

Policy:

HR 032 - Gender Reassignment Support in the Workplace

Executive Director lead	Director Human Resources
Policy Owner	Head of Equality and Inclusion
Policy Author	Head of Equality and Inclusion

Document type	Policy
Document version number	Version 3.1
Date of approval	26/09/2019
Approved by	Executive Directors' Group
Date of issue	03/10/2019
Date for review	28/2/2024 -Extended from 09/23 and 12/23

Summary of Policy –

This is Version 3.1 – An Equality and Impact Form has been added to the Policy.

This policy sets out how people, considering undergoing, undergoing and who have undergone gender reassignment will be supported in the workplace. The policy supports the Trusts legal duty to have due regard to preventing discrimination, promoting equal opportunity and fostering good relations regarding the protected characteristic of Gender Reassignment.

Target audience	Staff, people undertaking roles in the organisation that are not employees and people who have an interest in working for SHSC.
------------------------	---

Keywords	Gender Reassignment; Staff; Workplace
-----------------	---------------------------------------

Storage

This is Version 3.1 - An Equality Impact Assessment Form has been added to the Policy. This is Version 3.0 and is stored and available through the SHSC Intranet/Internet. This version supersedes the previous Version 2.0 - Sept 2016.

Any copies of the previous policy held separately should be destroyed and replaced with this version.

