

## GUIDANCE REFERRING TO TRANS STAFF

### 1.0 INTRODUCTION

- 1.1 The University is committed to ensuring that all employees and potential employees have the right to be treated with fairness, dignity and respect. These guidelines along with the transgender policy aim to assist managers in supporting trans staff and applicants and also outline what trans people can expect from the University.
- 1.2 This guidance should be read in conjunction with the University's Transgender policy document and its glossary of terms.

### 2.0 RECRUITMENT

- 2.1 Trans people will be welcome to apply for all UWE vacancies. There are only very limited circumstances where a Genuine Occupational Qualification (GOQ) might lawfully apply – and even these exceptions cease to apply when an applicant has a Gender Recognition Certificate.
- 2.2 Guidelines on recruitment and trans people are outlined below; specific queries or concerns should be referred to the recruitment team:
  - 2.2.1 Trans people are not under any obligation to identify themselves as such in applications, at interview or on recruitment – especially if they have received legal recognition.
  - 2.2.2 It is best to conduct any recruitment process in a way that does not reveal information irrelevant to the selection process, and which could lead to unlawful discrimination.
  - 2.2.3 It is inappropriate to challenge an interviewee whom the panel suspect might have a trans background.
  - 2.2.4 Avoid asking questions about private medical details outside of a confidential occupational health setting.
  - 2.2.5 Even if one thinks that an applicant may be trans one should never ask. Think of this in the same category as asking someone if they plan to have a family. Although one may perceive someone to be trans one could also be wrong. Maybe they have an intersex condition, or they're simply a feminine man or a masculine woman.
- 2.3 Recruiters should be aware that trans people may have difficulties in obtaining the documents required for the recruitment process including references or certificates, or documents in a previous gender which they do not wish to disclose due to transition. Recruiters should be willing to support applicants as necessary and assure applicants that confidentiality will be kept.
- 2.4 The University's recruitment policy shows our commitment in promoting equality for all those with protected characteristics including trans/gender reassignment. Staff

involved in recruitment have or will have recruitment training including issues which affect trans applicants.

- 2.5 The University is legally required to check the eligibility to work in the U.K. of all employees and therefore we request all new starters to present a passport or birth certificate at the interview stage. If the applicant has already obtained a passport or birth certificate in the applicant's preferred/affirmed gender with a new name, please bring the new passport or birth certificate in and no questions will be asked about the applicant's gender or name.
- 2.6 The University is aware that in some circumstances someone may have changed a name legally yet haven't changed their name on their passport or birth certificate. In addition, if the applicant does not have a current passport, the applicant will be asked to present a birth certificate which may have their previous name. In these cases, the applicant will be asked to present a Deed Poll document with their passport or birth certificate in order to verify their name change. Any documents received will be treated with strict confidentiality. If the applicant has any concerns about presenting their passport or birth certificate or any other issue regarding recruitment, they can contact the recruitment team.

### **3.0 WHO TO CONTACT WHEN AN EMPLOYEE IS CONSIDERING TRANSITION**

- 3.1 If trans staff would like the assistance of the University at any point during their transition it's essential that they inform their line manager or HR Advisor as soon as possible. The University aims to provide support for trans staff and the early provision of information from those about to commence the process will allow appropriate support processes to be put in place. Once the member of staff has notified their line manager or HR Advisor, they will arrange a meeting with the individual to develop a plan for supporting and managing the transition at work. The University respects people's right to be open about their transgender identity and their right to keep this confidential.

### **4.0 SUPPORT PLAN**

- 4.1 If a member of staff is to undergo the transition process, managers will need to make themselves familiar with what this means and what is involved. The most important issue in the whole process is the need to ensure respect for your team member's dignity at work, to involve them in all decisions, and to respect their wishes and confidentiality.
- 4.2 The support plan should look at but is not limited to:
  - 4.2.1 The expected time/date of transitioning, including change of name
  - 4.2.2 What amendments will be required to be made to records and systems
  - 4.2.3 When time off may be required for any medical or surgical procedures and when this will be happening
  - 4.2.4 Side effects of any medication and what adjustments may be necessary
  - 4.2.5 Dress codes
  - 4.2.6 When colleagues or clients should be informed, who should be told and who

should do this and whether any training or education will be needed

4.2.7 The use of toilets and changing rooms

4.2.8 Handling any harassment, hostile reaction

4.2.9 Confidentiality

4.3 Once the plan is agreed at the meeting, it is recommended to review the plan after some time and identify whether any further assistance is required. Additional support is available from the Employee Assistance Programme, UWE lesbian, gay, bisexual and transgender staff network, the Equality and Diversity Unit and trade unions.

