

Trans Equality Policy

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Commitment to trans equality

Leicestershire County Council is committed to promoting equality, diversity and good relations in everything it does - as a community leader, as a provider and commissioner of services, and as an employer.

The Council is committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process. Discrimination, victimisation or harassment on the basis of a person's gender identity, gender expression or Trans status will not be tolerated.

The Council seeks to provide a supportive environment for Trans employees and to create a culture and environment where they feel comfortable and are well supported during any process of transition. The purpose of this policy is to provide managers and Trans employees with practical information on workplace support.

As well as ensuring that Trans employees are fully supported, the Council will seek to demonstrate its commitment to Trans equality in related policies, processes and activities.

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Definitions

'Trans' or 'transgender' describes people whose gender identity differs from that which they were 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 may not have medical interventions to align their body with their non-binary gender identity.

These are not mutually exclusive alternatives.

'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 (eg she, he or they) and changing official documentation. It may involve various types of medical or surgical treatment although this is not the case for all Trans people.

The Council recognises there is no right or wrong way to transition and is committed to supporting each individual in their decisions.

A glossary of common terms is available at [Appendix A](#).

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Employees who are transitioning at work

If an employee states that they are intending to transition at work, their manager, in conjunction with other appropriate colleagues, should aim to make this process as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning and that the employee is likely to worry about the response.

The transition process will be led by the individual concerned. However, managers should ensure that the employee is supported and respected throughout the process.

Telling colleagues

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

Uniforms and dress codes

If a uniform is in place for the role, managers will ensure that the Trans employee has access to the uniform that is most appropriate at all times. Some Trans employees may need access to both the male and female uniforms. Managers will be flexible in supporting the preferences of the Trans person wherever possible. Trans employees have the right to comply with any dress codes in a way that reflects their gender identity and gender expression.

Changing facilities, toilets and other single gender facilities

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

Updating records

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

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

Customer facing roles

There is no reason why an employee who is transitioning should not continue in a customer facing role, however some people may wish to request to be redeployed either on a temporary or permanent basis. In these circumstances, managers should seek advice from Strategic HR.

Attendance at appointments and time needed for treatment and surgery

Time off to attend transition-related appointments and treatment will be granted in line with the provisions of the Council's [Leave Arrangements Policy](#). Employees may wish to consider a temporary change to their working arrangements during this process and managers will accommodate such requests where possible. Please refer to the Council's [Smarter Working Policy](#) for further information.

Action plan or checklist

The Trans employee and their manager might find it helpful to put in place an action plan or agree a checklist to clarify the actions that will be taken over the course of the employee's transition, dates by which these will be done, and the person who will take responsibility. Please refer to [Appendix B](#) for an example, which can be modified to suit the individual's needs.

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Discrimination and abuse

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

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Legal protection for trans people

Gender Recognition Act 2004

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

Employment rights do not depend on whether a person has a Gender Recognition Certificate. Employers should not ask for a person's GRC and it should never be a pre-condition for transitioning at work. To make an application for a GRC, a person needs to show they have been living and working in that gender for at least two years – so being asked to show a GRC as a condition of changing employment details is like being asked to show a full driving licence before you can apply for a provisional one.

The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender recognition without the consent of the individual affected. 'Official duties' include employment, trade union representation or supply of business or professional services.

Equality Act 2010

The Equality Act 2010 (England, Scotland and Wales) protects against discrimination because of gender reassignment in employment and service delivery. It bans direct and indirect discrimination and victimisation. The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the gender assigned at birth to the correct gender.

People discriminated against because they are wrongly perceived to be Trans, or who are discriminated against because of their association with Trans people or issues, are also protected.

Genuine Occupational Requirements

In the vast majority of cases, the gender of a worker is of no relevance to their ability to do a particular job. However, the Equality Act 2010 does allow for an exception where being of a particular sex is an 'occupational requirement' of that post. If this is the case for an employee transitioning at work, advice should be sought from Strategic HR.

