



Policy on Transgender Staff

Policy on Transgender Staff		Page:	Page 1
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Recommended by	HR Advisor – Workforce and Equality
Approved by	Workforce Committee
Approval date	16 th October 2017
Version number	1.0
Review date	October 2020
Responsible Director	Director of Organisational Development
Responsible Manager (Sponsor)	Deputy Director of Organisational Development
For use by	All Trust staff, bank workers, agency workers, volunteers and others

This policy is available in alternative formats on request. Please contact the Corporate Governance Office on 01204 498400 with your request.

Policy on Transgender Staff		Page:	Page 2
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Change record form

Version	Date of change	Date of release	Changed by	Reason for change
0.1				Initial policy
0.2	25.7.17		S Chadwick HR Advisor	Following Policy Group feedback 7.7.17
0.3	28.8.17		S Chadwick HR Advisor	Following Policy Group feedback 4.8.17
0.4	7.9.17		S Chadwick HR Advisor	Following Policy Group feedback 1.9.17
1.0	October 2017	October 2017	L Ward	Release following approval

Policy on Transgender Staff		Page:	Page 3
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Policy on Transgender Staff

Contents

Introduction	Page 5
Purpose	Page 5
Duties	Page 6
References	Page 10
Appendix 1	Page 12
Appendix 2	Page 14
Appendix 3	Page 16

Policy on Transgender Staff		Page:	Page 4
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

1. Introduction

- 1.1 North West Ambulance Service (NWAS) needs to ensure that all employees work and are treated in a safe and respectful environment. Transgender staff can only perform to their best in work or obtain the best health outcomes when they are supported and treated with dignity. This policy focuses on transgender staff; there will be separate guidance made available about caring for transgender patients.
- 1.2 Gender reassignment is a protected characteristic under the Equality Act 2010.

2. Purpose

2.1 Definitions

A limited number of definitions are provided here, with a more comprehensive list and further detail about language relating to transgender issues provided in Appendix 1.

Expressed gender – the gender in which a person presents themselves

Gender fluid – a gender identity which can vary over time

Gender reassignment - a protected characteristic, as is gender, sexual orientation, race, religion, pregnancy/maternity, age, disability and marriage/civil partnership. Anyone who starts the process of transition is covered; an individual will remain protected by the Equality Act indefinitely

Non-binary – an umbrella term used to describe people who do not feel male or female. They may feel some elements of both genders, or in between, or something different.

Transgender – how to describe a person who is moving away, or has moved away from the gender they were assigned at birth.

Transition – the process to move from the gender assigned at birth. Protection under the Equality Act starts when transition starts – it could be a change in clothing away from birth gender, having made their intention to transition known to someone, started counselling sessions relating to the start of gender reassignment or having transitioned to live in their affirmed gender (their post-transition gender status)

Trans – an umbrella term used to describe all the different ways of not belonging to the gender you were assigned at birth

Transsexual – this terminology can sometimes be seen as dated and the Trust encourages the use of 'transgender'

2.2 Purpose and Principles

This policy is designed to detail the respect and support to be afforded to transgender staff and patients.

Policy on Transgender Staff		Page:	Page 5
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

- Ensure that transgender people and individuals undergoing the gender reassignment process are treated with fairness and sensitivity.
- Provide management guidance on the status of transgender people undergoing the gender reassignment process.
- Outline the appropriate procedure to be followed when a transgender person is a job applicant or is about to undergo the gender reassignment process whilst in employment with the Trust.
- Explain what support should be provided to people undergoing gender reassignment.

Breaches of the policy may result in action being taken using other policies available to the Trust, including the Disciplinary Policy. Discrimination can be considered as gross misconduct.

The Trust will comply fully with the relevant legislation. This relates to duties under the Equality Act 2010, the Gender Recognition Act 2004, the Data Protection Act (1998) and the Human Rights Act (1998).

To clarify the position of support for other individuals, NWAS will seek to protect non-binary, gender fluid and non-gender people from discrimination and harassment in work.

The Trust recognises that at the time of writing this procedure, the systems used to record staff and patient information do not always allow for an individual to identify themselves as transgender. The Trust is committed to tackling these obstacles.

NWAS will support staff during transition. Anyone starting transition will be covered by the Equality Act 2010 and will be supported on their journey before and during employment with NWAS. The support will continue after leaving employment, with regards to legal obligations about privacy when providing references.

