



London Ambulance Service **NHS**
NHS Trust

Policy on Transgender Issues

DOCUMENT PROFILE and CONTROL.

Purpose of the document: To set out a policy position and practical guidance around transgender employees.

Sponsor Department: Human Resource and Organisation Development

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1 Introduction

The Trust is committed to ensuring that transgender employees have the right to equal treatment and protection from discrimination at work.

The Trust's Equal Opportunities Policy is reinforced by one of our published Values, that 'we will value diversity and will treat everyone as they would wish to be treated, with respect and courtesy.'

This Policy sets out the relevant law and good employment practice together with a broad approach that could be applied to a variety of situations.

2. Scope

The document covers all LAS staff.

3. Objectives

1. This document sets out the Policy position as well as practical guidance in regards to applicants or members of staff around transgender issues.

4. Responsibilities

- 4.1 It is the responsibility of all managers and members of staff to work within both the detail and spirit of this Policy.

5. The Legal Context

5.1 Sex Discrimination (Gender Reassignment) Regulations 1999.

5.1.1 This legislation extended the Sex Discrimination Act 1975 to cover discrimination on the grounds of gender reassignment in employment and vocational training.

5.1.2 The Regulations include those 'who intend to undergo, are undergoing or have undergone gender reassignment'. All stages of the gender reassignment process, including the initial stage where the individual indicates an intention to commence gender reassignment, are covered. It is not necessary for all three circumstances to apply for discrimination to have taken place.

5.1.3 It means that if we, as managers or colleagues, discriminate on gender reassignment grounds then we breach the Sex Discrimination Act in the same way as if we had for example discriminated against a man or a woman on grounds of his or her gender.

5.2 The Gender Recognition Act 2004

5.2.1 The Gender Recognition Act 2004 established a process whereby transgender people can amend their legal status from the gender into which

they were born into one that they feel themselves to be. It enables people, for example, to change their birth certificate or to marry in their acquired gender.

5.2.2 The Act also made it an offence for a person who has received protected information regarding the transgender person, in an official capacity, to disclose this information to others.

5.2.3 N.B. In terms of day-to-day working, whether or not the individual has obtained a Gender Recognition Certificate, will not be of significance as the employee must be treated as being the gender that they identify as.

6. Practical issues

6.1 Social gender

6.1.1 The term 'social gender' is used in this Policy. This is defined by the individual e.g. a person who is born as a man but who lives and identifies as a woman, will socially class themselves as a woman.

7. Recruitment

It should be recognised that applicants may choose not to declare their status and that they are not obliged to do so. They should never be questioned on the matter at interview. Should an applicant voluntarily disclose then this should be kept confidential on a need-to-know basis. 'Need-to-know' refers to those directly involved in the administration of a process e.g. the HR or pensions officer responsible for that employee.

7.1 References

7.1.1 Particular care should be taken in seeking references. The applicant may have been in a different gender role in previous jobs – again confidentiality and respect for dignity should be applied.

7.2 Records and confidentiality

7.2.1 Generally, all employment records for a transgender person should not refer to someone's previous name. Because of the legal status of transgender people, it may be necessary for some records (e.g. with regard to pensions or insurance) to retain a reference to the person's legal gender. These must be amended when a Gender Recognition Certificate has been provided.

7.2.2 When possible, new records should be produced, for instance the cover of a personnel file should be replaced and a new name included rather than the old file have the name crossed out and replaced.

7.2.3 Access to records showing the change in name and any other details associated with the individual's transgender status such as records of absence for medical treatment, should be restricted to appropriate staff on a 'need to know' basis.

7.2.4 Breaches in confidentiality will be dealt with in the same manner as they would for any other member of staff and may result in disciplinary action.

8. Harassment and victimisation

- 8.1 Any allegations of harassment or victimisation of a transgender person will be dealt with addressed via the Bullying and harassment policy.

