



Trans at work Policy

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This document has been assessed for:	
Compliance with Legislation	<input checked="" type="checkbox"/>
General Equality Duty Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

Important notice: During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

1. Policy statement

Cleveland Police is committed to welcoming and supporting transgender individuals and removing barriers to their recruitment, promotion and retention. Our aim is to provide a working environment that is free from discrimination, harassment or victimisation because gender identity is an important step in ensuring that individuals are respected and valued.

Non binary people and those with gender-variant identities who may or may not identify as trans are included in this policy.

This policy must be applied fairly, equally and consistently to all individuals irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

2. Purpose

This policy aims to eliminate discrimination against trans individuals, raise awareness and understanding and ensure all individuals are treated equally with dignity and respect.

3. Definitions

Definitions and terminology regarding transgender people are evolving. Appendix 1 of this policy provides guidance 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.

Using inappropriate language and terminology can cause offence and distress and undermines the organisation's efforts to create an inclusive workplace for transgender people.

The organisation recognises that gender identity and sexual orientation are not interchangeable terms. Transgender people can be bisexual, gay, heterosexual or lesbian therefore no-one should assume that a transgender colleague has a particular sexual orientation.

'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.

4. Recruitment

There is no obligation for a trans person to disclose their status as a condition of employment and if a person is recruited following transition there will not normally be any need to inform anyone of their gender reassignment history. If a disclosure is made as part of the recruitment process this must be kept confidential by all those involved.

4.1 References

Trans people may have to disclose their previous identity in order for references from past employers to be obtained; such information must be kept confidential. References requested for past individuals should be provided in the name that will be used in the new job and must not disclose a former name.

4.2 Vetting checks

It is recognised that it can be difficult and expensive for a trans person to change their qualification certificates. If these are in a former name, copies of certificates will be stored securely and only accessed by named persons.

Individuals who undergo a Disclosure Barring Service (DBS) check or further vetting checks as part of the recruitment process must disclose any previous names and/or gender to the DBS who have established a special application procedure/dedicated contact officer to maintain confidentiality: sensitive@dbsgsi.gov.uk

Gender confidentiality will be maintained where the individual has no criminal convictions and where there is no other information held by any Police Authority, as a clear disclosure certificate is the ultimate result. However, if convictions are found under a previous gender that are considered relevant to the post/position, then the individual's gender change would become evident through the provision of conviction information on the DBS disclosure certificate showing both gender names.

The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a trans applicant whose identification documentation may be in their previous names. The organisation 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.

Those individuals who are registered with a professional body should contact that professional body directly to determine if there are any specific requirements regarding their change of details. If previous registration details need to be held these must be kept confidentially on the individual's personal file.

5. Transitioning

'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 individuals.

Using inappropriate language, terminology and misgendering can cause offence and distress and undermines the organisation's efforts to create an inclusive workplace for trans people. Rather than assume, it is best to ask someone how they wish to be addressed.

5.1 Agreeing a Process

Successful support and management of an individual's transition depends crucially on taking account of the individual's views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise. Both the individual and the manager will need to agree the actions proposed to ensure there is mutual understanding about what needs to take place. Nothing should be done without the consent of the individual and no one will be informed if an individual plans to transition without the explicit consent of the individual concerned.

It is important at an early stage to agree a process. This should involve the individual; their Line Manager and a member of People Services. The individual may also be supported by a member of the Police Federation or Trade Union.

Key elements for discussion are:

- time off for medical appointments, treatments and surgical procedures (if required) and the handling of such absence;
- the anticipated point in time of change of name, personal details and gender;
- whether the individual prefers to stay in their current post or whether redeployment should be considered, either on a temporary or permanent basis, and how this may be accommodated;
- amendments to records and systems to take account of the change of personal details;
- when and how colleagues should be informed – the individual should be free to choose whether they make an announcement themselves or whether it is made for them by a chosen representative – and whether any training in trans equality issues is needed;
- how to handle any harassment or adverse reaction or media interest should it arise;
- advising colleagues to refer to the individual by their new name and use pronouns appropriate to their correct gender;
- the use of changing and toilet facilities – the individual will use the facilities appropriate to the gender they identify with. It is not appropriate to allocate specific facilities to the individual transitioning or to ask them to use disabled facilities;

- the wearing of uniform if required for the role – managers will ensure that the trans individual has access to the uniform that is most appropriate at all times; Some trans individuals may need access to both male and female uniforms. Managers should be flexible and support the preferences of the trans person wherever possible. Trans individuals have the right to comply with any dress code in a way that reflects their gender identity and gender expression;
- managers will ensure that appropriate/updated ID badges are in place for the individual at the point of presentation in their affirmed gender;
- establishing what support will be required from the Wellbeing Team;
- how to keep the individual informed of any changes at work.

