



Transgender and Non Binary Equality Policy

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Transgender and Non Binary Equality Policy

1. Policy statement

Cleveland Police and the Office of the Police and Crime Commissioner (OPCC) Cleveland are committed to promoting the principles of equality, diversity, inclusion, and human rights in all areas of policing, welcoming and supporting transgender Individuals and removing barriers to their recruitment, promotion, and retention.

Our aim is to provide a working environment where all Individuals feel valued and are treated fairly with dignity and respect, we do not discriminate on the grounds of gender identity, gender expression or gender presentation.

All individuals contribute and support the Force strategy to:



Policing **Cleveland** Together

Individuals should adhere to our [Values and Behaviours](#), these link to the [Code of Ethics](#) which is inclusive and supports everyone in policing to provide ethical and professional policing services.

The Code of Ethics includes three ethical policing principles:

Courage

Respect and Empathy

Public Service

to support decision making, as well as guidance on ethical and professional behaviour to ensure everyone in policing is:

‘Doing the right thing, in the right way, for the right reasons’

Please note: Cleveland Police and the OPCC will be referred to as the “**Organisation**”, and police officers, police staff, special constables and volunteers will be referred to as “**Individuals**” for the purposes of this policy.

2. Purpose

This policy aims to raise awareness and understanding to eliminate discrimination against Individuals who identify as trans and non-binary and provides information and support for Individuals and line managers.

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.

3. Scope

This policy and accompanying documents apply to police officers, police staff, PCSOs, special constables, volunteers and employees of the Office of Police and Crime Commissioner (OPCC).

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4. General information

This section provides general information that applies to all involved in the process.

4.1 Definitions

Definitions and terminology regarding Individuals who identify as transgender or non-binary are evolving. The accompanying document TNBAD001 provides guidance on some of the most commonly used terms (see [accompanying documents](#)).

Individuals will self-identify and how they choose to describe themselves should be respected by their managers and colleagues.

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

The Organisation recognises that gender identity and sexual orientation are not interchangeable terms. An Individual who identifies as transgender can be bisexual, gay, heterosexual, or lesbian therefore no-one should assume that an Individual has a particular sexual orientation.

'Trans' or 'transgender' describes Individuals whose gender identity differs from their sex assigned at birth. They are umbrella terms covering Individuals 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;
- 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.

4.2 Bullying and Harassment

The Organisation will not tolerate victimisation or harassment of any kind. 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 misconduct/disciplinary procedure.

Examples of harassment against Individuals include:

- Verbal abuse such as name-calling, threats, derogatory remarks, or belittling comments about Individuals who identify as transgender or non-binary.
- Asking an Individual if they have a Gender Recognition Certificate (GRC).
- Jokes and comments about an Individual's gender identity or Individuals who identify as transgender 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 an Individual 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 their line manager, Human Resources, Department of Standards and Ethics (DSE), members of the LGBTQ+ Network, Unison or Police Federation.

Please also refer to the Organisation's bullying and harassment policy ([related policies and procedures](#))

4.3 Wellbeing and Employee Assistance Programme (EAP)

The Wellbeing service is designed to be a supplementary service to the provision of primary care (e.g. from a GP) and is directly related to health and wellbeing within the workplace.

The Wellbeing team consists of staff from a variety of backgrounds, including nursing, counselling, and welfare, to provide all around support to Individuals. This is complemented by the services of the Force Medical Advisor (FMA), who is a fully qualified Occupational Health Doctor, and other relevant external agencies providing specialist support.

The organisation also provides an EAP to support Individuals.

The Wellbeing SharePoint has information available for all Individuals on the wellbeing provisions and the EAP which is located [here](#).

The accompanying document TNBAD003 provides details of additional support available (see [accompanying documents](#)).

Please be aware that the NHS waiting time for appointments can be lengthy and Individuals may require wellbeing support. Private appointments can be costly which may also impact Individuals.

The waiting list times can be located on the Northern Regional Gender Dysphoria Service site [here](#).