The Trust will seek to support candidates who are transgender. Employment checks and other parts of the recruitment cycle will seek to ensure confidentiality and sensitivity. Guidance will be made available to ensure all staff are aware of the specific issues relating to confidentiality and transgender colleagues.

NWAS recognises that it can be an offence to share personal information, such as medical information. The Trust will ensure any allegations about staff relating to disclosure of personal information or unlawfully requesting information is investigated appropriately and may result in disciplinary action, dismissal and/or referral to a professional regulatory body where appropriate.

Employees transitioning are encouraged to notify their manager as early as they feel comfortable to do so, in order that the necessary support can be discussed and agreed. Some of the areas to be discussed may include time off for appointments, changing name, informing colleagues and dealing with harassment or issues with the general public.

3. Duties

3.1 Responsibilities

The Trust's responsibilities regarding the Transgender Policy for Staff and Patients are as follows:

Policy on Transgender Staff		Page:	Page 6
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Board and Senior Executive Team members have a responsibility to tackle discrimination within the workplace, whether among staff, patients or the public.

Line Managers of all levels must promote a culture of tolerance, compassion and kindness. All decisions relating to employment, including selection, performance, discipline, grievance and training, should be made fairly. Inappropriate language and behaviour of any kind should be tackled, and be seen to be tackled, in this case with a focus on the protection and support of those protected by this policy.

Staff within the HR Directorate are responsible for ensuring the policy and relevant associated legislation remains up to date. They are responsible to ensuring appropriate training is provided to staff and managers across the Trust.

Every individual in the Trust is responsible for their own personal behaviour. Colleagues and patients are entitled to expect respect and fairness. Employees should act in accordance with the Trust Code of Practice and other relevant policies, including the Equality and Diversity Policy. This policy also applies to activities undertaken on or off site or any activity associated with their employment with this Trust.

3.2 Supporting Employees

- 3.2.1 An employee going through the process of gender reassignment can seek support from their line manager or other senior colleague, trade union representative, HR Advisor or Trust LGBT Network representative. It is a matter of personal choice as to who is contacted for support; however, it is recommended the relevant line manager will need to be involved so that they can work with the employee to agree an action plan to cover the period of their transition. It is imperative that confidentiality is maintained at all times.
- 3.2.2 A transgender person should be referred to by their new name and gender, including the correct use of pronouns such as him and her. If an individual's name, gender or transgender status is not known, staff should use the pronouns relating to the dress and presentation of the individual. It is reasonable to assume that there may be errors made in the use of pronouns on occasion when colleagues are first informed about a colleague transitioning. However if unacceptable behaviour, such as the deliberate misuse of pronouns, were to continue, then formal action may be considered by the manager.
- 3.2.3 It is unlawful to disclose a person's transgendered status without their consent.
- 3.2.4 It may be the case that an employee wishes to live full-time in their affirmed gender and name and other records will need to be changed formally. As part of this process they will decide the appropriate point when a form of dress and the use of single sex facilities will be adopted in accord with the new social gender. However, this change in social gender, whilst usually taking place during or after hormone therapy will sometimes occur years before the final surgical procedure. In some cases, there will be no final surgical procedure so it is best practice to discuss these issues with the employee to consider their wishes moving forward.

Guidance will be made available for managers to supplement this policy. There will also be information available for staff, so they are aware of their responsibilities and how they can support colleagues undergoing gender reassignment.

NWAS has an LGBT network which staff and managers can link in with for support. They can be contacted on lgbt@nwas.nhs.uk

3.3 Transition Action Plan

Policy on Transgender Staff		Page:	Page 7
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

3.3.1 The employee concerned and (normally) their line manager should consider writing an action plan together for managing the transition to the opposite gender from the one assigned at birth (see **Appendix 2**). This will include agreeing dates of transition and communication plans, with the manager being guided at all times by the individual's preferences. The Trust will also seek appropriate and specialist support and advice as required. Under no circumstances should any communication or actions be taken without the explicit consent of the individual. These action plans, together with any other notes of meetings and agreed actions, must be kept strictly confidential in the individual's personal file. After transition is completed, there may be a specified time limit agreed with the individual for retaining the action plan and other information but the documentation should be held safely and securely in the meantime, in a sealed envelope in a locked drawer. . Some of the areas that need to be discussed include:

- How colleagues should be informed.
- Any dress codes, uniforms or other related requirements that may need to change
- Security passes, IT, and personal details changes

The action plan should form the basis of discussions and timescales are led by the individual. Due to the nature of transition, estimated timescales may change, as may the actions and support required. The action plan is to aid and record discussions and support; it is not necessary for all of the actions to be completed due to the nature of individual transition paths.