It should be noted that not all details will be known at the outset, particularly the nature and progress of medical treatment (if required).

It may prove beneficial to develop a plan led by the individual. An action plan template to assist both the individual and manager can be found at Appendix 2.

6. Absence

Where an individual wishes to undergo surgery the extent of the surgical procedures may vary according to the needs of the individual.

Time off for transition-related surgery will be considered authorised absence and a reasonable amount of time off will be paid. The amount of paid leave will vary as each individual's transition journey will be different, so it is vital that managers adopt a positive, pragmatic approach.

Should the amount of time off exceed what was expected at the beginning of the individual's transition journey, then the manager will need to review the time off and discuss with the individual how they manage any additional time needed; other options that may be considered are Flexitime, Flexible working, Time Off In Lieu (TOIL), Annual and/or Unpaid Leave.

Absences will not be counted in relation to absence monitoring.

Individuals need to feel confident and supported throughout their transition journey and should not be left feeling vulnerable or that they have been disadvantaged, therefore Managers should be as flexible as possible to meet reasonable requests for leave or changes in working patterns within the needs of the organisation.

7. Names and Pronouns

All employees should try and refer to the Trans person by their new name and use pronouns appropriate to their new gender role. In the early days, it is only natural that people may occasionally get mixed up and the trans person should be aware that this may happen and be prepared to make allowances. The organisation must also be aware of the genuine concerns that employees may have, and resolve any issues quickly.

The organisation will take all necessary steps to ensure that an individual's change of name is respected.

A Gender Recognition Certificate (GRC) is not required to enable a transgender person to change their name and therefore no individual should be asked if they have a GRC to verify a name change, as to ask such a question would be inappropriate.

8. Records

Any records that hold personal details should be changed by the time the individual presents at work with their new identity. Records will include all of the systems that may contain names, titles and other personal identifiers such as photographs on the organisation's website and intranet. The organisation will work with the individual to ensure that nothing is omitted.

Copies of existing documents (such as birth certificates) should be replaced with the equivalent documents in the correct gender. There may be some instances where documents that relate to the individual's gender at birth, such as for pension purposes are retained. However, upon receipt of a GRC the new details must be used. Access to records will be restricted.

All records that include details of an individual's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them. Where other people in the organisation need to be aware of the individual's transition to make a change to a particular record, the organisation will obtain the individual'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. The information will be held electronically in a secure environment (for example, password protected) that can be accessed only with the consent of the individual concerned. 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.

8.1 Pension

Pension records will need to be amended to reflect the change to the correct gender. There may be some implications surrounding the GRC, marital status and nominations for benefits.

Contact details for police officers:

Telephone: 01642 727333

Email: penmail@xpsgroup.com

Contact details for police staff:

Telephone: 01642 727777

Email: pensionsunit@xpsgroup.com

9. Speaking in Court

There is a possibility that individuals may have written a statement of evidence prior to their transition and then be required to give evidence after their transition. In these circumstances the line manager should liaise with the Crown Prosecution Service and the individual so the situation can be appropriately risk assessed.

10. Bullying and Harassment

The organisation will not tolerate victimisation or harassment on the basis of a person's Trans status. Harassment or victimisation of an individual on the grounds of gender is classed as unlawful discrimination. Such behaviour may result in action being taken under the 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 an individual's gender identity or transgender people generally;
- deliberately not using the pronoun appropriate to the individual's acquired gender (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 an individual's gender identity or transition;
- excluding a transgender colleague from conversations or from social events;
- refusing to work with an individual because they have transitioned;
- displaying or circulating transphobic images or literature.

If an individual feels they are suffering from harassment or victimisation or if their colleagues witness transphobic discrimination they can seek advice from members of the LGBT+ Network or People Services.

11. Employee Assistance Programme

Support is available through the employee assistance programme from Health Assured, a confidential, external organisation.

Telephone: 0800 030 5182 (24 hour)

Online health portal: www.healthassuredeap.com

User: Cleveland Password: EAP

12. Confidentiality

Managers and colleagues who are informed of an individual's trans status must ensure that they maintain this information in the strictest of confidence.