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Recruitment

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

References

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

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

Where the Council requests a reference or confirmation of continuous service with other local government employers, we will make the request using the prospective employee's correct name and gender since transitioning. We will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the Trans person.

Disclosure & Barring Service (DBS) checks

Where an appointment requires DBS checks, managers are responsible for initiating and completing these in conjunction with the individual. There is a confidential application process for Trans people and advice can be obtained from the DBS by email sensitive@dbs.gsi.gov.uk or helpline 0151 676 1452.

Qualification certificates and right to work documents

Where an employee is required to provide evidence of an essential qualification certificate or a right to work document as part of the Council's pre-employment checks and it is in their former name, a copy of the certificate or document will be stored securely on the employee's personal file and access restricted to authorised individuals.

Professional registration

If the employee's job involves professional registration, we will check whether the registration body has a specific, confidential process for gender transition.

Pensions and national insurance

Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans people will be advised of the different implications of whether they do or do not have a Gender Recognition Certificate.

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Roles and Responsibilities

Employee

- Engaging with managers, Strategic HR and the Employee Service Centre (ESC) around the logistics of transitioning in the workplace;
- Reporting any instances of harassment, victimisation or discrimination in line with the [Behaviour in the Workplace Policy](#).

Manager

- Ensuring that colleagues are informed about the employee's transition in a manner that best suits the employee;
- Maintaining confidentiality at all times;
- Thoroughly investigating any instances of harassment, victimisation or discrimination in line with the [Behaviour in the Workplace Policy](#);
- Supporting the employee in any way that is necessary and appropriate.

Strategic HR / ESC / Health & Wellbeing Service

- Providing advice to managers in relation to this policy;
- Maintaining confidentiality, including securing electronic and paper records.

IT Department / Support Services

- Changing names, titles and pronouns on email and other systems;
- Issuing updated ID cards.

Learning and Development

- Providing trans equality training as part of the LGBT Awareness e-learning module.

Trade Unions

- Supporting the employee as necessary.

Support for employees with a family member who is transitioning

If an employee is supporting a family member who is transitioning, they may need to take time off to support them during the process. Where possible, managers should try to support employees to manage such requests using the provisions of the [Leave Arrangements Policy](#) and [Smarter Working Policy](#).

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Appendix A - Glossary of Terms

Gender binary: the classification of sex and gender into two distinct and disconnected forms of masculine and feminine.

Gender dysphoria: medical term for deep-rooted and serious discomfort or distress because of a mismatch between a person's biological sex and gender identity; overwhelming desire to live in a different gender to that assigned at birth.

Gender expression: a person's external gender-related behaviour and appearance, including clothing.

Gender fluid: having a gender identity which varies over time.

Gender identity: a person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned to them at birth.

Gender reassignment: the process of transitioning from the gender assigned at birth to the correct gender. This may (or may not) involve medical and surgical procedures.

Gender Recognition Certificate: issued by the Gender Recognition Panel - signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

Gender variance: gender expression that does not match society's norms of female and male.

Legal sex: The sex recorded on your birth certificate. Rarely relevant at work. Currently binary in the UK. Changed by applying to Gender Recognition Panel.

Non binary person: a person who does not identify as solely male or female. They may identify as both, neither or something entirely different.

Transgender or Trans person: a person whose gender identity does not conform to the sex they were assigned at birth. These are inclusive, umbrella terms, including people who describe themselves as transsexual, cross dressing people, and people who have a more complex sense of their own gender than either 100% female or 100% male.

Transsexual person: legal/medical term for someone who lives (or wishes to live) permanently in the 'opposite' gender to that assigned at birth.

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Who needs to know?

	Who will tell them?	When?	Date completed
Senior manager			
HR/ESC			
Manager			
Team members			
Other colleagues			
Others (specify)			

Changes to records

	Who will do this?	When?	Date completed
HR records			
ID card			
IT systems including email			
Website			
Voicemail			
Internet/intranet address entry			
Trade union membership			
Pension scheme			
Certificates/awards			
Other:			

Details of meetings

Date	Comments	Actions	Date of next meeting

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