



Trans Equality Policy

This policy has been formulated in consultation with Professional Associations NUT, NASUWT, ATL, ASCL, NAHT, UNISON and GMB.

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1.0 Definitions

- 1.1 In this Policy the words “we/our” refer to the School/Academy/Company/Trust which adopts this Policy.
- 1.2 The words “You/you” refer to the head teacher or administrator responsible for the running of the School/Academy/Company/Trust where the Trans employee works.
- 1.3 This Policy also applies to any workers employed to work in the School/Academy/Company/Trust and the word “employee” includes reference to a worker.
- 1.4 References to the singular in this Policy include references to the plural and vice versa and words in the masculine include the feminine and vice versa.

2.0 Purpose of the Policy

The School/ Academy / Company / Trust is committed to providing and maintaining equality for all its employees and recognises that this can be put at risk by people who may not understand what Trans means/entails or how to manage a Trans employee. Failure to support and treat an individual with a Trans’ situation may affect an employee’s health, safety, performance and conduct at work and could also adversely affect their relationships with colleagues, pupils, parents and other visitors to the School/ Academy / Company / Trust

The policy recognises that Trans employee(s) can go through very sensitive and complex times and requires the School/ Academy / Company / Trust to act in a sensitive and supportive way. The intention is to create a supportive environment in any transitional period. We fully recognise our legal responsibilities to protect the rights of Trans employee(s) and to ensure that no individual is subject to discrimination or victimisation as a result of the gender in which they present themselves.

3.0 Scope

This policy applies to all staff and/or workers employed, both teaching and non-teaching, including the Head teacher who work in the School/Academy/Company/Trust.

4.0 Principles/Aims

The principles/aims of this policy are to;

- Ensure that any Trans employee is treated with respect and dignity
- Ensure that confidentiality is maintained at all times and that the School/ Academy / Company / Trust will not reveal any information without the prior agreement of the individual
- Ensure that Trans employee(s) will not be excluded from employment, training, or promotions because of their gender identity
- Create a supportive environment for staff who have a Trans situation
- Treat any transphobic abuse, bullying or harassment seriously and deal with it appropriately
- Provide appropriate facilities for Trans employees

5.0 Legal Context

Throughout the application of this policy the School/ Academy / Company / Trust will comply with the legal framework of relevant employment legislation that affects all employees and includes;

- Equality Act 2010
- The Gender Recognition Act 2004
- The Health and Safety at Work Act 1974
- Data Protection Act 1998
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Employment Rights Act 1996

6.0 Legislative Definitions of Unlawful behaviour relating to Trans employees

- Direct Discrimination

Treating a person less favourably than another in comparable circumstances because of their gender identity

- Associative Discrimination

Is direct discrimination against someone because they are associated with another person with the protected characteristic of gender reassignment

- Discrimination by perception

Is direct discrimination against someone because others think they have the protected characteristic of gender reassignment

- Indirect Discrimination

Putting in place a policy or practice that has a different (positive or negative) impact on someone who has the protected characteristic or gender reassignment when this cannot be objectively justified

- Harassment

This can occur when unwanted conduct related to gender reassignment has the purpose or effect of violating a persons dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Discrimination after employment has ended may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

7.0 Model Policies

Where applicable this policy should be read in conjunction with following School/ Academy / Company / Trust policies:

- Equal Opportunities Policy
- Disciplinary Policy
- Grievance Policy
- Managing Sickness Absence Policy
- Special Leave Policy

8.0 What is “Trans”?

Trans is an inclusive term for people who identify themselves as transgender or transsexual. The word “Trans” can be used without offence (as an adjective) to describe people who:

- Are undergoing gender transition
- Identify as someone with a different gender from that in which they were born, but who may have decided not to undergo medical treatment
- Choose to dress in the clothing typically worn by the other sex

The terms transvestite and tranny are now considered pejorative and should be avoided.

9.0 What to do if an employee alerts you of a “Trans” situation?

The School/ Academy / Company / Trust must ensure the employee’s situation will be dealt with sensitively and should provide a confidential area in which an informal discussion may take place. Ask the employee if they feel happy to continue or require a work colleague or trade union official to accompany them. If you are making any notes of the discussion you must ensure they will be marked strictly confidential and kept securely. It is against the law for someone to disclose someone’s trans situation or trans history without their permission.

The employee may want to disclose that they wish to start a transition process into the opposite sex. The School/ Academy / Company / Trust must ascertain whether or not the employee wishes for their colleagues to be made aware. If they do not you must comply with the wishes of your employee. You must support your employee to plan for the date when they will acquire their chosen sex and how they wish to inform their colleagues and pupils/parents. The appropriate facilities i.e. toilets must be made available to suit the acquired sex along with any uniforms or PPE (personal protective equipment). Support should continue after they have become/opted for their chosen identity and they should be treated as being the gender they identify as. Personnel records will need to be amended and any notes or plans made during the transition process must be destroyed. Discuss with the employee how they wish for negative feedback to be dealt with and what they should do if they feel someone is treating them differently or unfairly.

An employee may wish to disclose that they believe a Trans colleague is being bullied or harassed. If this is the case you will need to discuss with the employee that although the disclosure is confidential that they will need to have an informal discussion with the Trans work colleague. You must ensure that any discussions with the Trans employee remain confidential unless the employee is happy for the information to be shared with other work colleagues. See the grievance policy if the Trans colleague wishes to deal

with an incident formally, however it is advised to always try an informal process first.

Any proven bullying or harassment of a protected characteristic should be taken seriously and dealt with appropriately.

An employee may wish to inform you that they have accidentally found out that a work colleague is a transgender person. You must ensure the employee treats the information with the strictest of confidence and that they do not pass on the information to anybody else. A person's gender status and transition history is confidential and must not be disclosed without that person's permission, which should be confirmed in writing by them. You are not legally obliged to do anything other than to continue employment and treat the employee as you would any other colleague. You would be expected to investigate how this information came to light and whether the appropriate data handling steps had been taken. You may need to consider the disciplinary process if data protection protocols have not been followed.

If the employee had already made you aware that they had chosen to transgender, it would be best practice to inform them that other colleagues may also be aware and discuss whether they would like to inform others and, if so, how they would like this to be communicated. See the toolkit available on the YourHR website.

An employee may wish to inform you that their spouse or close family member is transitioning, they may require some additional support from school as the transition begins.

10.0 Time off

Employees wishing to transition into the chosen sex will require time off for medical appointments or treatment. It is best practise to discuss with the employee the amount of time off that will be required once they inform you of their intentions. The Trans employee may also wish to take some time off before they return to work as their new identity.

Absences should be dealt with under the relevant policy and flexibility with annual leave should be offered where possible in order for an individual to attend medical appointments or undergo medical treatment.

When an individual is absent due to treatment or surgery then normal sick pay, medical appointments or absence arrangements will apply.

Time off for treatments associated with gender reassignment are specifically protected under the Equality Act 2010.

11.0 Disclosure and Barring (DBS) Checks

The DBS has developed a separate application procedure, which allows Trans applicants to exclude previous names from the Disclosure Application form if they do not wish to reveal details to their employer. However, applicants will still be required to send details of their previous identity directly to the “Sensitive Applications Team” via sensitive@dbs.gsi.gov.uk.

12.0 How should media interest be dealt with?

Instances of gender reassignment can attract the attention of the local and national press. The Trans employee should be informed and supported.

In the event of press contacting the School/ Academy / Company / Trust you must inform either your local authority press officer or refer to your relevant policy in order to offer support in dealing with such enquiries.