This information must only be provided to others on a 'need to know basis' and with the knowledge and consent of the individual.

'Need to know' refers to those directly involved in the administration of a process, for example, People Services, Wellbeing Team and Pension administrators. There may also be a need for other senior divisional or departmental managers to be aware of the individual's trans status. This, however, would only be done after full discussion with the individual.

Any deliberate or inappropriate release of confidential information leading to a trans applicant or trans police officer/staff member being 'outed' against their stated wish, whether internally or externally, may be treated as gross misconduct and subject to appropriate disciplinary action. Any deliberate or inappropriate release of confidential information may also be a criminal offence under the Data Protection Act 2018 and Gender Recognition Act 2004.

Managers should seek advice from People Services prior to disclosing information to any other parties.

13. Support Available

LGBT+ Network

Email: lgbt@cleveland.pnn.police.uk

The Wellbeing Team

Email: wellbeing@cleveland.pnn.police.uk

Blue Light Programme

Telephone: 0300 3035999 Text: 84999

Email: bluelightinfo@mind.org.uk

<http://intranet/CorporateInformationSites/BlueLight/SitePages/Links.aspx>

Federation

Telephone: 01642 521246 (Police Officers)

Unison

Telephone: 01642 521395 (Police Staff)

Force chaplain

Mobile: 07736 084011

National Trans Police Association

The NTPA is a UK-wide non-statutory staff association offering support to all Police Officers and Staff in matters relating to trans people issues, be they professional or private.

<https://www.lgbtpolice.uk/ntpa>

Stonewall

Telephone: 08000 502020

www.stonewall.org.uk

14. Appendices

Appendix	Description
1.	Definitions
2.	Transition Action Plan

15. Compliance and monitoring

The Head of HR is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of HR will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

16. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	May 2019	Policy developed in accordance with the Equality Act 2010, Gender Recognition Act 2004, Data Protection Act 2018 and Human Rights Act (1998)	██████████
0.2	July 2019	Policy revised following Force wide consultation	██████████
0.3	Aug 2019	Policy submitted for approval	██████████

0.4	19/11/19	Chief's Net advice incorporated and vetting application introduction amended accordingly. DPIA completed. For approval at Executive Board	██████████
1.0	17/12/19	Policy approved and published	██████████
1.1	Feb 2020	Change of owner dept. name	██████████
1.2	Apr 2020	Addition of COVID 19 message	██████████

Appendix 1 – Definitions

Affirmed Gender	Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning.
Ally	A (typically) straight and/or cisgender person who supports members of the LGBT community.
Assigned Gender	The gender assigned to someone at birth, based on their physical characteristics.
Cisgender	Someone whose gender identity is the same as the sex they were assigned at birth.
Cross-Dresser	This term refers to people who dress, either occasionally or more regularly, in clothes associated with the opposite gender, as defined by socially accepted norms. They are generally happy with their birth gender and do not want to permanently alter the physical characteristics of their bodies or change their legal gender.
Deadnaming	Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.
Gender	The socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.
Gender Binary	The classification of sex and gender into two distinct and disconnected forms of masculine and feminine.
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 someone manifests their gender identity in society, for example through their appearance and behaviour.
Gender Fluid	Having a gender identity which varies over time.
Gender Variant	Someone who doesn't conform to gender stereotypes.
Gender Identity	A person's deeply felt internal and individual experience of gender, which may not correspond to the sex assigned to them at birth.
Gender Reassignment (or Transitioning)	The process of transitioning from the gender assigned at birth to the correct gender. Gender reassignment can include undergoing some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010.
Gender Recognition	Issued by the Gender Recognition Panel, it signifies full legal rights in acquired gender and allows the issuing of a replacement birth

Certificate	certificate.
Intersex	A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.
Legal sex	The sex recorded on a person's certificate. Currently binary in the UK and can be changed by applying to the Gender Recognition Panel.
Misgendering	Referring to someone using a word, especially a pronoun or form of address, which does not correctly reflect the gender with which they identify.
Non-Binary	An inclusive term to describe people whose gender identity is "fluid" and not exclusively male or female. A non-binary person may identify as neither male nor female or may feel that they embody elements of both genders, or that they are something different.
Pronouns	A gender pronoun is the pronoun that a person uses for them self e.g. They/Them/Their, She/Her/Hers & He/Him/His.
Sex	Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.
Transgender or Trans person	An umbrella term describing the diverse range of people whose gender identity or gender expression differs from the gender they were assigned at birth. The term can encompass individuals who are transsexual, cross dressers or non-binary.
Transphobia	A fear of or a dislike of trans people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.
Transsexual	A transsexual person has the protected characteristic of gender reassignment and is defined in the Equality Act 2010 as someone who is "proposing to go, is undergoing, or has undergone gender reassignment". It is not necessary for a transsexual person to have to be under medical supervision to be protected in law from discrimination.