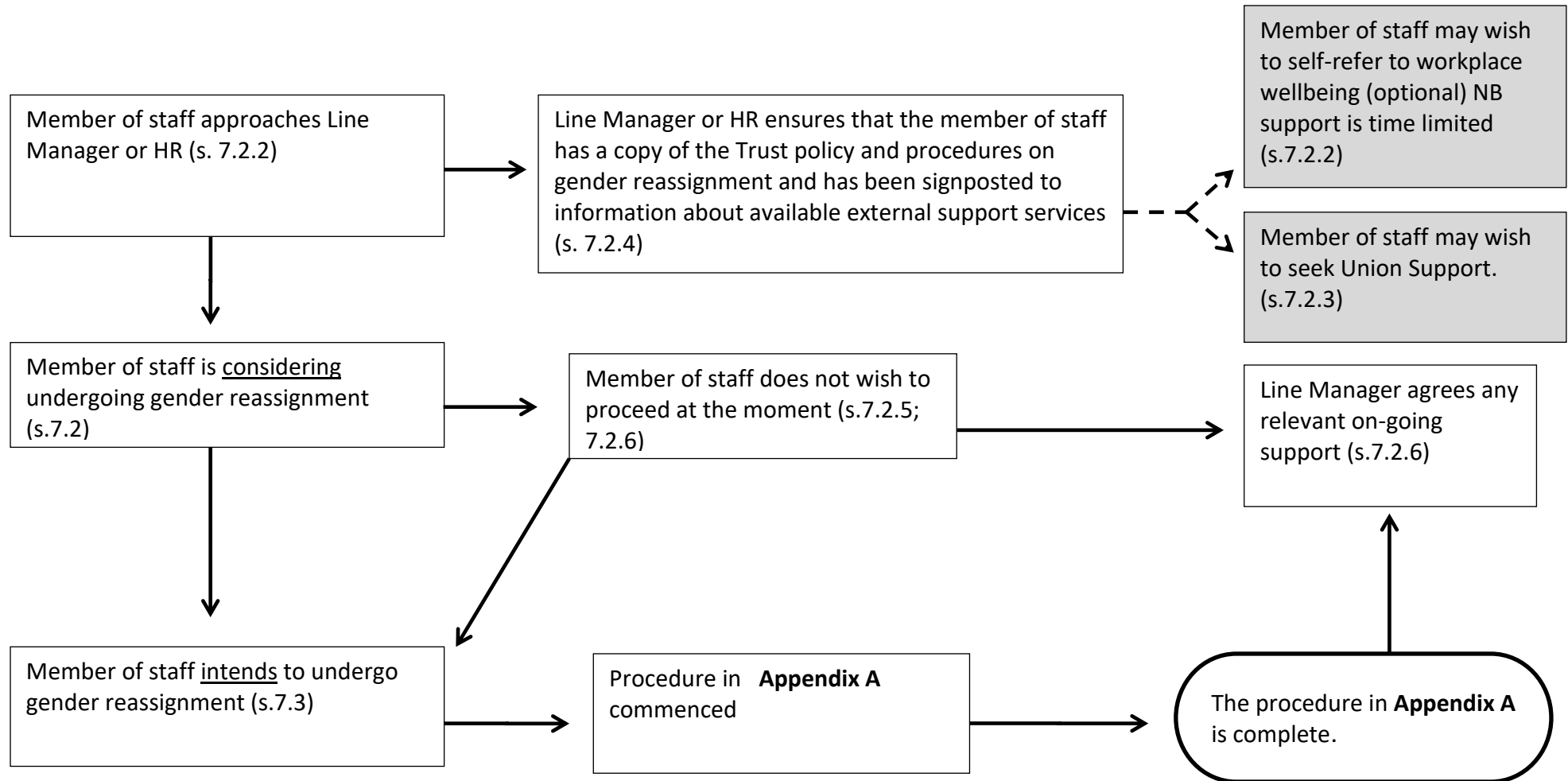
Contents

Section		Page
	Version Control and Amendment Log	
	Flowchart	1
1	Introduction	2
2	Scope	2
3	Purpose	3
4	Definitions	4
5	Details of the policy	4
6	Duties	5
7	Procedure	5
	7.1 Equal Opportunity Dignity and Respect	5
	7.2 Staff considering undergoing gender reassignment	5
	7.3 Staff intending to undergo gender reassignment	6
	7.4 Staff undergoing gender reassignment	6
	7.5 Recruitment and New Employees	7
	7.6 Work Permits	7
	7.7 References	7
	7.8 Occupational Requirements	7
	7.9 Gender Recognition Certificates	8
	7.10 Confidentiality	8
	7.11 National Insurance	9
	7.12 Pension and Payroll	9
	7.13 Professional Registration	9
8	Development, consultation and approval	10
9	Audit, monitoring and review	11
10	Implementation plan	11
11	Dissemination, storage and archiving (version control)	12
12	Training and other resource implications	13
13	Links to other policies, standards, references, legislation and national guidance	13
14	Contact details	13
	APPENDICES	
	Appendix A - Undergoing Gender Reassignment Procedure	14
	Appendix B - Meetings Guide and Checklists	16
	Appendix C - Practical Procedures and Considerations	18
	Appendix D - Task List	20
	Appendix E - DBS Checks	21
	Appendix F – Equality and Impact Form	22

Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
	New draft policy created	2012	New policy
1	Ratification and issue	November 2012	
2	Review / ratification / issue	Sept 2016	Full review completed as per schedule
3	Review / consultation / ratification / approval / issue	April to July 2019	<p>Full review completed as per the HR Policy Governance schedule.</p> <ul style="list-style-type: none"> -A footnote (footnote 10) has been included to note the awaited consultation outcome on the Gender Recognition Act 2004. -Section 7.8.1 Occupational Requirements (previously S6.8) has been updated to reflect the changing nature of case law in this area and the need to take specific advice if considering excluding a Trans person from a post. -Section 6.12.1 of Version 2.0 has been replaced by Section 7.12 to take account of the complexity and regularly changing nature of provisions regarding tax national insurance and pensions. -Section 7.11 note added re link to government guidance. -The need to consider changes required regarding payroll have been included in Section 7.12 -DBS Guidance updated (Appendix E).
3.1	Equality and Impact Assessment Form Added	Dec 2020	An EIA Form added to Policy after an EIA Audit was carried out by Policy Governance which high-lighted that this Policy should have an EIA Form as an Appendices.

Flowchart



1. Introduction

Each of us is assigned a sex at birth (male or female), based on our physical characteristics. Most people's gender identity (the gender with which they associate themselves) and gender presentation (how they outwardly show their gender) will not differ from that typically associated with their assigned sex. Trans people, however, have a gender identity which differs from that of their (assigned) birth sex. Trans identities take a wide diversity of forms.

Many trans people change their gender presentation to bring it into alignment with their gender identity. This process is known as "transition".¹

The Equality Act 2010 (The Act) protects people on the basis of gender reassignment from direct and indirect discrimination and harassment. This includes discrimination by association and discrimination against people perceived to have the 'protected characteristic' of gender reassignment. The Act also places a proactive duty on public organisations to promote equality of opportunity, foster good relations and eliminate unlawful discrimination between people who have the protected characteristic of gender reassignment and people who do not.

Sheffield Health and Social Care (The Trust) is committed to equality of opportunity, preventing discrimination and harassment and promoting positive relations between all people in the organisation.

It is the organisation's intention that all staff, volunteers, applicants and members of the public considering undergoing, undergoing or who have undergone gender reassignment will experience respect and dignity as employees or potential employees or whilst undertaking roles in the organisation for example as volunteers.

It is also the intention of the organisation that managers will have good information and guidance on gender reassignment and on the implications for people considering or undergoing this process.

It is essential that the Trust is clear about legal framework relevant to gender reassignment and recognised good practice. It is also essential that staff, volunteers and people applying for posts in the Trust can be confident that the organisation has a clear and consistent policy and applies good practice when people are considering undergoing, are undergoing or have undergone gender reassignment.