4.4 Confidentiality

Line managers and colleagues who are informed of an individual's transgender 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, Human Resources, Wellbeing Team, and Pension administrators.

There may also be a need for other Senior Managers to be aware and would only be after full discussion with the individual.

Any deliberate or inappropriate release of confidential information leading to an individual (including applicants) being 'outed' against their stated wish, whether internally or externally, may be treated as gross misconduct and subject to appropriate misconduct/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.

Line managers should seek advice from Human Resources prior to disclosing information to any other parties.

4.5 Reasonable Adjustments and Accommodations

We are dedicated to supporting the wellbeing of Individuals within the workplace.

In line with the Equality Act 2010, it is sometimes appropriate to review requests and implement accommodations or reasonable adjustments to support an Individual.

The difference between a reasonable adjustment and an accommodation can be described below:

- A reasonable adjustment refers specifically to a requirement within the legislation relating to a qualifying disability under the Equality Act 2010.
- An accommodation may be considered and supported, in a wider range of circumstances, for Individuals not defined as having a disability under the Equality Act 2010

Individuals and line managers should discuss any required reasonable adjustments or accommodations and can seek advice and support from Human Resources and/or the Wellbeing Teams, as necessary.

4.6 The Law

This information is in relation to the Equality Act 2010 and the Gender Recognition Act 2004.

Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects an Individual 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 Individual to be under medical supervision to be protected. Under the Act, an Individual 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 promotion 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 Individual 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.

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 Individual if they have a GRC or require anyone to apply for one for employment purposes.

4.7 Dress Code

Individuals should follow the Force Dress and Appearance Policy ([see related policies and procedures](#)).

Where the wearing of uniform is required for the role, line managers will ensure that the Individual has access to the uniform that is most appropriate at all times.

Some Individuals may need access to both male and female uniforms.

Line managers should be flexible and support the preferences of the Individual wherever possible.

Transgender Individuals have the right to comply with any dress code in a way that reflects their gender identity and gender expression.

4.8 Conducting Searches

Individuals should follow the national/Force policies and procedures in relation to conducting searches. Please refer to the Stop and Search policy (see [related policies and procedures](#))

Searches conducted within custody follow the national PACE guidance and Individuals should refer to their line manager or custody processes.

5. Recruitment

There is no obligation for an individual to disclose their status as a condition of employment and if they are recruited following transition there will not normally be any need to inform anyone of their gender reassignment history.

Information on the overall recruitment and selection process can be obtained via the recruitment and selection guidance (see [related policies and procedures](#))

5.1 Assessment Process

Hiring managers and panel members should not ask questions about an applicant's gender identity or history. If an individual chooses to mention this during the assessment process, they should be informed that the Organisation supports transgender individuals and assured that the disclosure will have no bearing on the outcome of the assessment and will not be revealed outside of the panel or noted on the assessment records.

If a disclosure is made as part of the recruitment process this must be kept confidential by all those involved.

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 the organisation's data protection policy.

5.2 Proof of Identity

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.

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.

5.3 Qualification Certificates

It is recognised that it can be difficult and expensive for an individual to change their qualification certificates, which may be required to be presented before a job offer is confirmed. If these are in a former name, copies of certificates will be stored securely and only accessed by named persons.

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 record.

5.4 Vetting Checks

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 to maintain confidentiality. The Gov.uk website provides further information on the process along with contact information and is located [here](#).

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.

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.

5.5 References

Individual's 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 from the organisation, for previous officers or staff should be provided in the name that will be used in the new job and must not disclose a former name.

Please refer to the Provision of Reference policy for further information about what is provided and requested within the referencing process (see [related policies and procedures](#)).

6. Transitioning

'Transitioning' is the process undertaken by an Individual 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 Individuals.

Using inappropriate language, terminology and misgendering can cause offence and distress and undermines the Organisation's efforts to create an inclusive workplace. If there is any question in terms of language that should be used, then ask the Individual. Rather than assume, it is best to ask someone how they wish to be addressed.

