

Headteacher: Ms Angela Wallace BA Hons, PGCE, MA

TRANSGENDER AND OTHER GENDER EQUALITY POLICY

Drafted by: HR in consultation with Judicium

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Introduction

The school is committed to promoting equality and diversity and is committed to providing equal opportunity for all employees, workers, and job applicants, and to eliminating unlawful and unfair discrimination. The school aims to create a culture that encourages and values diversity and that appoints, rewards, and promotes staff based on merit.

This policy applies to employees, temporary and agency workers, interns, volunteers, apprentices, and job applicants (collectively referred to as “you” or “staff” in this policy).

All staff are responsible for ensuring that there is no discrimination in the workplace, and for ensuring that this policy is applied on a day-to-day basis. Staff are also expected to apply the principles of equal opportunities and non-discrimination in their interactions with students, parents, suppliers, and visitors. In certain circumstances, you may be personally liable for discrimination against a colleague or a job applicant.

This policy does not form part of our employee’s contract of employment, and we may amend, update or supplement it from time to time. We will circulate any new or modified policy to staff once it has been adopted.

In this policy the use of the umbrella terms ‘transgender’ and ‘trans’ are adopted to cover a number of gender identity labels including transsexual, intersex, non-binary, non-gendered, and bi-gendered. For a further explanation of the language used, please see the applicable section below.

Purpose of this Policy

This policy sets out the school’s policy on supporting all transgender people in the workplace, including those who are non-binary and gender neutral as well as those who have the protected characteristic of gender reassignment.

This policy sets out the school’s responsibilities as an employer and provides guidance for all staff on the expectations and considerations that may be necessary when dealing with a transgender or transitioning member of staff.

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Each member of staff is an individual and every transitioning individual's transition journey will be unique. The school aims to ensure that any transition at work is managed in a supportive and sensitive way.

Language

It is important to understand the different language that is used to describe identity, as this can be a difficult and sensitive area, and is continually evolving. For example:

- some people have a gender identity that does not match the gender they were assigned at birth. This is known as being 'transgender' or 'trans', and commonly includes those within the protected characteristic of gender reassignment as well as those with non-binary identities;
- 'non-binary' is used to describe someone who does not identify as male or female;
- 'transitioning' or 'gender reassignment' is a process by which a person aligns their life and physical identity to match their gender identity. It is the process of moving towards a permanent, full-time adaption of a gender identity across all aspects of life, including work. Each person's transition will be unique. For some, it will involve medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this;
- while the term 'transsexual' is used in the Equality Act 2010 to define those who fall within the protected characteristic of gender reassignment, it is now considered outdated.

The school recognises that using language that is outdated or which the individual considers inappropriate can cause offence.

The school recognises that sexual orientation is a separate issue to gender identity. Gender does not imply any particular sexual orientation; a transgender person may be heterosexual, gay, lesbian, bisexual or asexual.

Staff should not assume that a transgender colleague has any particular sexual orientation. After transition, a person's sexual orientation may stay the same or may change.

Individuals will self-identify. How they choose to describe themselves should be respected. If in doubt, ask the individual how they wish to be addressed.

The law

Trans members of staff are protected by two key pieces of legislation, the Equality Act 2010 and the Gender Recognition Act 2004.

The Equality Act 2010 protects individuals from discrimination because of gender reassignment where they are proposing to go through, are currently going through or have gone through a process (or part of a process) to change their gender from a man to a woman or from a woman to a man. This 'process' does not have to involve a medical procedure or medical supervision. Nor does it have to involve a gender recognition certificate (GRC), or an application for a GRC. For example, a person who chooses to reassign his or her gender and lives permanently as the opposite sex without having any hormonal or surgical therapy is protected.

The Gender Recognition Act 2004 allows an individual, if they meet certain criteria, to obtain a GRC which legally recognises their change of gender from a man to a woman or from a woman to a man, and enables them to obtain a replacement birth certificate reflecting their affirmed gender.

However, not all transgender individuals will choose to apply for a GRC and it is the school's policy not to ask a member of staff or job applicant if they have a GRC, or to ask to see a GRC.