This policy focuses specifically on gender reassignment support in the workplace.

2. Scope

2.1.1. The policy is Trust-wide and applies to all people applying for employment and employed by the Trust including those working in the Trust under honorary contracts. Relevant aspects also apply to contractors and volunteers. It is intended to apply to anyone within this group who is considering, is undergoing, or who has undergone gender reassignment.

¹ House of Commons Women and equalities Committee Report – Transgender Equality January 2016

2.2. The policy applies to people who cross dress when, as part of the process of reassigning their sex, someone is driven by their gender identity to cross-dress, but not where someone chooses to cross-dress for some other reason.²

3. Purpose

Sheffield Health and Social Care (The Trust) is committed to equality of opportunity, preventing discrimination and harassment and promoting positive relations between all people employed in the organisation. It is the organisation's intention that all staff, volunteers, applicants and members of the public considering undergoing, undergoing or who have undergone gender reassignment will experience respect and dignity as employees or potential employees or whilst undertaking roles in the organisation in other circumstances.

This policy is intended to:

- 3.1. Set out how the Trusts will address these aims.
- 3.2. Set out how the Trusts will address gender reassignment from an employment perspective ensuring practice is in line with legal requirements and good practice guidance.
- 3.3. Set out how the Trust will ensure that individuals considering or undergoing gender reassignment or who have transitioned are treated with fairness and supported in recruitment employment and career development.
- 3.4. Set out Trust Policy on applying appropriate procedures in recruitment.
- 3.5. Set out Trust Policy on applying appropriate procedures and support processes when employees or volunteers are considering, are undergoing, or have undergone gender reassignment.
- 3.6. Set out how the Trust will ensure that relevant members of staff have sufficient information and guidance and support so that they can be provided sensitive and supportive management to people who have informed them that they are considering, undergoing or are undergoing gender reassignment.
- 3.7. Set out the action that will be taken by the Trust to ensure that people who have undergone gender reassignment are treated with respect and their legal rights are maintained.

The policy is supported by specific **Procedures and Guidance** (see Appendices A-E)

²Equality and Human Rights Commission Employment Statutory Code of Practice 2.26 p.34
<https://www.equalityhumanrights.com/sites/default/files/employercode.pdf> – last accessed on line May 2019

4. Definitions

4.1. Gender Dysphoria

'Gender dysphoria is a condition where a person experiences discomfort or distress because there's a mismatch between their biological sex and gender identity. It's sometimes known as gender identity disorder (GID), gender incongruence or transgenderism'³

4.2. Gender Reassignment

Is the process of 'transitioning' from one gender to another?

4.3. Gender Reassignment as a Protected Characteristic Under the Equality Act 2010

The Equality Act 2010 (The Act) defines Gender Reassignment as a 'Protected Characteristic'. People who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex have the protected characteristic of gender reassignment.⁴

Under the Act 'gender reassignment' is a personal process, that is, moving away from one's birth sex to the preferred gender, rather than a medical process⁵

4.4. The terms 'Trans' and Transgender

Transgender is a term for people whose gender is different from their "assigned" sex at birth. Transgender can be abbreviated to 'trans', but transgender should always be used as an adjective, not a noun i.e. referring to "transgender people" is appropriate but not "transgenders" which would be offensive.

4.5. Transsexual Person

Transsexual is a medical definition and not an alternative to transgender. Transsexual refers to a person who permanently changes their body, usually, but not always, using hormones or surgery known as 'transitioning', however some people prefer to be known simply as a transgender person, rather than a transsexual person.

5. Detail of the policy

The broad overview of this policy is as described in the introduction.

³ NHS Choices <http://www.nhs.uk/conditions/gender-dysphoria/Pages/Introduction.aspx> - August 2016 - last accessed May 2019

⁴ Equality and Human Rights Commission Employment Statutory Code of Practice 2.21 p.33 – last accessed on line May 2019

⁵ Equality and Human Rights Commission Employment Statutory Code of Practice 2.26 p.34 – last accessed on line May 2019

6. Duties

- 6.1. All staff should be aware of the policy as it applies to them as individual members of staff or volunteers.
- 6.2. All staff with leadership / managerial responsibilities must be aware of this policy and its related procedures and guidance and ensure that it is applied in their area of responsibility.
- 6.3. Specialist staff for example in areas such as HR, workplace wellbeing etc. should have a good working knowledge of the policy and related procedures and guidance.
- 6.4. The Equality and Diversity Lead is responsible for ensuring the policy is up to date.

