



*The right support, at the right time*

# Transitioning at Work Policy

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This policy outlines guidance for staff, Directors and trans employees at Leading Futures Alternative Provision.

## **Transitioning at Work Policy**

For the purposes of this policy, the term trans will be used throughout. Trans is an umbrella term to describe a range of people whose gender identities are not the same as the sex they were assigned at birth.

The following policy gives guidance on addressing the needs of trans employees. It clarifies how the policy should be implemented and how to protect the legal rights and safety of trans employees.

### **Transitioning**

Transitioning describes the steps a trans person may take to live in the gender they identify with. Every person's transition is unique and will involve different things. There is a lot of focus on medical transitions, but not all trans people want or can access hormone therapy and surgeries.

Transition may involve purely social aspects such as telling friends, family and colleagues, dressing differently, and changing names, pronouns and/or official documents. There is no 'right' or 'wrong' way to transition. A person's transition is private, so it is inappropriate to ask questions about trans people's bodies.

Leading Futures is committed to the inclusion of trans employees by creating a safe environment where trans employees are supported, treated with dignity and respect and can express their gender identity freely.

We recognise the benefits and experiences that trans employees can bring to the workforce and will ensure that any employee intending to transition will be supported, valued and treated with dignity and respect. We understand that every person's transition is unique. The needs of each trans employee must be addressed individually and no two transitions will be the same.

### **Scope**

This policy is relevant to all members of staff who intend to transition. All employees, including Directors, have a responsibility to comply with this policy. This policy provides guidance on how to support trans employees.

All employees should report any bullying or harassment that they witness, whether by colleagues, or other third parties, to the Director immediately.

## **Legislation**

Trans employees are protected by two key pieces of legislation:

**Equality Act 2010:** Outlaws discrimination related to the protected characteristic of Gender Reassignment. Gender reassignment is the process of transitioning from one gender to another.

Gender dysphoria is a clinical term for when someone experiences a mismatch between their sex and their gender identity. Discomfort and distress can come from hiding their identity, prejudice and discrimination, and/or not being supported.

If an employee identifies that they have gender dysphoria and the condition has a substantial and long-term adverse impact on their ability to carry out day-to-day activities, they may also be protected under the provisions in the Equality Act 2010 relating to the protected characteristic of disability.

**Gender Recognition Act 2004:** Allows trans people to obtain a Gender Recognition Certificate and have the correct gender marker on their birth certificate.

In addition to these two pieces of legislation, the Human Rights Act 1998 and the General Data Protection Regulation (Data Protection Act 1998) are also relevant to trans employees.

## **Transition Care Plan**

There is no requirement for an employee to tell their employer or colleagues about their intention to transition, or for the employer or colleagues to ask questions about a person's trans status or history. It is unlawful to disclose an employee's trans history or status without their explicit consent.

Any employee who decides to disclose their intention to transition should discuss their plan with their union support network, inform the Directors and agree on a main point of contact that will help manage the transition from the organisation's perspective.

A transition care plan (TCP) will be put in place so both parties can confirm the detail and timing of key dates and actions before, during and after the employee's transition. This process will be led by the employee and no action will be taken without their explicit prior consent. The TCP is a commitment from Leading Futures to support the employee at all stages of their transition, act in their best interests and in accordance with their wishes.

The TCP is a completely confidential document and access is restricted to named persons approved by the employee and with their permission.

The TCP will be reviewed at each significant stage of the employee's transition or more frequently if necessary. All actions will be taken in consultation with the employee transitioning.

## **Privacy**

All trans teachers and educational professionals have specific protection from harassment and discrimination at work on grounds of sex and transgender status under the Equality Act 2010, and from the unlawful disclosure of transgender status.

Leading Futures supports trans employees in making decisions about who, when and how they share information about their trans status, history or gender identity. We recognise an employees' right to discuss their gender identity and transition openly if they choose to do so or to keep that information private.

It is important to know that it is **unlawful** to disclose an employee's trans history or status without their explicit consent. Directors and colleagues must not disclose any information that may reveal an employee's trans status or intention to transition.

Any breaches of confidentiality regarding an employee's trans status or history will be treated in a serious manner and dealt with under the Zero Tolerance - Discrimination, Bullying and Harassment Policy and the provision's disciplinary procedures.

Should colleagues and the school community learn of or be informed about an employees' intention to transition, the provision is committed to supporting the individual in managing this situation.

## **Names / Pronouns**

Pronouns are the words we use which can depend on a person's gender. Pronouns used correctly are one of the easiest ways to show respect for someone's identity. Some people use 'he' and 'she', while some prefer gender-neutral pronouns like 'they'. You can ask 'what are your pronouns?'

Employees will be addressed by the name and pronouns that correspond to their gender identity and that they have requested to be used at all times. Intentionally and persistently misgendering or using colleagues' previous names would amount to harassment and will not be tolerated.

Breaches of this policy will be treated in a serious manner and dealt with under the Zero Tolerance - Discrimination, Bullying and Harassment Policy and the provision's disciplinary procedures.