3.4 Use of Single Sex Facilities

3.4.1 The action plan should agree the point at which the use of facilities such as changing rooms and toilets should change from one sex to the other. Transgender employees will be able to use the toilets and changing rooms of their expressed gender. A transgender employee should not be invited by managers to use the accessible (disabled) toilet facilities unless they do in fact have a disability that requires it, nor should they then be asked to use facilities of their former gender. The action plan should also consider when an employee who is required to undertake work that impacts on single sex facilities will begin to work to their acquired gender.

Additional information about this section will be available in the Manager's Guidance.

3.5 Sickness Absence

3.5.1 In putting together the transition action plan, any time off that an employee will need in order to undergo gender reassignment treatment should be discussed. When the individual is absent for treatment or surgery then normal sick pay arrangements or absence arrangements will apply. The normal policy for medical appointments will also apply. Flexibility in terms of taking holiday or rearranging working hours in order to attend medical appointments will be considered. Requests for flexible working that could reasonably be accommodated within the demands of the service should not be refused or be treated less seriously because they are made by a transgender employee.

Individual rights under the Equality Act 2010 must be considered where the individual has been diagnosed as having 'Gender Dysphoria' or 'Gender Identity Disorder' and the condition is likely to last for more than twelve months, has lasted twelve months or will remain with the individual for the rest of their life. In this case the need to make reasonable adjustments will apply.

Sickness absences from work that are directly related to these conditions should be recorded as appropriate. Such absences may be managed as an absence recognised under the Equality Act 2010. If absence is recorded as sickness then the normal arrangements for certification will apply. However, it does not need to state any procedures performed during the absence.

Policy on Transgender Staff		Page:	Page 8
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Any sickness absence that is unrelated to gender reassignment will be managed in line with the Trust policy on management of sickness, as is the case for all employees.

3.6 Criminal Records Checks

3.6.1 Criminal Records checking agencies have developed separate application procedures, which allow transgender applicants to exclude previous names from the Disclosure Application form. However, applicants will still be required to send details of their previous identity in a separate letter directly to the 'Sensitive Casework Team'. For further information contact the Disclosure and Barring Service by:

- sending an email to the Disclosure and Barring Service sensitive applications team
- telephoning 0151 676 1452. There is an answer phone service available for this number where you can leave your name and contact number and a member of the sensitive applications team will call you back.

3.7 Pre-Employment

3.7.1 Individuals who have already adopted their new gender in full have no obligation to inform the Trust of their change. Applicants should not be asked their transgender status during the recruitment and selection process however disclosure of personal information for workforce monitoring reasons is encouraged.

3.8 Recruitment and Selection

3.8.1 Applicants may not necessarily wish to disclose their transgender status and this is not a question that should be asked at any stage, including interview as it is not a relevant criterion in selection. There is no obligation for a transgender person to disclose their status 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, are not grounds for dismissal. Recruiting Managers and those within the HR Hub who become aware of an applicant's transgender status must maintain full confidentiality in relation to this issue.

3.9 Records

3.9.1 Employment related records will only normally be changed when the appropriate deed certificates have been provided (such as a new birth certificate or a statutory declaration of a name change). However changes may be allowed for transgender employees as part of the transition process. The Line Manager should advise on where records are maintained that need to be changed locally or elsewhere as part of their role; the HR Hub along with relevant HR Advisor can advise on changing employment records. Managers and the HR Hub should ensure that all documentation held on an employee's personal file displays their affirmed gender; is secured; and, is only available to designated persons. Further information can be sought from Line Managers and/or the HR Hub with the relevant HR Advisor.

Additional information about this section will be available in the Manager's Guidance.

3.10 References

3.10.1 When providing references to a prospective new employer, the reference should be in the name which will be used in the new role. A reference provided by the Trust must not disclose a former name in such circumstances.