7. Procedure

7.1. Equal Opportunity Dignity and Respect

- 7.1.1. This section applies to staff employed by the Trust as employees and to volunteers and service users involved in involvement activity.
- 7.1.2. Gender reassignment is a protected characteristic under the Equality Act 2010. Discrimination, harassment or victimisation of employees, volunteers or potential employees, associated with gender reassignment will be challenged through relevant Trust policies which make reference to gender reassignment as being protected by that policy.
- 7.1.3. Staff are legally protected from discrimination on the grounds of gender reassignment irrespective of informing their employer of their gender reassignment status.⁶

7.2. Staff considering undergoing gender reassignment

- 7.2.1. This section applies to staff employed by the Trust irrespective of the type of contract.
- 7.2.2. A member of staff who is considering undergoing gender reassignment may wish to initially speak with Workplace Wellbeing. Staff may self-refer to Workplace Wellbeing. Workplace Wellbeing will ensure that staff are made aware of this policy and related procedures.
- 7.2.3. Staff may also find it helpful to seek support from their trade union.
- 7.2.4. A member of staff considering undergoing gender reassignments is advised to initially approach their line manager or a member of the HR team. The line manager or the HR team should ensure that the employee is provided with a copy of this policy and related procedures.

⁶Equality and Human Rights Commission Employment Statutory Code of Practice 2.27 p.35 last accessed May 2019

- 7.2.5. A member of staff considering undertaking gender reassignment might not proceed or might not plan to undergo gender reassignment immediately.
- 7.2.6. The line manager should agree with the member of staff what if any support will be helpful on an on-going basis.
- 7.2.7. The line manager must ensure that if a person has raised the issue of gender reassignment with them that any record made or transfer of information is made only with the specific agreement of the employee.

7.3. Staff intending to undergo gender reassignment

- 7.3.1. If the member of staff decides to undergo gender reassignment and they have had opportunity to review the policy, they have the option to start the procedure set out in **Appendix A**.
- 7.3.2. The procedure in **Appendix A** sets out what should take place to support an employee considering undergoing gender reassignment.
- 7.3.3. Good practice guidance⁷ suggests that an agreement regarding support for an employee should be set out as a '**memorandum of understanding**', signed by the member of staff and their line manager, and kept securely i.e. hard copies in a double sealed envelope and electronic copies password protected.

7.4. Staff undergoing gender reassignment

- 7.4.1. This section applies to employees, irrespective of the type of employment contract, undergoing gender reassignment.
- 7.4.2. People undergoing gender reassignment are usually required by current medical protocols to 'live in role' for up to two years. They may then be prescribed hormone therapy. They may then choose to undergo surgical procedures. Not all people who undergo gender reassignment will wish to undergo surgical procedures. A person is legally protected even if they never seek medical treatment.⁸
- 7.4.3. Staff must not be treated less favourably because they are undergoing gender reassignment. For example, if a person requires time off for an operation they should be provided with time off under the terms of the from work due to gender reassignment must be treated in the same way as any other health related or other absences taking account of relevant Trust policies. The manager should discuss with the member of staff what type of appointments or time off they will require associated with gender reassignment.
- 7.4.4. **Appendix A** sets out a procedure to be followed to support someone undergoing gender reassignment.

⁷ Gender Identity Research and Education Society(GIRES) - Equality and Diversity Transgender Policy Guide for Employers 2015 - last accessed May 2019

⁸ Equality and Human Rights Commission Employment Statutory Code of Practice 2.24 p.34- last accessed May 2019

- 7.4.5. The Trust will maintain up to date information about support services available to a person undergoing gender reassignment and provide this information through the HR department.

7.5. Recruitment and New Employees

- 7.5.1. Employment recruitment procedures and practice will include provisions for ensuring that people are not discriminated against in the recruitment process.
- 7.5.2. New and current employees requiring DBS checks who are undergoing gender reassignment will be able to use the DBS special procedure. This involves contacting the DBS directly.
- 7.5.3. Trust staff do not need information about a member of staff's gender history and should not ask about this during DBS checking.
- 7.5.4. DBS internal procedures ensure that relevant checks are made. Where a conviction or (in Enhanced Disclosure cases) other relevant information has been recorded in a previous name, this may be revealed on the disclosure and as such details of any previous identity may become apparent. Please note section 6.10 regarding confidentiality.
- 7.5.5. See **Appendix E** - DBS check procedure.

7.6. Work Permits

- 7.6.1. Staff who are working in the Trust on a work permit or student visa are asked to comply with any work permit/visa regulations which may relate specifically to name change or gender reassignment in order that the work permit/visa continues to be valid.

7.7. References

- 7.7.1. References for someone moving to a new job must be provided in the name which will be used in the new job and not disclose a former name.
- 7.7.2. If a transsexual person must disclose a previous identity in order for references from past employers to be obtained strict confidentiality and respect for dignity must be applied and this information kept secure.