6.1 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, which should involve:

- The Individual
- Line manager
- Human Resources

The Individual may also be supported by a member of the Superintendents Association, Police Federation (police officers) or Unison (police staff).

Advice and support can also be obtained from the LGBTQ+ network.

Key elements for discussion include:

- Time off for medical appointments, treatments, and surgical procedures (if required) and the handling of such absence.
- Establishing any concerns that the Individual may have and what support may be required from the Wellbeing Team. Ensuring that wellbeing provisions are discussed including the EAP.
- The anticipated point in time of change of name, personal details, and gender.
- Whether an alternative role should be considered, either on a temporary or permanent basis, and how this may be accommodated. This would be

dealt with on an Individual case by case basis and dependent on the circumstances.

- 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 if it is made for them by a chosen representative – and if any training in transgender equality issues is required.
- 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.
- Uniform requirements – see [section 4.7](#)
- Contact during any absences to provide updates, wellbeing checks and keeping Individuals informed of any changes at work.
- Appropriate risk assessments are completed with the line manager and the Individual.

Line managers must ensure that appropriate/updated ID badges are in place for the Individual at the point of presentation in their affirmed gender.

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 be beneficial to create a support plan to ensure that agreed actions and all elements and updates are considered and discussed. TNBAD002 provides a template action plan (see [accompanying documents](#)).

6.2 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. Absence should be discussed with Individuals and line managers.

The amount of paid leave will vary, as each Individual's transition journey will be different, so it is vital that line managers adopt a positive, pragmatic approach and look at any Individuals on a case by case basis.

Should the amount of time off exceed what was expected at the beginning of the Individual's transition journey, then the line manager will need to review the time off and discuss with the Individual how they manage any additional time needed. This may include further leave or other options that may be considered

such as flexitime, flexible working, Time Off in Lieu (TOIL), annual and/or unpaid leave as appropriate.

Absences will not be counted in relation to attendance management monitoring and processes.

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.

Please refer to the Special Leave policy for the process of providing and requesting any special leave ([related policies and procedures](#)).

6.3 Names and Pronouns

Transgender Individuals should be referred to by their new name and pronouns appropriate to their new gender.

In the early days, it is only natural that colleagues may occasionally get mixed up and the Individual 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 and 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 an Individual 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.

6.4 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 websites and intranet.

The line manager 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 gender at birth such as for pension purposes are retained. Upon receipt of Gender Recognition Certificate (GRC) the new details must be used.

Access to records will be restricted.

All records that include details of an Individual's gender will be destroyed in a secure manner unless there is a specific reason for retraining 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.

6.5 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 of benefits, and Individuals should contact the pensions administrator for further information.

Contact details and information in relation to the police officer and police staff pensions are available through our pension's hub here.

The hub has access to the administrators' website which includes information about pensions and their contact information.

6.6 Speaking in Court

There is a possibility that Individuals may have written a statement or 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 that the situation can be appropriately risk assessed

7. Related policies and procedures

Please see the Force Policy SharePoint page [here](#) for the following related policy and/or procedure:

- Equality Diversity and Inclusion Policy
- Bullying and Harassment Policy
- Recruitment and Selection Policy and Guidance
- Stop Search Policy
- Dress Code Policy
- Provision of References
- Special Leave Policy

8. Accompanying documents

The accompanying documents can be located on the People and Development HR SharePoint site [here](#)

Document	Description
TNBAD001	Definitions
TNBAD002	Transition Plan
TNBAD003	Support Available

9. Appendices

There are no appendices associated with this policy.

10. 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.

11. 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 Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
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	██████████
1.3	Oct 2021	Review date extended	██████████

1.4	Jan 2023	Extension of review date as agreed at Nov 22 P & W and Dec 22 EMB	██████████
1.5	Aug 2024	Full policy review. Updated terminology. Added contents page and section regarding dress code and searches.	██████████