It may sometimes be necessary for a transgender person to disclose a previous identity in order for references from past employers to be obtained. In these cases strict confidentiality and respect for dignity should be applied and information kept secure.

Policy on Transgender Staff		Page:	Page 9
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

3.11 Birth Certificates

3.11.1 Transgender people are able to obtain a new birth certificate which will not disclose the fact that they changed gender.

3.12 Work Permits

3.12.1 Employees working for the Trust are required 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.

3.13 National Insurance

3.13.1 Employees who change their name will need to inform the Inland Revenue to make appropriate changes to state pension and NI contribution rates.

3.14 Pensions

3.14.1 A transgender employee who obtains a new birth certificate will be treated according to their affirmed gender for pension purposes. Transgender people who do not obtain a new birth certificate retain their full pension rights in accordance with the sex that is recorded on their original birth certificate. In terms of pension provision, it is good practice for employees to be treated as having their birth gender up to the point of transition (i.e. when they start to live fully in the acquired gender) and their affirmed gender from the point of transition. This would apply for example in calculating funds transfers between pension plans.

3.15 Professional Registration

3.15.1 Where an employee is subject to professional registration they should be advised to contact their professional body to establish if there are any specific requirements in terms of name changes etc. In cases where the Trust has to keep evidence of professional status or qualifications, this should be discussed with the employee as to how to retain such evidence on file so as not to compromise or breach disclosure of protected information.

Additional information about this section will be available in the Manager's Guidance.

3.16 REVIEW

3.16.1 This policy will be subject to review as required.

Policy on Transgender Staff		Page:	Page 10
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

4. References

Equality Act 2010

Managing Attendance Policy

Managing Staff with Disabilities

DBS Policy

Recruitment and Selection Policy

Disciplinary Policy

Dignity at Work Policy

www.enei.org.uk

www.gires.org.uk

Policy on Transgender Staff		Page:	Page 11
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

APPENDIX 1

Definitions and information about Transgender matters

WHAT IS GENDER REASSIGNMENT?

Anyone can feel that their assigned birth sex does not match their gender identity and feel this needs to be recognised through either part or full gender reassignment.

Some of these definitions are open to debate especially among those to whom these definitions may be applied. This reflects the fluidity of sexual and gender identities and the importance that marginalised or excluded groups attached to the process of self-definition and redefinition.

- Expressed gender – the gender in which a person presents themselves
- **Gender** - the social and cultural identification and perception of masculinity and femininity as opposed to physical/biological sex. Social gender is the gender in which an individual lives their day to day life. This is likely to affect the name they choose to be called by and their dress.
- **Gender Dysphoria** - the dissatisfaction with one's physical sex (male or female) which is in conflict with one's assigned birth gender. The term is usually restricted to those who seek medical and surgical assistance to resolve their difficulty.
- Gender fluid – a gender identity which can vary over time
- **Gender Identity** - gender identity is the personal sense of being a man or a woman, or more rarely both or neither. In this document, the term is primarily used to describe people whose gender identity does not match their assigned sex at birth. It is important to note that not everyone identifies exclusively with one sex or the other. Some may well identify as both male and female, others may identify as male in one setting and female in another or not identify closely with either.
- Gender reassignment - a protected characteristic, as is gender, sexual orientation, race, religion, pregnancy/maternity, age, disability and marriage/civil partnership. Anyone who starts the process of transition is covered; an individual will remain protected by the Equality Act indefinitely
- Non-binary – an umbrella term used to describe people who do not feel male or female. They may feel some elements of both genders, or in between, or something different.
- **Sexual Orientation** - the direction of one's sexual interest toward members of the same, opposite, or both sexes.
- **Transgender** - an inclusive, umbrella term used to describe the diversity of gender identity and gender expression. The term can be used to describe all people who don't identify to the common ideas of gender roles.
- **Transsexual** – a dated term meaning 'transgender'
- Transition – the process to move from the gender assigned at birth. Protection under the Equality Act starts when transition starts – it could be a change in clothing away from birth gender, having made their intention to transition known to someone, started counselling sessions relating to the start of gender reassignment or having transitioned to live in their affirmed gender (their post-transition gender status)
- Trans – an umbrella term used to describe all the different ways of not belonging to the gender you were assigned at birth

Policy on Transgender Staff		Page:	Page 12
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

- **Transphobia** - a fear, hatred or dislike of Transgender people
- **Transvestite** - a person who dresses and acts intermittently in a style or manner traditionally associated with the opposite sex
- **Real Life Experience** - A person undergoing treatment relating to transition will begin by receiving specialist medical advice and diagnosis. They will usually be expected to undertake a 'real life experience' (RLE) in which they begin to live and work in the new gender role. At this point they may have records changed to reflect this such as driving licence or passport. Treatment packages are tailored to the individual but may include hormones, surgery and transition to the gender role.