## **Records**

Any employee wishing to change their pronouns, name or gender does not need a Gender Recognition Certificate or an updated birth certificate to do so.

Upon request of the employee, Leading Futures will update all records, including archived records with the employee's new details. Any name badges, signs, photographs or email addresses will be updated immediately.

Where archival records cannot be updated or replaced, or cannot be updated without a Gender Recognition Certificate, which includes pensions and insurance, these records will be kept separate from the records of other staff and will only be accessed by the Directors, or named persons approved by the employee and with their permission.

## **Facilities**

Employees do not require a Gender Recognition Certificate or to have undergone any medical procedures to use facilities that correspond with their gender identity.

Currently at Leading Futures, staff only have access to a unisex bathroom. However, if in the future single sex facilities are available, employees can use those which correspond with their gender identity without fear of bullying or harassment. Trans employees will not be asked to use accessible or unisex facilities exclusively unless they are preferred by the employee. If possible, gender neutral facilities will remain available for employees who prefer to use unisex facilities.

## **Dress code and work wear**

Leading Futures fully support employees who wish to change their gender presentation. Employees have the right to follow the provision's dress code that is consistent with their gender identity. The staff dress code can be found in the Staff Code of Conduct, Discipline, and Grievance Policy.

## **Time off/ Absences**

Leading Futures appreciates that every person's transition is unique, can involve many different aspects and that time off work will vary according to the needs of the individual.

Any absence associated with an employee's transition will be treated in the same way as sick pay and leave entitlements. Time off related to the employee's transition will not be used against employees when considering them for promotion or pay progression.

Employees intending to transition should give as much notice as possible when requiring time off related to their transition, however Leading Futures understands that waiting times for appointments may delay timescales and this is out of the control of the employee.

Individuals may need to take leave at short notice to attend additional appointments and, wherever possible, the provision will be flexible.

## **Occupational Health**

Employees who intend to transition will be offered the opportunity to be referred to Occupational Health for advice and support. Occupational Health is able to offer support and counselling for employees who may be experiencing emotional distress during before or after their transition.

Leading Futures will ensure that health and safety planning includes regular Risk Assessments for trans employees, such as providing a stress assessment for an individual trans member.

Employees are able to discuss any requirements or adjustments they may need with the Directors.

## **Harassment**

Harassment from any member of staff or the provision community because of an employee's gender identity or trans status will not be tolerated. All employees should be alert to and report any form of harassment to the Directors and not allow it to escalate.

Harassment of transgender employees will be treated in a serious manner and dealt with under the Zero Tolerance - Discrimination, Bullying and Harassment Policy and the provision's disciplinary procedures.

## **Grievances**

Any employee who believes that they have a complaint should report it as soon as possible. The issue will be investigated in a timely manner and, where necessary, action will be taken under the relevant policy and procedures.

## **Training**

Leading Futures will provide regular awareness training to all members of staff as part of our commitment to eradicating the stigmatisation of transgender communities in the workplace.

## **Guide for Directors**

Below are the processes at Leading Futures for when employees disclose their trans status and wish to transition in the work place:

### **Before Workplace Transition:**

- Employee advises the Directors that they wish to transition and agrees the main point of contact who will manage the transition from the provision's perspective.
- Directors should make the employee aware of the relevant policies and the availability of any support.
- Directors/ the main point of contact should draft the Transition Care Plan which could include the points below:
  - Intended date when and how the employee will transition at work, for example, changing their gender presentation, name, pronouns, using different facilities.

- What amendments will need to be made to records, systems, email addresses etc.
- Employee and main point of contact agree timescales, activity, and communications. The employee and their main point of contact should discuss who will need to know about the employee's transition and agree on a timeframe for communication.
- Does the employee wish to inform colleagues? If so how will this be done, do they wish to inform colleagues themselves or would they prefer someone do it for them?
- Does the employee wish to inform students and parents? If so, how and when will this be communicated?
- Is your organisation's dress code sufficiently flexible?
- Discuss and agree any planned absence.
- What, if any, training will be required for staff and the provision community?
- Consider if there are any implications for pensions, insurance and retirement.
- How to handle any issues, discrimination or harassment.

### **Day of public transition**

- Make sure that the employee has everything they need, ID badge and photo etc..
- If agreed with the employee, make sure staff have been briefed.
- Arrange support for the employee if necessary.

### **Ongoing support**

- Conduct regular risk assessments.
- Check in to see how the employee is progressing. Does the Transition Care Plan need updating or revising?

### **Signposting**

If you need further information or support regarding gender dysphoria, transitioning or gender reassignment, help and guidance can be sought from the following organisations:

- [Trans Unite | Find a Transgender Support Group in Your Area](#)
- [Gender Identity](#)
- [Gender Identity Research & Education Society – Improving the Lives of Trans People](#)
- [TransLiving - TransLiving](#)
- [Beaumont Society | Beaumont Society](#)