7.8. Occupational Requirements

- 7.8.1. The Equality Act 2010 has replicated exceptions for 'occupational requirements' that were in previous equalities legislation. The Equality Act 2010 makes it clear that any 'occupational requirements' for a role must '*pursue a legitimate aim*' and '*the burden of showing that the exception applies rests on those seeking to rely on it*'. One example that is given in the Equality Act 2010 of a possibly legitimate circumstance for an occupational requirement (i.e. that a person is not transsexual) is: '*A counsellor working with victims of rape might have to be a woman and not a transsexual person, even if she has a Gender Recognition*

*Certificate, in order to avoid causing them further distress.*⁹This is a position however that may change over time in light of developments in the law and national policy. The Trust will therefore take legal advice if they are at any point considering what they believe to be legitimate reasons for not employing a transsexual person in a particular role.

- 7.8.2. When advertising roles the Trust policy on advertising posts which have Occupational Requirements must be referred to.
- 7.8.3. When a person is considering undergoing or undergoing gender reassignment it is essential that any concerns a line manager may have regarding the role of the transsexual person are discussed with the person as part of the procedures described in **Appendix A**. If there is any doubt about a person's job role during transition this must be discussed with the Human Resources Department.

7.9. Gender Recognition Certificates¹⁰

- 7.9.1. This section applies to new recruits irrespective of the type of contract and to staff who have undergone gender reassignment.
- 7.9.2. The Gender Recognition Act 2004 provides that where a person holds a Gender Recognition Certificate (GRC) they must be treated according to their acquired gender.
- 7.9.3. Anyone who has a GRC must be treated for all purposes as having their acquired gender.
- 7.9.4. Transsexual people must not be routinely asked to produce a GRC. Staff undergoing gender reassignment may choose to apply for a GRC but they should not be required to do this.
- 7.9.5. People who have a GRC will be issued with a new birth certificate. This is confirmation of their legal gender.

7.10. Confidentiality

Trust policy on confidentiality will apply however the following should be particularly noted;

- Members of staff might gain information about a person's gender history in the course of their work. This information must be kept confidential,
- If this information needs to be passed on then the specific permission of the person it relates to must be obtained, and
- If the person has a Gender Recognition Certificate and this information is passed on without gaining the persons permission, the person passing the information on will be committing an offence.

⁹ Equality Act 2010 – Schedule 9 – Explanatory Notes Part 1 Occupational Requirements point 789
<https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/16/26/1> - last accessed May 2019

¹⁰ Note – A consultation took place closing in October 2018 into Reform of the Gender Recognition Act 2004 - at the time of review of this policy the outcome of this consultation was still under review – although this may impact on access to Gender Recognition Certificates it is not anticipated that any proposed changes in the law will impact on the terms of section 7.9 of this policy.

7.11. National Insurance

Staff who change their name will need to inform the local social security office, providing the appropriate certificates and will pay NI contributions on the basis of their affirmed gender according to the GRC. (also check the information in the link provided in S 7.12.1 for latest guidance).

7.12. Pension and Payroll

Employees and employers will need to consider the implications of gender change in relation to payroll and pension. Guidance is provided through a specific government web page, as this is an area that is regularly changing employees and HR advisors are advised to visit the following site for the latest guidance <https://www.gov.uk/employee-changes-gender> . HR will ensure that the trust payroll services are advised to access this site to ensure that any procedures in relation to payroll are undertaken correctly.

It is the responsibility of the employer to take steps to keep confidential the reason for an individual's apparently early or late retirement.¹¹

7.13. Professional Registration

Staff who are professionally registered are advised to contact their professional bodies to find out whether there are any specific requirements in terms of name changes etc. If the employer must keep evidence of professional status or qualifications, he or she should discuss with the member of staff how to retain such evidence on file so as not to compromise or breach disclosure of protected information.

¹¹ Gender Identity Research and Education Society(GIRES) - Equality and Diversity Transgender Policy Guide for Employers 2015 p. 18-19 – last checked April 2019

8. Development, consultation and approval

Version 2

The original and previous version of this policy included the following consultation:

The original policy took account of guidance published by the Equality and Human Rights Commission. The Joint Consultative Forum was consulted on this policy and members of the HR and Workforce Strategy group. An early draft was also reviewed by a member of the Trans community.

As a result of consultation, the following changes were made:

- The title of the policy was amended
- The flow chart was improved.
- The role of the union in providing support was highlighted.
- The role of HR in advising about job roles during transition was made clearer in the text
- The section on application of the Trust managing sickness absence policy was reworded
- The time limited nature of workplace wellbeing support was noted

Version 3

Statutory Guidance, Government Guidance and Guidance provided by specialist organisations have been reviewed to ensure that this policy is in line with current statutory and good practice requirements.

