender reassignment.

- (b) Treating a person's absence because of gender reassignment less favourably than if they had been absent because of sickness or injury.
- (c) Unreasonably treating a person's absence because of gender reassignment less favourably than if the absence had been for some other reason.
- (d) Unjustifiably applying a provision, criterion or practice (such as a workplace policy or rule) which puts a trans person at a particular disadvantage when compared to other persons.

Harassment includes:

- (a) Engaging in unwanted conduct relating to gender reassignment or of a sexual nature which has the purpose or effect of violating another person's dignity or creating for them an intimidating, hostile, degrading, humiliating or offensive environment.
- (b) Treating a person less favourably because they submitted to or rejected harassment relating to gender reassignment or sexual harassment.

Victimisation includes subjecting a person to a detriment because they have done, or are suspected of doing or intending to do, any of the following protected acts:

- (a) Bringing proceedings under the Act.
- (b) Giving evidence or information in connection with proceedings under the Act.
- (c) Doing any other thing for the purposes of or in connection with the Act.
- (d) Alleging that a person has contravened the Act.

A trans person may also be protected under other provisions of the Act.

6. Gender Recognition Act 2004

Under the Gender Recognition Act 2004, a person can apply for legal recognition of their acquired gender through the issue of a gender recognition certificate (GRC).

A trans person does not require a GRC to be protected from discrimination, harassment and victimisation under the Equality Act. A person should not be asked to produce a GRC as evidence of their legal gender. It prohibits disclosure without the person's consent of information that relates to a person's application for a GRC or identifies a person with a GRC as transgender, where this information has been obtained in an official capacity, such as through a recruitment process.

7. Discrimination and other treatment

LSBU does not tolerate bullying or harassment. Dignity At Work is the right we all have to be treated with courtesy and respect in a positive and inclusive environment. Achieving dignity and respect at work is a collective responsibility and requires a collaborative effort. Dignity at Work - Connect (lsbu.ac.uk)

LSBU does not tolerate discrimination, bullying, harassment or victimisation and extends this protection to all gender identities.

To make our workplace inclusive, all staff are expected to:

- (a) Respect a person's gender identity, name and pronouns.
- (b) Avoid making assumptions about a person's gender, for example, based on appearance. We recommend asking how a person wishes to be addressed if you are unsure.

Where people feel comfortable doing so, we also ask that they consider including their pronouns on their email signature. This is a way of showing which pronouns the person receiving the email should use when referring to you and talking to you directly and can help promote an inclusive working culture. However, we recognise that whether to include pronouns in an email signature is

a very personal decision and that there are many other ways of demonstrating a commitment to inclusion.

Bullying, harassment and other misconduct in connection with gender identity is treated as a disciplinary matter in accordance with our [Disciplinary Procedure](#) . It may result in disciplinary action being taken against the perpetrator. Serious cases of deliberate misconduct because of gender identity may amount to gross misconduct resulting in dismissal.

Non-exhaustive examples of misconduct, bullying and harassment prohibited by this guidance include:

- (a) Repeatedly calling someone by their previous name or incorrect pronouns, or otherwise misgendering them.
- (b) Refusing to recruit, work with, promote or provide training to a person because of their gender identity, their perceived gender identity or because of the gender identity of a person with whom they associate.
- (d) Disclosing confidential information about a person's gender history or gender reassignment without their consent.
- (e) Verbal or written jokes or abuse based on gender identity.
- (f) Unwanted questioning about a person's gender identity, gender history or transition.

8. Raising concerns

We encourage you to speak up if you are subject to or witness conduct prohibited by this guidance so that we can deal with this appropriately. You can speak to your line manager, another manager you trust or report concerns through the online [Report and Support system](#). It is also possible to report concerns through Report and Support anonymously, although this may limit our ability to investigate or provide support.

We hope that in many cases you can raise any concerns informally, but as necessary concerns may be raised in accordance with our Grievance Procedure or, where appropriate, the “Speak Up” (Whistleblowing) Policy.

9. Recruitment

Our recruitment processes aim to be inclusive to all persons regardless of gender identity, focusing instead on the skills, experience and qualifications a candidate needs to perform the role.

We promote the use of gender-neutral language in our vacancy advertisements, job descriptions and person specifications.

During the recruitment process, including at interview, we recommend staff ask candidates how they wish to be addressed. Staff should not make assumptions about a candidate's gender or ask about their gender identity or gender history.

Where gender reassignment information is shared or becomes evident, such as during identity and document checks, this is kept confidential and dealt with sensitively. It does not influence the recruitment process. We process this information in accordance with our Data Protection Policy. Informal sharing of this information without candidate consent is prohibited.

Where a criminal records check is required for a role, candidates are offered the option of using the Disclosure and Barring Service's sensitive applications route, which provides a confidential check for trans applicants.

10. Equality and monitoring

We aim to monitor the impact of policies, procedures and employment patterns on trans staff, such as recruitment, training, promotion and leaving rates. Where we do so, this data is gathered voluntarily and anonymously.

11. Dress code

We encourage staff to follow our dress code norms in a way they feel matches their gender identity.