## **5.0 TIME OFF**

5.1 Time off needed during the transitioning process can vary. The employee is entitled to the same sickness absence and pay as other employees in the organisation. At all times managers should be prepared to be reasonable and follow normal absence and ill health procedures.

5.2 Trans staff may need time off to attend medical appointments and again they should follow the University guidelines for time off for health related appointments.

## **6.0 STAFF RECORDS**

6.1 The University recognises the gender in which an individual chooses to live their life and will amend their staff record at a mutually agreed time to reflect their preferred gender and name. Once an individual gives notification of their intent to transition during their employment, the University will agree the date from which their name and gender is changed on all personnel records and public references (for example staff ID card, contact details, email addresses, formal records, website references, payroll details) to reflect their acquired gender. For academic staff there will be discussion about publications and authorship references.

6.2 The University will not ask for medical evidence of transition or a Gender Recognition Certificate as a requirement of record change. However, as the staff record held on the employee database is directly reported to Inland Revenue and pension providers, the University will require an individual to provide a passport with a new name and gender to verify the new information before the staff record is changed. A change of name on the passport requires one of the following documents: a letter from the doctor stating that they expect one's change of gender to be permanent, a Gender Recognition Certificate or a new birth certificate.

6.3 The University will issue a letter to the individual confirming the changes to be made and the date of change, as well as the name of a person to contact if they experience any difficulties in relation to their transition. Once any change is made to the staff record, the individual will need to ensure they have notified the Inland Revenue, their bank and the University's pension scheme.

6.4 Where a new passport has been presented but no Gender Recognition Certificate then the staff record in the database will be updated to show the new name and gender and no history of the previous name and gender will be retained. The paper personal file will be re-labelled to show the new name, and all documents relating to

the transition and all documents containing the previous name or gender will be retained but held confidentially. These papers will be placed in a sealed envelope within the personal file marked "Confidential: HR Systems Manager access only". The HR Systems Manager will allow staff to view the information only if they require it to perform their specific duties and with the permission of the person concerned.

- 6.5 If a passport with preferred/affirmed gender is not available, the University will discuss whether any change can be made.
- 6.6 When a trans person receives a Gender Recognition Certificate, they have the right to request that all references to their former name and gender are removed from old records to ensure their former identity is not revealed. On receipt of a Gender Recognition Certificate and the individual's request that all record of their former identity be removed then all paper records containing the previous name or gender will be replaced with new versions showing the new name and gender, and no confidential envelope will be retained. For example, a person's old birth certificate will need to be replaced with their new one; if the person has changed their name, their original offer letter will need to be replaced with an offer letter in their new name. Nothing will remain on the personal file that would disclose to a third person that a change has occurred.

## **7.0 PENSIONS AND INLAND REVENUE**

- 7.1 In terms of pensions, the individual should be treated as a member of their affirmed gender from the date of transition, once the Gender Recognition Certificate has been issued. An employee should be advised to take professional advice concerning pension implications, their rights and the status of their pension. The LGPS can be contacted on 01225 395247 <http://www.avonpensionfund.org.uk/>, Teachers Pension Scheme on 0845 6066166 [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk), and the Universities Superannuation Scheme on 0151 2274711 <http://www.uss.co.uk>
- 7.2 Once the individual informs their HR Advisor of their request to change their personal record, the University will change the personal record on the system, both with staff database and with personal file. This does not require the Gender Recognition Certificate, yet one needs to present the passport in the preferred/affirmed gender as a proof of identity.
- 7.3 An individual will be required to contact Inland Revenue to make changes accordingly. If an employee has a Gender Recognition Certificate, they will change their gender, title and name. If an employee has not obtained a Gender Recognition Certificate, or has not changed a staff record at the University based on their new passport, they will need to contact Inland Revenue in order change their title and name on their official record.
- 7.4 Once the Gender Recognition Certificate is obtained, all records containing references to a previous gender will be destroyed and information will be replaced with the affirmed gender as necessary. The note will be attached with the personal file indicating that access to the file is restricted and permission needs to be sought.

## **8.0 REFERENCES AND CERTIFICATES**

- 8.1 When asked for a reference for a transitioning person, any member of staff must provide it as one would provide any other reference. The referee should never hint at a person's trans status. If HR hold evidence of a transitioning person's

qualifications, it will be HR's responsibility to ask the staff member how they would like this retained if, for example, certificates are in their original name, particularly when the transitioning is complete and a GRC has been issued.

## **9.0 OTHER RECORDS**

9.1 Managers will need to ensure that internal documents such as phone lists are changed at the appropriate time. HR may also hold documents, or copies of documents, relating to the individual's old identity and they would need to ensure that all documentation complies with the law. Access to any documentation related to an individual's trans status must be restricted to staff who need the information to do their work. This could include people directly involved in the administration of a process, but not colleagues, clients or line managers.