Changes made to the policy as a result of the above:

- A footnote (footnote 10) has been included to note the awaited consultation outcome on the Gender Recognition Act 2004.
- Section 7.8.1 Occupational Requirements (previously S6.8) has been updated to reflect the changing nature of case law in this area and the need to take specific advice if considering excluding a Trans person from a post.
- Section 6.12.1 of Version 2.0 was replaced by Section 7.12 to take account of the complexity and regularly changing nature of provisions regarding tax national insurance and pensions.
- Section 7.11 note added re link to government guidance
- The need to consider changes required regarding payroll have been included in S 7.12
- DBS Guidance updated (Appendix E)

Policy considered by Joint Policy Group (Staff Side consultation) via email July 2019.

HR colleagues and relevant influential managers reviewed April – June 2019.

Noted in the verification document for the Joint Consultative Forum [31st July 2019].

The Trust Policy Governance Group will review this document on the 15th of July 2019.

The Equality Impact Assessment will be undertaken and stored separately in conjunction with Corporate Governance and the Head of Equality and Inclusion.

9. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
Describe which aspect this is monitoring	The policy will not be in regular use so it will be reviewed via feedback to the HR Senior Management Team	HR Senior Management Team	The policy will not be in regular use so it is anticipated that it will be monitored as it is applied	HR Senior Management Team	Head of Equality and Inclusion	Head of Equality and Inclusion

The policy review date is 30th September 2023.

10. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Replace policy on the Trust intranet and internet and remove and archive the old version	Corporate Governance via the Communications Team	31/08/2019	03/10/2019
Make HR team and wider Trust aware of new policy	Head of Equality and Inclusion via HR advisors and email to all staff (Connect) via Communications Team	31/08/2019	October 2019

11. Dissemination, storage and archiving (version control)

Version	Date on website (intranet and internet)	Date of entry in Connect (all staff communication)	Any other promotion/ dissemination (include dates)
2.0	November 2016	-	HR intranet page November 2016
3.0	July 2019	July 2019	<i>HR intranet page By September 2019</i>

This is Version 3.0 and is stored and available through the SHSC Intranet/Internet. This version supersedes the previous Version 2.0 – September 2016. Any copies of the previous policy held separately should be destroyed and replaced with this version.

All versions of HR policies are stored on the HR Shared Drive by the policy author and the PA to the Director of Human Resources.

Word copies of final versions of policies can be obtained from Policy Governance via the PA to the Director of Human Resources.

12. Training and other resource implications

A briefing will be given via e-mail to all staff to make them aware of the policy. Reference will be made to the policy in relevant training such as recruitment.

13. Links to other policies, standards, references, legislation (associated documents) and national guidance

- Promoting Attendance and Managing Sickness Absence Policy
- Recruitment and Selection Policy and Procedures
- Equal opportunities and Dignity at work policy
- Confidentiality Code of Conduct
- Information Governance Policy

14. Contact details

<i>Job Title</i>	<i>Name</i>	<i>Phone</i>	<i>Email</i>
Head of Equality and Inclusion	Liz Johnson	0114 27 16703	Liz.johnson@shsc.nhs.uk

Appendix A - Undergoing Gender Reassignment Procedure

1. Planning

1.1. People are different and each person considering and undergoing gender reassignment will have different preferences and priorities. The following procedures are intended to provide a framework to support this process but they may be modified to meet individual needs.

2. Informing colleagues service users and carers and contacts

2.1. There is no requirement and there should be no obligation to inform colleagues, clients or the public that a person is undertaking gender reassignment.

2.2. Where case work is being undertaken or a member of staff has a long term caring relationship it may be considered appropriate to have a discussion with the service user if the relationship with that individual was established prior to their change of gender and is to continue. How to manage this should be discussed with the transitioning person.

2.3. Any inappropriate release of information resulting in the member of staff being identified against their stated wish, whether internally or externally, may be regarded as gross misconduct and subject to appropriate disciplinary action. It is therefore important to have a specific discussion at an early stage about who will be informed, at what stage and how.

2.4. It is recommended that the transitioning person takes the lead in informing others but they may prefer that this is undertaken by the manager or a HR representative. It is important that the timing of disclosure is agreed as part of the planning

2.5. The manager will ensure that general information about gender change and any specific details about the current transition are made available.

2.6. At the point of public change in gender it is common for people to take annual leave and then return with their new name and gender role. This may be a useful opportunity with the persons consent to brief staff ready for their return.