WHAT IS GENDER RECOGNITION?

The Gender Recognition Act 2004 allows transgender people (who are able to satisfy the necessary evidential requirements) to apply for full legal recognition in their acquired gender. Following a successful application, by issuing them with a Gender Recognition Certificate (GRC), the law regards the transgender individual, for all purposes, as being of their acquired gender. The Act gives legal recognition to transgender people and allows them to acquire a new birth certificate, and be able to marry or enter into a civil partnership, as well as affording them full recognition in law for all purposes.

There is no requirement for a person in possession of a gender recognition certificate to produce this in order to change any official documents other than a birth certificate. The GRC exists only for the Gender Recognition Panel to instruct the Registrar of Births to make a new entry in their register, from which a birth certificate can be drawn. The document states clearly that it has no other purpose. Recording sight of a GRC would automatically lead to a breach of Section 22 of the Gender Recognition Act, since requiring sight of the record by any other person would constitute an unlawful disclosure of protected information. The Equality Act 2010 says that it is unlawful for an employer to discriminate against an employee, job applicant or contractor on the grounds of that person's gender reassignment. This covers recruitment, transfer, training and promotion, access to work-related benefits, facilities and services, dismissal, and any other detriment. It is also unlawful for an employer to instruct someone else to do something discriminatory e.g. telling an employment agency not to hire a transgender individual. Pressure to discriminate is also unlawful e.g. employees threatening not to work unless their employer dismisses a colleague who has decided to undergo gender reassignment.

Individuals are protected from discrimination on the grounds that they:

- intend to undergo gender reassignment, or
- are undergoing gender reassignment, or
- have at some time in the past undergone gender reassignment.

Discrimination in this context means treating a transgender person less favourably than another job applicant or employee who is not undergoing gender reassignment (or contemplating it etc.). This includes harassment and victimisation.

In certain circumstances it is lawful to discriminate in employment if there is a genuine occupational qualification (GOQ) for doing so. It is essential that if this is contemplated that advice is taken from the HR Hub. At this time, there are no known roles within the Trust meeting this criteria relating to gender reassignment.

Policy on Transgender Staff		Page:	Page 13
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

APPENDIX 2

Example Action Plan to support staff transitioning gender

	Yes	No	Comments/Actions agreed
Does the employee feel comfortable continuing in their current role at this time?			
Are there any permanent or temporary changes to the role that should be considered at this time?			
Are there forthcoming medical appointments or procedures? If so, is there a timescale for these? What support is thought to be required for that? <ul style="list-style-type: none"> - Time off for appointments - Sickness absence from work - Recovery and/or adjustments on return 			
Is there a new name or title to be used? Is there a timescale for when this will be used? How would the employee like this to be managed eg phased or from set date?			
When do they wish to start dressing and presenting as their acquired gender? Again will this be phased?			
When do they wish to start working as their acquired gender? Consider in particular single sex working requirements.			
Are there any dress codes which need to be considered? (Do new uniforms need to be ordered?)			
When does the employee wish to use toilet and changing facilities appropriate to their acquired gender? Reminder - accessible (disabled) toilets should not be suggested as an alternative unless employee has a disability.			
When, how and which HR, IT and other records or systems will need amending? Does the individual hold professional registration or a driving licence relating to their role? Is liaison with the Pensions team required?			
When and how should colleagues be informed of the transition?			
Is there any education material which could be used?			

Policy on Transgender Staff		Page:	Page 14
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Manager to remind employee how bullying, harassment and abuse can be reported and how such incidents are managed within the Trust.

If this action plan is not drawn up with the line manager and/or HR, consider how and when they might need to be involved.