Asking a colleague or job applicant if they have, or asking to see, a GRC:

- is not permitted; and
- could be regarded as harassment.

Bullying and Harassment

The school is committed to ensuring that all its staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore covers harassment and bullying that occurs:

- in the workplace; and
- outside the workplace in a work-related context, such as on school trips, events or work-related social events.

Whilst not an exhaustive list, forms of harassment can include:

- violence or threat of violence;
- physical contact;
- jokes and 'banter';
- offensive language, shouting or behaving in an intimidating manner;
- gossip;
- slander;
- offensive or insensitive songs or messages (including email);
- displaying or circulating posters or pictures, graffiti, emblems, flags;
- obscene or offensive gestures;
- offensive email and screen savers etc;
- isolation or non co-operation and exclusion, e.g. excluding a transgender person from a conversation, email distribution list or social event;
- coercion for sexual favours or sexually suggestive remarks;
- intrusion by pestering, spying and stalking;
- continued requests for social activities after it has been made clear that such suggestions are not welcome;
- verbal, non-verbal or physical conduct of a sexual nature;
- persistent and/or malicious use of the incorrect pronoun or 'deadnaming' (ie calling someone by their birth/pre-transition name after they have changed their name);
- asking intrusive questions about someone's gender identity or transition;
- asking an individual if they have a GRC; and
- 'outing' someone as transgender.

Anyone witnessing any discriminatory behaviour including bullying or harassment must report it to the Headteacher. Any member of staff discriminating or harassing another member of staff will be dealt with under the school's Anti-Bullying and Harassment Policy.

Medical Appointments

Investigations regarding gender reassignment, consultations exploring transitioning or gender reassignment process will be regarded as medical appointments and any such appointments will be treated no less favourably than any other medical appointments.

As usual, you should try to arrange medical appointments at times that will cause the minimum amount of inconvenience to the school and time off to attend medical appointments must be authorised by your Line Manager/Headteacher in advance in the normal way.

Staff may also be required to provide an appointment card and/or a statement from a qualified medical practitioner that the process of transitioning or gender reassignment has been approved and which confirms the time off required after treatment or any procedures.

Time off work for medical intervention

Time off for medical interventions related to transitioning will be managed and recorded in accordance with the school's Sickness Absence and Sick Pay Policy and therefore, any absence associated with your

transition will be treated in the same way as other sickness absence, with the same sick pay and leave entitlements.

Time off related to your transition will not be taken in account when considering you for promotion or pay progression. Nor will such time off trigger action under the formal stages of the school's Sickness Absence and Sick Pay Policy.

You can also request a period of annual leave before returning to work in your new gender role.

Subject to normal operational requirements. The school may also grant [5] days' additional paid leave to facilitate this transition back into the workplace. This will be granted on a case-by-case basis and at the Headteacher's absolute discretion.]

You should give as much notice as possible of time off related to transition, including for medical appointments. The school acknowledges that delays may occur and that this is out of your control. The school will be as flexible as possible in cases of requests for leave at short notice.

There is no contractual or statutory right to receive salary during time off for transitioning or gender reassignment medical appointments, treatment, or procedures; however, provided you comply with the school's sickness absence reporting procedure and your absence is properly certified, you will receive sick pay to which you may be entitled in accordance with the school's sick pay provisions set out in your contract of employment.

Names and pronouns

You will be addressed by the name and pronouns that correspond to your gender identity and that which you have requested to be used at all times.

Intentionally and/or persistently misgendering or using colleagues' previous names may amount to bullying or harassment and will not be tolerated. Breaches of this policy will be treated in a serious manner and dealt with under the school's Anti-Harassment and Bullying Policy

Telling Colleagues

The school will discuss with you preferences for informing colleagues, parents, and students, and how and when this will happen. It will also discuss with you the details of the message and who it will be shared with.

Dress Codes

The school will support you, should you wish to change your gender presentation. You have the right to wear clothing appropriate to your chosen gender identity, if and when you so choose.

The school's policy on dress code is set out in the school's Dress and Appearance Policy.

A degree of flexibility in the school's dress code may be permitted to accommodate the transition process.