9. Gender reassignment – managing employment issues

9.1 Agreeing a process with the employee

- 9.1.1 If an employee is planning to undergo gender reassignment, and informs the manager of this, then the manager should meet with the employee to agree how he or she would prefer to handle the matter within the workplace. A process as to how it can be dealt with can then be agreed. Issues to consider include:

- The expected timescale of any medical or surgical procedures (if the individual is proposing to undergo surgery – many choose not to) and what time off may be required.
- The expected point or phase of change of name, personal details and social gender.
- Whether the employee wishes to inform colleagues her/himself or would prefer others to do this. An employee may often take a short period of leave prior to returning to work in their new social gender and this may be the most appropriate time to tell colleagues.
- Discussing with the employee changes to her/his records
- What support/training others may need to understand the issue
- Use of single sex facilities

9.2 Medical appointments

- 9.2.1 While going through a process of gender reassignment, an employee may need to attend medical appointments and normal policy for taking time off for appointments should be followed. If the individual needs to be absent for treatment or surgery, then normal sick pay arrangements should apply. Where possible, flexibility should be given to individuals who may need to take holiday or rearrange working hours in order to attend additional appointments outside of work.

9.3 Change in records

- 9.3.1 It is generally easiest that if the employee informs the Trust of a time at which he/she wishes to have a change in social gender then files/records/the way that the person is addressed, are all changed at the same time. Depending on whether a Gender Recognition certificate is supplied, some records e.g. relating to pension will need to be kept in the original name/gender.

9.4 Informing others of the change/Confidentiality

9.4.1 Informing others of the change in social gender is something that can be discussed with the employee. It may be the manager and/or employee who informs others.

9.4.2 Generally it will only be those who knew the person before the change, who will have to be informed. There may be some others who need to know for administrative processes e.g. Payroll, however confidentiality should be maintained as much as possible.

9.4.3 For those working alongside the person there may be some training and support needs. It may be useful to look at these along two levels – specific issues regarding the employee and broader information about gender reassignment. It is recommended that managers should:

- Include sufficient information to convey the facts and satisfy people's curiosity;
- Not go into too much detail;
- Respect the wishes of the transgender person and their right to medical confidentiality in terms of discussing detailed personal matters;
- Pitch the information at a level and style appropriate to the audience involved;
- Include how staff may find out more information;
- Remember to include the name that the person wishes to be known by in their new gender role;
- If necessary remind staff of the Trust's Vision and Values particularly concerning respect and courtesy.

9.4.4 Employees should also be reminded on the Trust's position on bullying and harassment.

9.5 Use of single sex facilities e.g. changing rooms or toilets

9.5.1 The manager should in discussion with the employee, agree when the employee should move from using one set of facilities to another. It is likely that this would be at the change of social gender.

9.5.2 Separate facilities e.g. a disabled toilet may be used in the short term but it is not acceptable to insist on the individual using such facilities for the long term. The manager should ensure that the individual is supported in the use of single sex activities and that the decision is communicated and explained as necessary to other staff.

10. Dress Code

- 10.1 It may be that some flexibility is required around dress codes to accommodate the process of transition from one gender to another. As the process may take some time this is something that may be discussed with the employee at such a time that uniforms are re-ordered.

11. Further information

- 11.1 Further advice is available from the Trust's Equality and Inclusion Unit.
- 11.2 The following websites provide further guidance on some of these issues and/or support for those who may be considering, or are undergoing, gender reassignment.
- The Gender Trust - www.gendertrust.org.uk
 - Press for Change - www.pfc.org.uk
 - The Gender Recognition Act –
http://www.opsi.gov.uk/acts/acts2004/ukpga_20040007_en_1

IMPLEMENTATION PLAN	
Intended Audience	For all LAS
Dissemination	Available to all staff on the PULSE
Communications	Revised policy/procedure to be announced in the RIB and link provided to the document
Training	No specific training.
Monitoring	Oversight by line managers of specific issues.