## **10.0 USE OF FACILITIES**

10.1 Staff in the process of transition often express concern about the use of appropriate toilet and changing facilities. Trans staff should be allowed to use the facilities of their preferred gender. However this is a complex issue and the decision regarding which facilities to use may vary at different times during the transition process. Trans staff will value the sensitivity of managers when discussing the use of facilities during this time. Managers should be aware that it is not appropriate to require a trans member of staff to use accessible toilets for disabled people.

## **11.0 DRESS CODES**

11.1 Managers need to be prepared to be reasonable about dress codes and to allow your team member to decide what they feel comfortable wearing within standard workplace norms. It is a requirement of the real life experience that someone who is transitioning wears clothes considered appropriate to their preferred/affirmed gender.

## **12.0 DISCLOSURE**

12.1 Transitioning is a private matter. However, it is good practice for the individual's manager to take responsibility for telling the people who need to know that an employee is transitioning unless the trans person themselves would prefer to do this. As their manager or colleague anyone must never tell colleagues or clients that someone is transitioning without their consent. No one should disclose any employee's past gender reassignment without consent.

12.2 Once a full Gender Recognition Certificate has been issued a Trans person is no longer transitioning and is now their affirmed gender - either female or male.

12.3 Information about gender reassignment should be provided at two levels:

12.3.1 General facts about gender reassignment and trans equality training

12.3.2 Specific information that will enable colleagues and, possibly, clients to understand what is happening and the needs of the particular person involved.

12.4 At the point of transitioning many trans people wish to take time off work to enable them to return to work with their new name and gender. This is often used as the

opportunity to talk to other people about what is happening. If someone has 'transitioned' prior to joining an employer or a new department, as mentioned before, the employer should not, and has no need to, mention their trans history.

- 12.5 The support plan should contain the date when the person intends to change their gender role. This is also the date that managers will need to have ensured that everyone who needs to know has been told and, if possible, has received the appropriate training.

### **13.0 ADVICE FOR COLLEAGUES OF TRANS STAFF**

- 13.1 Everyone should refer to their colleague by their new name and use the appropriate pronouns. Some people may get mixed up, and the transitioning person will need to be aware that this might happen for a time. Managers should also be aware of the fears or concerns that some members of staff may have. Managers will need to ensure that the right training and information is in place to resolve any issues quickly.
- 13.2 It is possible that, no matter how much preparation has been made and how much support has been given, there may still be people in your team who do not understand or who are unsympathetic to the transitioning person. It is best to discuss this possibility with the transitioning person and to agree in advance how they want this handled if it happens.

### **14.0 HARRASSMENT**

- 14.1 Any incidents of misconduct, harassment, bullying or victimisation will not be tolerated by the University and will be dealt with as quickly as possible. All voyeuristic, intrusive and personal questions or discussions are unacceptable and unlawful.
- 14.2 The Dignity at Work policy provides advice and guidance on acceptable standards of behavior at work. Dignity at Work Advisers can provide specific advice and support should an individual need it. Further information about Dignity at Work can be found here:  
[http://imp.uwe.ac.uk/imp\\_public/displayentry.asp?URN=769&rp=listEntry.asp&pid=2](http://imp.uwe.ac.uk/imp_public/displayentry.asp?URN=769&rp=listEntry.asp&pid=2)

### **15.0 MEDIA INTEREST**

- 15.1 Sometimes a story about a University employee transitioning can attract media attention. If this happens, contact a member of Marketing and Communications immediately - do not attempt to handle it on your own, if necessary and appropriate the University will provide a statement to the media. Other staff should be advised to maintain strict confidentiality and not to provide any information. It is worth remembering that, although initial interest may be strong, it will soon disappear.