Occupational Requirements

Where being of a particular sex is an 'occupational requirement' of that post, a transitioning employee, or an employee undergoing gender reassignment, may be redeployed into another appropriate and suitable position.

Facilities (toilet and changing rooms)

You do not require a GRC or to have undergone any medical procedures to use toilet and changing room facilities that correspond with your gender identity.

Where single-sex facilities are available, you can use those which correspond with your gender identity. Trans staff will never be asked to use toilets for disabled people or unisex facilities. If possible, gender-neutral facilities will be made available for staff who prefer to use unisex facilities.

Disclosure and Barring Service

The Disclosure and Barring Service (DBS) offers a confidential checking process for transgender applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check.

If you are asked to complete a DBS check and have a previous identity that you do not wish to be disclosed to the school and/or on your DBS certificate, you should call or e-mail the dedicated sensitive

applications team before submitting your application. The sensitive applications team can be contacted by e-mail to sensitive@dbb.gov.uk or by telephone on 0151 676 1452 (which has an out of hours answering service).

Occupational Health

Employees who intend to transition, will be offered the opportunity to be referred to the school's occupational health provider for advice and support.

Job Adaptations and Capability

The school acknowledges that while you are in the process of transition, you may wish to change jobs, whether permanently or temporarily. Any request for a job change will be considered seriously.

Personnel and Other Records

The school will change all applicable workplace records and documentation to reflect a change of pronoun, name and/or gender at an agreed time following a written request and in accordance with Transition plan section below. You do not need to produce a GRC or an updated birth certificate to make such a request.

Hard copies of any old documents that cannot be altered, or replaced, will be stored securely in sealed envelopes, marked strictly confidential, and kept separately from the files of other staff and will only be accessed by named persons approved by you and with your permission. These records will be retained in accordance with the school's Data Protection Policy.

Any security passes or name badges, signs, photographs, or email addresses will be updated by the school as soon as practicable and at a time agreed with you.

The school will request and respond to references in the correct name and gender of the job applicant or employee and will not mention any previous names or gender identity.

If the school requires original qualification certificates, where these are in a former name, a record will be made that the certificate has been seen but a copy will not be taken or placed on your personnel file. If it is absolutely necessary to store a copy, the school will ensure that this is stored securely.

The school may need to notify certain external organisations (for example, HMRC for tax and National Insurance contribution purposes, the payroll provider, pensions provider, insurer) of a name and gender change. Disclosure will be made only on a 'need to know' basis, and you will be informed before any such notification is made.

Trans People and the Menopause

Due to a variety of factors, individuals who have transitioned or undergoing gender reassignment may experience symptoms relating to the menopause, and the impact the menopause has may differ between those individuals described above.

How a trans person experiences symptoms in later life may vary depending on the age at which they transitioned and when in time that was (as treatments have changed and developed throughout the years). For further information regarding this, please see the school's Menopause at Work Policy.

Recruitment and Selection

The recruitment process will be inclusive of transgender applicants. The school will ensure that those involved in making selection decisions do not discriminate on the grounds of gender reassignment or against any transgender applicants. For further information, please see the school's Equal Opportunities and Diversity Policy

[Transition Plan

You do not need to tell the school or colleagues if you intend to transition. However, if you decide to disclose your intention to transition you should discuss the decision with [your line manager or Head of Department, or with someone who you feel comfortable discussing these matters and agree a main point of contact to help manage the transition process.

An initial meeting will be held to agree an action plan to support you during your transition at work. A template action plan is set out in the Appendix to this policy.

You may invite a trade union representative to attend meetings and to assist in the drawing up of the transition plan.

The transition plan will remain confidential at all times, and access to it will be restricted to named individuals approved by you.

The school acknowledges that every individual's journey is different, and the expectations and responsibilities of each party will be unique to each transition.

The action plan will be reviewed regularly between yourself and your line manager and will be amended as necessary.