3. Record keeping

3.1. At the point of transition all public documents, public references (such as telephone directories, e-mail accounts, circulation lists, rotas, Electronic Staff Records) and employment details need to be amended to reflect the acquired gender of the person. See **Appendix C** for practical details.

3.2. Where documents have been seen and copies taken at the point of starting employment (such as a birth certificate) every effort should be made to replace those with equivalent documents in the new name and gender. This will prevent any breach of confidentiality.

3.3. In some instances, it may be necessary to retain records relating to an individual's identity at birth, for example, for pension or insurance purposes

- 3.4. Once a Gender Recognition Certificate (GRC) has been obtained these must be replaced with the new birth certificate details.
- 3.5. Access to records showing the change of name and any other details associated with the individual's status (such as records of absence for medical treatment) must be restricted to staff who need the information to do their work.
- 3.6. Hard copies of any old documents that cannot be altered, or replaced, must be stored securely in sealed envelopes, marked strictly confidential, and kept separately from the files of other employees, rather than just in a filing cabinet. The name(s) of those who are allowed to open these envelopes must be clearly written on the outer one. All IT records of the individual's personal life and medical history must be secured in line with the Data Protection Act, including password-protection. Any named person who needs to access this private information must still ask permission of the individual concerned, unless there is an emergency situation and the individual is unable to give permission. The aim of these precautions is to prevent a member of staff accidentally coming across this sensitive information in the office.¹²

¹² Gender Identity Research and Education Society(GIRES) - Equality and Diversity Transgender Policy Guide for Employers 2015 p.14

Appendix B - Meetings Guide and Checklists

		Date completed
Initial Meeting	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Agree who will initially be informed and or involved in supporting the employee. 2) Provide employee with details of the policy and Trust procedure. 3) Agree a date for a second meeting – this should take place as soon as possible. 4) What support would be helpful – agree how this can be met. 	
Planning Meeting 1	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Agree outline timescales including support/progress meeting timetable. 2) Agree who should/needs to be told when and how. 3) Does the person wish to stay in their current role during transition or be redeployed? 4) Are there any occupational requirements of the current or proposed role (NB these will be limited and must be objectively justified by the organisation)? 5) Can adjustments be made so that the person does not undertake these aspects of the role during transition? 6) Where a role requires on going contact with individual patients/service users discuss communication with these patients. 7) Is there a need to discuss agreeing a press release in case this is needed¹³ 	
Planning Meeting 2	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Does the person wish to inform colleagues, external organisations and contacts personally, or should this be done on their behalf? 2) Agree how the tasks identified in task list 1 below will be completed (who when etc) 3) When will use of chosen gender facilities begin. 4) How will negative or hostile reactions be managed 5) Agree how to respond to any media interest 6) Does any information need to be provided to colleagues? 	

¹³ Gender Identity Research and Education Society(GIRES) - Equality and Diversity Transgender Policy Guide for Employers 2015 p.10

	<ul style="list-style-type: none"> 7) Agree final timetable for when key actions will take place. 8) Discuss any concerns of the transitioning person 9) Discuss any questions the line manager may have. 	
Progress Meeting 1	<p><u>Suggested Agenda</u></p> <ul style="list-style-type: none"> 1) Review Progress 2) Check list of tasks 1 completed 3) Review/revise timetable 	
Progress Meetings	<p>To take place in line with planning identified above</p> <p><u>Suggested Agenda</u></p> <ul style="list-style-type: none"> 1) Review Progress 2) Review/revise timetable 	
Final meeting	<p>This should take place at a stage when the transitioning person feels that support should finish or alternative on-going support should be agreed and all tasks have been completed.</p>	

Appendix C - Practical Procedures and Considerations

1. Electronic Staff Record (ESR)

This is the system used in the NHS to keep staff records.

Option 1 – preferred name – a member of staff can change their preferred name on the system without providing any supporting information, so someone whose name is Peter Smith could indicate that they wish to be known as Petra Smith. If someone's preferred name is changed on the system any official information linked to ESR records will still record the person's name as Peter Smith in this case.

Option 2 - Initiating a full change of name. Any member of staff can change their name but the Trust policy is that this must be supported by some formal proof of name change (for example a marriage certificate). For people undergoing gender reassignment the requested name change should be supported by a 'statutory declaration' of name change or a gender recognition certificate.

A name change can be facilitated by the person completing a change in personal details electronic form which their line manager will then authorise. A prompt will be given for how to provide the required information for a full name change to HR.

2. Email log in etc

The IT department should be contacted to facilitate name changes on e-mail and any security or other log in systems.

3. National Insurance

Staff who change their name will need to inform the local social security office, providing the appropriate certificates and will pay NI contributions on the basis of their affirmed gender according to the GRC.