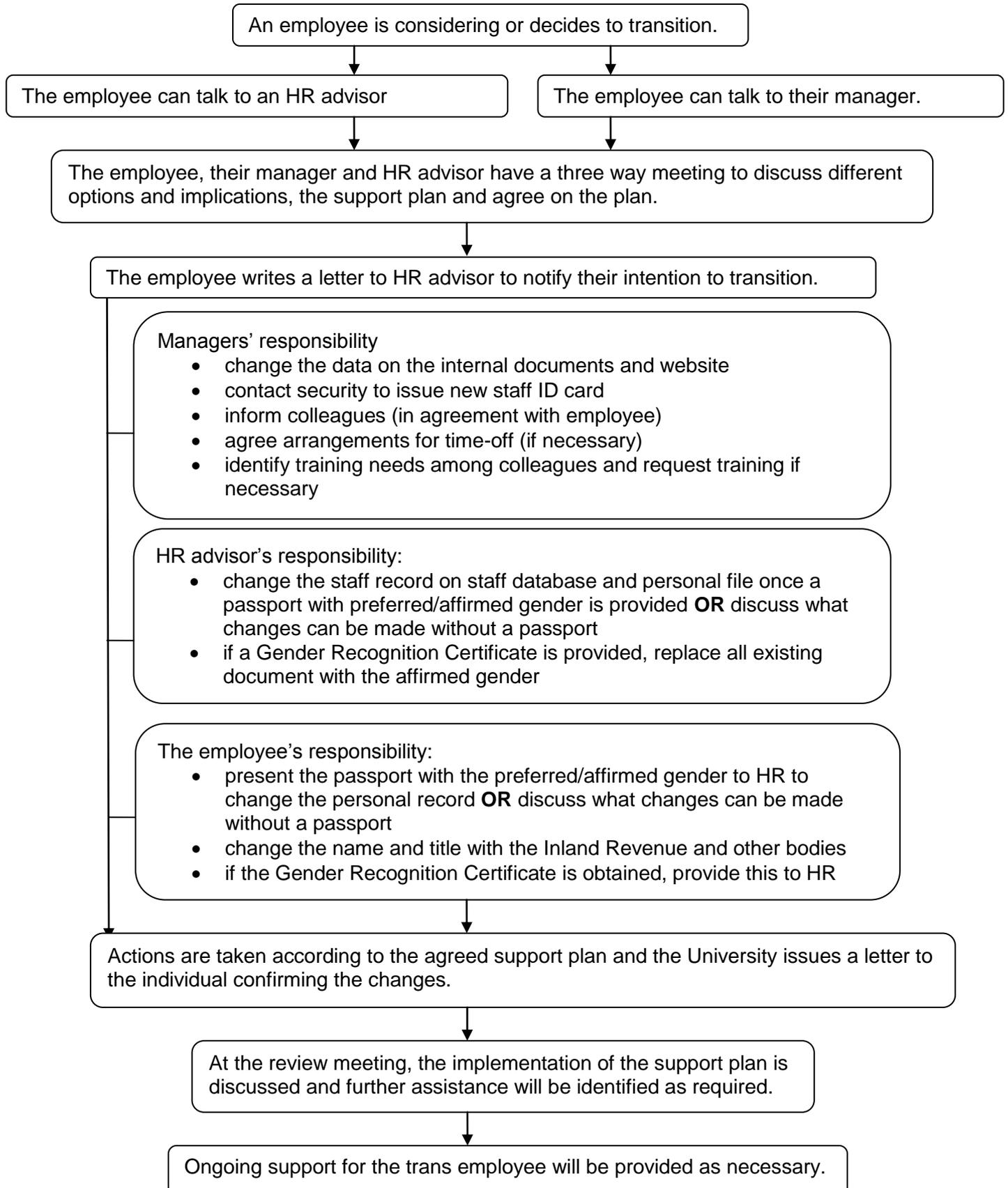
### **16.0 FURTHER INFORMATION**

A list of useful contacts and information including glossary of terms can be found in the transgender policy statement. Advice and guidance from your HR Adviser can be sought to discuss specific situations or where further clarification of the guidelines is necessary.

## Appendix 1

### Flow Chart outlining the transitioning process

It is important to note that trans staff have different approaches to their transition. Some want to change the entire record and obtain the GRC, yet others may not wish to do so and the University will respect and support an individual's choice and wishes. If someone does not wish to change their record, some of the actions below may not apply. This flowchart is only a guideline and all cases will be treated individually.



## Appendix 2

### List of contacts for changing the staff record

Item	Contact	Responsibility
Staff database and staff personal file in HR	Lesley Donnithorne, HR	Details will be discussed and agreed in a meeting between the transitioning staff member, their line manager and a HR Adviser.
Internal documents within faculties or services	Line manager	Managers need to change them.
Staff information on faculties/services websites	Line manager and faculty/service website administrator	Managers need to contact a website administrator to arrange this to be changed
University ID card	Security	Managers need to obtain the form from HR and to authorise it.
University email account	Annette Margetson, BPI	Managers need to action.
Online staff directory	Betty Shephard, ITS	Managers need to action.
Inland Revenue and other external bodies*		Staff needs to contact them.
Trade Union membership card	Trade Unions	Staff needs to contact them.
Professional membership card	Professional bodies	Staff needs to contact them.
Gym membership card	Gym	Staff needs to contact them.

\* Other bodies include: Bank / Building Society / Student Loans Company / Utility Suppliers / Local Council / Landlord Agency / Any Charities that the staff gave money / Phone Company (mobile + landline) / Internet Providers / GP or Doctors Surgery / NHS and so forth