Issues to be discussed with the school and recorded in the plan may include:

- agreeing a single point of contact who will support you and agree an action plan for your transition;
- who will inform colleagues, the staff team and/or organisation, when, and how, and what information will be provided;
- how confidentiality will be maintained, in line with your wishes;
- any new name, title and what pronouns you will be using, and the date those changes will take effect;
- if redeployment to another position needs to be considered;
- whether the gender change may affect the job role, ie does the role necessitate a particular gender;
- what changes to workplace records and systems (hard copy and electronic) are required and from what date;
- an expected timeline for the transition, including if known, a date when you will present at work in your new identity;
- the dates of any time away from work for medical appointments and planned absences;
- the date you will start to use the toilet and changing room facilities associated with your new gender identity;
- dress codes and uniform requirements;
- what awareness colleagues have of trans issues and whether any training is necessary;
- whether occupational health should be involved;
- how any media attention will be dealt with, including whether a press release should be prepared;
- additional support available to you.]

Confidentiality

The school will treat transgender issues with the utmost confidentiality.

There is no requirement for a member of staff or job applicant to tell the school or colleagues about their intention to transition and the school will not ask questions about a person's trans status or history.

It is unlawful to disclose a member of staff's transgender history or status, or their intention to transition without their explicit consent. Such information will only be shared with the individual's consent and then, unless the member of staff states otherwise, only with those who need to know. Any breaches of confidentiality and or data privacy regarding an individual's trans status or history will be dealt with under the school's Disciplinary Policy and Procedure where this applies.

Implementation and Monitoring of this Policy

The HR Manager will regularly monitor the effectiveness of this policy to ensure that it is working in practice, and will review and update this policy as and when necessary

Additional Support and Advice

Support and advice are available from the following organisations:

https://www.beaumontsociety.org.uk/	Beaumont Society is a support network supporting the better understanding of transgender, transvestism, and gender dysphoria.
https://clareproject.org.uk/	Clare Project is a self-supporting group based in Brighton open to anyone wishing to explore issues around gender identity.
https://www.equalityadvisoryservice.com/	Equality and Advisory Support Service (EASS) has a helpline that advises and assists individuals on issues relating to equality and human rights, across England, Scotland and Wales
https://www.equalityhumanrights.com/en	Equality and Human Rights Commission (EHRC) is a statutory body with responsibility for protecting, enforcing, and promoting equality rights across all protected characteristics
https://www.gires.org.uk/	Gender Identity Research and Education Society (GIRES) provides information for trans people, their families and the professionals who care for them.
http://www.gendertrust.org.uk/	Gender Trust supports all those affected by gender identity-related issues in their work.
http://genderedintelligence.co.uk/	Gendered Intelligence work predominantly with the transgender community and those who impact on transgender lives. They particularly specialise in supporting young transgender people aged eight to 25.
https://www.inclusiveemployers.co.uk/	Inclusive Employers are leading UK inclusion and diversity experts, working with employers to create inclusive workplaces.
https://www.mermaidsuk.org.uk/	Mermaids provide support specifically for families and children on gender identity matters.
http://www.pflag.co.uk/	Parents and Friends of Lesbians and Gays (PFLAG) is a support organisation that provides free support to parents, family and friends of LGBT people in the UK.
https://www.pinktherapy.com/	Pink Therapy is an independent therapy organisation working with gender and sexual diversity clients.
https://www.scottishtrans.org/	Scottish Trans Alliance offers guidance on gender identity and gender reassignment equality, rights and inclusion in Scotland.
https://www.stonewall.org.uk/	Stonewall is a leading LGBT charity providing advice, guidance and support to individuals, organisations and schools.

https://tavistockandportman.nhs.uk/	Tavistock and Portman NHS Foundation Trust works to improve mental health and wellbeing, including providing transgender support and support for young people.
https://transfigurations.org.uk/	Transfigurations are a transgender support group based in Devon.

Appendix

Transitioning Action Plan/Checklist

This is a template action plan. Depending on your circumstances, one or more steps may not be required. Equally, one or more additional steps may need to be considered.