4. Pension

Everyone born after April 1955 now receives state pension at 65. Women born on or before 5 April 1950 were entitled to a pension at 60. Those born between 1950 and 1955 can claim it at a point between 60 and 65. For state pension purposes, trans people can only be regarded as the sex recorded at birth until they have obtained a new birth certificate under the provisions of the Gender Recognition Act 2004. Otherwise, those born before April 1955 can only claim state pension in line with the sex on the original birth certificate - that is for trans women at age 65 and for trans men at 60. Under recent case law, a trans woman is entitled to receive a state pension from the age of 60 without a Gender Recognition Certificate if she reached that age before 4 April 2005 when the Gender Recognition Act came into force.

It is the responsibility of the employer to take steps to keep confidential the reason for an individual's apparently early or late retirement.¹⁴

¹⁴ Gender Identity Research and Education Society(GIRES) - Equality and Diversity Transgender Policy Guide for Employers 2015 p. 18-19

Note also the information provided by the NHS Business Services Authority on changes relevant to the T Marriage (Same Sex Couples) Act 2013.

[http://www.nhsbsa.nhs.uk/Documents/Pensions/The_Marriage_\(Same_Sex_Couples\)_Act_2013_06.2015_V2.pdf](http://www.nhsbsa.nhs.uk/Documents/Pensions/The_Marriage_(Same_Sex_Couples)_Act_2013_06.2015_V2.pdf)

5. Professional Registration

Staff who are professionally registered are advised to contact their professional bodies to find out whether there are any specific requirements in terms of name changes etc. If the employer must keep evidence of professional status or qualifications, he or she should discuss with the member of staff how to retain such evidence on file so as not to compromise or breach disclosure of protected information.

Appendix D - Task List

Task	Who Will Complete?		Completed
	Manager	Other	
Change name on ESR			
Change e-mail address			
Change name on IT systems			
Advise Professional Body (as per their policy)			
Change authorised signature mandate			
Change Payroll			
Order new Uniforms			
Inform National Insurance Office			
Pensions			
OTHER – to be agreed at planning meetings			

Appendix E – DBS Checks

The following information is provided on line to transgender applicants undertaking DBS checks

Transgender Applications

Guidance and information regarding the sensitive applications route for transgender applicants.

The Disclosure and Barring Service (DBS) offers a confidential checking service for transgender applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route, and is available for all levels of DBS check - basic, standard and enhanced.

The sensitive applications route gives transgender applicants the choice not to have any gender or name information disclosed on their DBS certificate, that could reveal their previous identity.

The sensitive applications team

If you are asked to complete a DBS check and have a previous identity that you do not wish to be disclosed to your employer and/or on your DBS certificate, you should call or email the dedicated sensitive applications team before submitting your application. The team is experienced in dealing with sensitive cases and will advise you of the process and what you need to do.

How to contact the sensitive applications team

To contact the sensitive applications team, please telephone **0151 676 1452** or email sensitive@db.gov.uk. Please note, that the telephone number also has an out-of-hours answering machine where you can leave your details, and a member of the team will call you back.

If you are happy to have your previous identity disclosed on your certificate, you do not need to contact the sensitive applications team and can simply submit this information under the 'any other names' section of your application.

Please note, an applicant using the confidential checking service, will still complete the same application form as any other applicant.

Equality Impact Assessment Process and Record for Written Policies – Gender Reassignment in the Workplace Policy V3

Stage 1 – Relevance - Is the policy potentially relevant to equality i.e. **will this policy potentially impact on staff, patients or the public?** This should be considered as part of the Case of Need for new policies.

NO – No further action is required – please sign and date the following statement.
I confirm that this policy does not impact on staff, patients or the public.

I confirm that this policy does not impact on staff, patients or the public.
Name/Date:

YES, Go to Stage 2
Yes

Stage 2 Policy Screening and Drafting Policy - Public authorities are legally required to have 'due regard' to eliminating discrimination, advancing equal opportunity and fostering good relations in relation to people who share certain 'protected characteristics' and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don't know and note reasons). Please see the SHSC Guidance and Flow Chart.

Stage 3 – Policy Revision - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

SCREENING RECORD	Does any aspect of this policy or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
Age	No	No	No
Disability	No	No	No
Gender Reassignment	No	Yes	No – already works to enhance relations
Pregnancy and Maternity	No	No	no
Race	No	No	no
Religion or Belief	No	No	no
Sex	No	No	no
Sexual Orientation	No	No	no
Marriage or Civil Partnership	No		

Please delete as appropriate: - Policy Amended / Action Identified (see Implementation Plan) / no changes made.

Impact Assessment Completed by: Liz Johnson Head of Equality and Inclusion October 2020