Any other comments:

Date discussed:

Signature of Manager:

Signature of Employee:

Date of next meeting

Policy on Transgender Staff		Page:	Page 15
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

Appendix 3

ADDITIONAL INFORMATION ABOUT GENDER REASSIGNMENT

Data Protection Act 1998 (DPA)

Under the Data Protection Act 1998, gender reassignment would constitute 'sensitive data' for the purposes of the legislation. It can only be processed for certain specified reasons set out in the Act.

Section 8 Asylum and Immigration Act 1996

Since May 2004 a potential employer must see an applicant's proof of identity and right to work in the UK. This includes a UK/EEC passport or a full birth certificate and a P45, P60, National Insurance card or a letter from a Government agency. Some transgender people may not have any identification documents in their acquired gender, and may have to disclose their transgender identity. It is therefore important that this information is kept confidential.

What is the legal status of transgender people?

The Equality Act 2010 allows transgender people (who are able to satisfy the necessary evidential requirements) to apply for full legal recognition in their acquired gender. Following a successful application the law regards the transgender person, for all purposes, as being of their acquired sex, they can marry and be provided with a new birth certificate all using the acquired gender.

Record Keeping

All documents, public references (such as telephone directories, prospectuses, web biographies) and employment details should be changed, in agreement with the individual, to reflect their acquired gender. Where documents have been seen and copies taken at the point of starting employment (such as a birth certificate) then the old documents should be destroyed and replaced as new documents become available. (Note it would be a breach of the data protection act to keep out of date documents of such a personal nature on file there must be no disclosure of this previous information). Access to records showing the change of name and any other details associated with the individual's transgender status, (such as records of absence for medical treatment) must be restricted strictly to staff who need the information to do their work. Breaches of confidentiality will be treated in a serious manner and may result in disciplinary action.

References and certificates

References for transgender people should be given without hinting that the person has had a change of gender. The action plan should also cover how evidence of professional status or qualifications should be retained on file, if for example the certificates are in the original name.

Pensions

There are a number of alternative ways that an individual's pension history can be dealt with. The Pensions Manager should therefore be contacted to determine the most suitable approach in consultation with the

Policy on Transgender Staff		Page:	Page 16
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020

individual. Survivor benefits will be determined by the marriage relationship or civil partnership of the individual as opposed to the individual's legal gender.

National Insurance Number

The Department of Work and Pensions (DWP) will alter an individual's name on their records and issue a new plastic National Insurance Number Card with that name on it. They don't alter anyone's National Insurance number. There is no gender indication within the number and therefore no point to do so. A change of name on its own does not alter the rest of your national insurance / tax computer records, as an individual will retain their birth gender until they successfully apply for legal recognition and are awarded a new birth certificate. The Gender Recognition process issues instructions to the DWP and Inland Revenue to make appropriate changes at that time.

Driving Licence

The Driver and Vehicle Licensing Agency (DVLA) will change their records of an individual's name and issue them with an updated driving licence on written request. In this case the procedure, which has been used successfully for many years, includes the issue of an amended driver number. The driver number includes a gender marker. This is updated to show the new gender so that anyone inspecting a driving licence will see a code that reflects the person's new name and the gender they present.

Passports

The process of changing a passport has changed slightly over recent years because of a greater need to prevent fraud. However, the policy of the Passport Agency has always been to facilitate issue of a replacement passport when the applicant has changed their name and social gender role, backed by a letter from a medical professional to confirm that the change is for gender reassignment and intended to be permanent. As the process for any change of photo and details involves an interview it is best for individual's to enquire with their local passport office about what evidence they will need to supply.

Sources of useful information

Equality and Human Rights Commission <http://www.equalityhumanrights.com/advice-and-guidance/your-rights/transgender/transgender-additional-resources/>

Criminal Records Checking <http://www.homeoffice.gov.uk/agencies-public-bodies/crb/>

The Gender Trust www.gendertrust.org.uk/

Men's Health Forum Council www.menshealthforum.org.uk/

Department of Health www.dh.gov.uk

Gender Identity Research and Education Society www.gires.org.uk

Transgender Zone www.transgenderzone.com

Press For Change <http://www.pfc.org.uk/>

Enei www.enei.org.uk

Policy on Transgender Staff		Page:	Page 17
Author:	HR Advisor – Workforce and Equality	Version:	1.0
Date of Approval:	16 th October 2017	Status:	Final approved
Date of Issue:	26 th October 2017	Date of Review	October 2020