Current name/title	
New name/title	
Job title	
Line manager/point of contact (if different)*	

Actions	Details	Date completed
Expected timescale		
Return to work following transition		
Is there a relevant occupational requirement?	<ul style="list-style-type: none"> • What is it? • What is the effect on employee's role? 	
Consider need for temporary change to job role	<ul style="list-style-type: none"> • Nature of change (duties/hours/location)? • Phased return? 	
Consider need to permanent change to job role	Nature of change (duties/hours/location)?	
Consider confidentiality	<ul style="list-style-type: none"> • Who is responsible? • Consider what information the employee wants disclosed (see below) 	
Consider data protection	<ul style="list-style-type: none"> • Consider lawful and specific conditions for processing. • Consider data protection principles e.g., data minimisation, purpose limitation 	

Actions	Details	Date completed
	<p>What old records need to be retained (if any)?</p> <ul style="list-style-type: none"> • Privacy notice required. • Ensure information is handled in strict confidence and in accordance with school's Data Protection policy. • Identify which, if any, pre-transition records need to be retained. 	
<p>Informing managers:</p> <ul style="list-style-type: none"> • line manager (if not point of contact) • Head of Department • HR Manager 	<ul style="list-style-type: none"> • Who will tell them? • Will employee be there? • When? • Where? • What will they be told? • Reminder of trans and other relevant policies. 	
<p>Informing team members/close colleagues (add description/list)</p>	<ul style="list-style-type: none"> • Who will tell them? • Will employee be there? • When? • Where? • What will they be told? • Method of communication (in person, by email)? • Reminder of trans and other relevant policies 	
<p>Informing other employees/staff</p>	<ul style="list-style-type: none"> • Who will tell them? • Will employee be there? • When? • Where? • What will they be told? • Method of communication (in person, by email)? • Reminder of trans and other relevant policies 	
<p>Informing third parties (e.g., pupils, parents, third parties (add description/list))</p>	<ul style="list-style-type: none"> • Who will tell them? • Will employee be there? • When? • Where? • What will they be told? • Method of communication (in person, by email)? 	
<p>Consider whether support and information from external organisations required/desirable</p>	<ul style="list-style-type: none"> • What support? • What information? 	

Actions	Details	Date completed
	<ul style="list-style-type: none"> What are the best organisation(s) to provide this? 	
Consider media/social media interest	<ul style="list-style-type: none"> Who will handle the press/third-party approaches? Agreed announcement? 	
Use of facilities: <ul style="list-style-type: none"> toilets showers changing rooms other [gender specific spaces] 	<ul style="list-style-type: none"> Which facilities? From when? 	
Dress/uniform: <ul style="list-style-type: none"> check policy is up to date is new uniform required? is there any expected flexibility in uniform required? 	<ul style="list-style-type: none"> Is policy up to date? If not, who is updating, and when? Is new uniform required? If yes, from when? 	
Consider need for occupational health/employee assistance programme referral	If yes, by whom?	
Consider need for absence	<ul style="list-style-type: none"> How long and when? Request to HR How absence is to be categorised under employer's policies eg paid/unpaid? Any staff cover required? 	
Consider need for ongoing support	Agree frequency and timing of meetings with the transitioning employee With whom?	
Consider if any training on transgender equality is required	<ul style="list-style-type: none"> If yes, to whom? Training organised and delivered? 	
Identify which records and systems need to be amended to show a change of name/gender	Complete table below	

Records and systems

Changes required	Who will do this?	When?	Date completed
Internal			
Personnel/HR records			
Security pass/clearance			
ID/Name badge			
Email address			
Photo			
Website bio/contacts page			
IT systems (computer logins, intranet, other)			
Staff lists			
Business card			
Door plate			
Voicemail message			
Staff rotas			
Work-related social media			
Other			
External/third party			
Bank			
HMRC			
Insurer			
Pension provider			
Payroll provider			
Union			
Regulatory/professional body			
Qualifications/certificates			
Disclosure and Barring Service			

Meetings

Date	Comments	Actions	Date of next meeting

Medical appointments and absences

Date	Description/reason

* Note for line manager/point of contact

The process of drawing up this action plan should be led by the employee and no action must be taken without the agreement of the employee. You should ask questions, listen, and understand the needs, concerns, and wishes of the transitioning employee and seek further advice as necessary to ensure the employee is effectively supported during their transition.