Transition Action Plan

The following template can be used by the manager and individual to assist in a successful transition and ensure a mutual understanding of what needs to take place.

The action plan should be shaped by the individual 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.

There may well be other questions, dependent on the circumstances and needs of the individual. Before completing the plan it may be wise to begin with an open discussion regarding what is most important for the individual and their concerns in relation to their job role and work.

Disclosing the individual’s transition

Transitioning is a private matter and so the wishes of the individual are paramount.

Deciding on who is told, how they are told and what they are told must be led by the individual, with support from their manager.

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

	Who will tell them?	When?	Date completed?
HR Business Partner			
Senior Manager			
Line Manager			
Colleagues			
Others (e.g. External Partners)			

Other points to consider:

- Where and how will this take place.
- What general and specific information is needed (e.g. about transitioning – names and pronouns).
- How the above people should be told (e.g. one to one, team briefing, email from the individual).
- Does the individual want to be present for all/part/none of the time when colleagues are being informed.
- Who is supporting the individual within the organisation.

- How can the individual's immediate work colleagues and/or direct reports support the individual.
- Does the individual want any prior training or briefing of colleagues to happen before any disclosure.
- How will queries and questions be handled (e.g. use of toilets and facilities).
- Decide how often progress meetings should be scheduled.

Absence

Points to consider:

- Bear in mind that, to avoid the potential for discrimination, time off work for treatment associated with the individual's transition may have to be excluded from absences for the purposes of trigger points under the organisation's absence management policy.
- Ensure that absences due to transition are not treated less favourably than any other absence.
- The time off required will depend on the nature and extent of the treatment that the individual is undergoing. For example, the individual may:
 - have hormone therapy for a number of years before having surgery;
 - need to have a number of operations; decide not to have surgery; or
 - take breaks from their treatment.
- Managers should discuss with the individual how much time off might be required for treatment. Allow flexibility, as this will depend on the type of treatment and availability.
- Plan for absences by arranging cover for the individual if necessary.
- Treatment should not be regarded as cosmetic or elective.
- The period of time taken to complete gender reassignment will also depend on where the individual is having treatment, because waiting times for reconstruction surgery vary across the country, and the individual may need to travel some distance for treatment.
- Be aware that some people transition without any medical intervention at all.

Planning the Future

New name (in full, if known)	
Role	
Name of line manager	
Medical Advisor (name/contact details)	
Date to present in affirmed gender (if known)	

Managing current role

- Does the individual want to stay in their current role during or after the gender reassignment process or, if possible, would they prefer to be redeployed, either on a permanent or temporary basis?

- Are there any duties within their current role during or after the gender reassignment process that should not be undertaken? (e.g. physical aspects of the role that may be affected by surgery).

Please note: There may also be possible side-effects of medication which may adversely affect work performance and trans people may need reduced hours or duties for a temporary period when they return to work following surgery.

New identity changes to be completed

	Who will do this?	When?	Date completed?
ID Card (s) – Name and photograph			
IT systems – e.g. User names, email, properties authorship			
Uniform (if required)			
Voicemail			
Union Membership			
Pension scheme			
HR/Wellbeing Team records			
Qualification Certificates			
DBS			
Pension, death in service and dependents' benefits			
Staff/Telephone lists			
Website and Intranet profiles			
Biometric data: DNA/Fingerprints (if operational)			
Individual Benefits			
Union Membership			
Other (Please state)			

The first day in a new identity

The individual should be reassured that any hostility towards them by other individuals and/or third parties will be dealt with at the earliest opportunity.

It is important to ensure that the individual is addressed by their chosen name and that the correct pronoun and prefix are used.

Records and Confidentiality

It is important to ensure that all information is handled in the strictest confidence and in accordance with the organisation's data protection policy.

Historical documents that contain references to the individual's previous name should be accessed only by a limited number of named individuals.