12. Facilities

In general, we encourage staff to use the facilities appropriate to their affirmed gender. We are committed to increasing the provision of gender-neutral facilities as the provision currently varies across our campuses. The use of facilities can be discussed with the EDI team as part of transition planning and support in any individual case.

13. Transitioning at work plan

Transitioning is a personal process and does not always involve a medical procedure. It should never be assumed that a trans individual suffers from gender dysphoria or that they intend to undergo any medical processes relating to their transition, and any discussions about medical processes should be led by the individual.

Transitioning colleagues should be supported by a manager and an identified HR Adviser, with support from the EDI team. In some cases, the supporting manager may not be the person's line manager but may be another appropriate manager identified by the HR Adviser.

Between the manager, transitioning colleague, HR Adviser and EDI team a transitioning plan should be developed. The transitioning colleague and their line manager should work together to develop an action plan to clarify the actions that will be taken over the course of the employee's transition, dates by which these will be done, and the person who will take responsibility. The plan could include the following:

- Preferences in relation to informing others, including other managers, colleagues, service users 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.
- Agreeing time off to attend any necessary appointments i.e., medical or counselling etc. We understand that not every person's experience is the same and the HR Adviser can provide further information about time off required and special leave.
- Discuss options for updating personal records, for example, on iTrent, and agree the most suitable time for updates in line with our legal obligations.
- Agree a time when the transitioning colleague will change their staff pass.
- Identify any training needs for the team and manager of the transitioning colleagues

14. Responsibilities

Manager

It is the responsibility of the line manager to ensure that reasonable support is provided for the transitioning member of staff. This will be done by participating fully in the creation of a transitioning plan and providing any support that has been agreed in the workplace transitioning plan. Any manager who is approached by a colleague to discuss transitioning should keep this

confidential and seek advice and support from the HR Business Partner for their School or department and the EDI team to agree next steps.

Transitioning colleagues

It is recommended that the transitioning colleague makes their line manager or another manager they trust aware that they plan to transition before they begin the process. This will be kept strictly confidential and will ensure that reasonable support and measures can be put in place to make the transition at work as smooth as possible. The transitioning plan will identify at what point colleagues will be informed of the transition and what support and training they will be offered.

Equality Diversity and Inclusion team

We take an individual approach to supporting colleagues with a transitioning plan. The EDI Team are there to provide practical support and guidance for the transitioning colleague, HR Business Partner team and manager. They will also provide any support needed by applicants who are applying to work at LSBU.

HR Business Partner/Adviser

The HR Business Partnering team will be responsible for providing guidance whilst ensuring that the University follow best practice in line with our policies and legal requirements. They provide advice to managers and can also put transitioning colleagues in touch with other support networks within People and Organisational Development, such as the coaching and mentoring service, Mental Health Champions and Dignity Advisers.

Colleagues

Colleagues are expected to always demonstrate respect for one another as well as questioning and testing received wisdom and putting forward new ideas and controversial or unpopular opinions. Colleagues should also show their commitment to the Universities EPIIC Values.

15. Applicants

Any applicants that would like to disclose their trans status can contact the Equality, Diversity and Inclusion Team. Anything disclosed will be treated confidentially in line with LSBU's Data Protection Policy. This will allow the University to provide any necessary support at the earliest opportunity.

You can email the EDI Team EDI@lsbu.ac.uk.

16. LGBTQ+ Staff Network

SoNet is the sexual orientation and Gender Identity Network and is open to LGBTQ+ staff and allies no matter how they identify. All staff are welcome to be a member of the network and benefit from their programme of activities, events and opportunities. To join the network, you can email s.o.network@lsbu.ac.uk.

17. Training

Tailored training will be organised by the EDI team if required to support the transitioning colleague, their manager and their team. All new starters are also asked to complete compulsory EDI training during their probationary period, or refreshers for existing employees.

18. Support services available

Stonewall – Provide organisations including HEIs to ensure that they are providing an inclusive environment and help them recognise the benefits of the perspectives of lesbian, gay, bi and trans people for all employees and service users. www.stonewall.org.uk

Gendered Intelligence – A registered charity that works to increase understandings of gender diversity and improve the lives of trans people. Their vision is of a world where diverse gender expressions are visible and valued, and where trans, non-binary, gender diverse and gender questioning people live healthy, safe and fulfilled lives. <https://genderedintelligence.co.uk/about-us/our-aims.html>

CliniQ - CliniQ is a Community Interest Company. They offer a holistic sexual health, mental health and wellbeing service for all trans people, partners and friends. They are a trans-led team, who offer a safe, confidential space for those who may not feel comfortable accessing mainstream services. www.cliniq.org.uk

Mind Trans+ - A confidential emotional, mental health support helpline for people who identify as Transgender, Agender, Gender Fluid, Non-binary. Telephone 0300 330 5468

Tranzwiki - TranzWiki is a comprehensive directory of non-commercial groups and organisations supporting or assisting trans and gender diverse individuals, their families, and friends across the UK. www.gires.org.uk

19. Review

This guidance will be reviewed after three years or earlier as needed, for example, in response to any legislative changes.