



# TRANSGENDER PROTOCOL

To be read in conjunction with the Gender Equality Policy

## 1 Purpose

These guidelines detail the commitment and provisions made by the College to ensure transgender equality in line with legal duties and best practice. Through its Equality and Diversity policies and procedures the College seeks to ensure that everyone is treated with equal dignity and respect regardless of their gender identity or gender reassignment. The College acknowledges its responsibility to ensure that transgender people's needs are met and that they feel supported and safe in the College.

## 2 Scope

To cover all learners, staff, visitors, stakeholders and governors.

## 3 Legislation

- Gender Recognition Act 2004
- Equality Act 2006 and Gender Equality Duty
- The Equality Act 2010

## 4 Statement of Action

4.1 A small number of people find the gender they are assigned at birth does not match their internal sense of being male or female. Different terms are used to describe this range of people but the most common umbrella term is transgender people or trans people. The College will treat all trans people as the gender in which they are working or studying irrespective of their legal gender.

4.2 In line with the 2006 Equality Act (Gender Equality Duty) and the Equality act 2010 the college will take positive steps to combat unlawful discrimination and harassment on grounds of gender reassignment and will promote equality of opportunity between men and women including transsexual men and women. This Act applies

whether or not the College is aware of individuals who are directly affected by gender reassignment.

- 4.3 In Law, harassment is defined as unwanted conduct which has the purpose or effect of:
- a) violating dignity or b) creating an intimidating, hostile, degrading, humiliating or offensive environment trans abuse or harassment (for example, but not limited to, name-calling, inappropriate use of language, derogatory jokes, refusing to address a trans person by their preferred name and correct gender pronouns, spreading malicious gossip, unacceptable or unwanted behaviour, intrusive personal questions) is a disciplinary offence and will be dealt with under the appropriate disciplinary procedure. The College undertakes to raise transgender awareness of staff and learners through training and information updates.

Harassment and bullying will not be tolerated from staff, learners or visitors to the College. It is the responsibility of all members of the College community to challenge transphobic behaviour or language.

- 4.4 No one is obliged to undergo surgery to obtain legal recognition of their preferred gender. However, where gender reassignment is undertaken under medical supervision, absence from work or study will be treated equally with time off for sickness. Legal protection from unlawful discrimination starts from the moment a person indicates their intention to start the gender reassignment process.
- 4.5 There is no legal requirement for a trans person to disclose their gender history. Any references for former staff or learners who have transitioned should not include a person's former name or gender and should use the appropriate pronouns for their current gender.
- 4.6 A doctor's letter saying that a person is intending to permanently change their gender, together with proof of their name change (e.g. a statutory declaration or deed poll) will enable the College to change the person's name in systems and records.
- 4.7 Pension entitlements relate to a person's legal gender and these change only when a person obtains a Gender Recognition Certificate (GRC).
- 4.8 Under the Gender Recognition Act 2004, people who are at least 18 years of age are eligible to formally apply for a GRC if they have a) changed their name, b) been living full time in their acquired gender for over 2 years, c) have been diagnosed with gender dysphoria. However, the college recognises that not all trans people will have or

want a GRC and that people have no obligation to disclose whether they do have a GRC.

Section 2 of the Gender Recognition Act 2004, gives people applying for or in receipt of a GRC extended privacy rights; knowledge about a person's gender recognition is 'protected information'. If any member of staff or Board of Governors acquires such knowledge in the course of their official duties they must not pass the information on without the written consent of the trans person. Doing so would be a criminal offence and may lead to prosecution.

4.9 The Criminal Records Bureau (CRB) has a process in place for people who have changed gender. The disclosure form should be completed and a separate letter should be written to a nominated person at the CRB, known as a sensitive casework manager, notifying them of their previous names.

4.10 When a person begins gender transition they need to change documentation and start living the 'real life experience' of their acquired gender. Once a learner or member of staff informs the college they will be transitioning, the first step for the College will be to confirm support and agree an action plan. This will be undertaken sensitively and should include:

- How the information will be managed and by whom
- The start date of living full time in the new role
- When to use any single sex facilities (it is up to the person when they will feel comfortable using facilities appropriate to their new gender. Although some people may initially use accessible toilets for example, it is not appropriate to expect them to use these indefinitely).
- The process for changes to records/documentation
- The expected timescale of any medical/surgical procedures
- A strategy, should there be any media interest
- Agree how others will be told when necessary (e.g. when working with people through the process of transition)

4.11 Terms:

*Transgender people* – a term for those who cross the conventional boundaries of gender. This can range from clothing to surgery.

Transgender people may not identify as one gender or another but rather androgyne or living in more than one gender role.

*Transsexual people* – a term for those who have a deep conviction that their gender identity does not match their appearance or anatomy. This is known as body dysphoria and may lead to a permanent change from the gender they were assigned at birth. This process is known as gender reassignment or transitioning.

*Gender dysphoria* – Gender dysphoria is a condition where a person feels that they are trapped within a body of the wrong sex. The condition is also sometimes known as: gender identity disorder, gender incongruence, or transgenderism. People who have long-lasting, extreme cases of gender dysphoria are known as transsexuals.

*Gender reassignment/transition* – this refers to everything involved when someone changes the gender they were assigned with at birth. It may include surgical procedures and changing state documentation.

*Transvestite/cross dressing people* – most people who cross dress for emotional or erotic satisfaction are happy with their birth gender and do not wish to alter their physical characteristics.

*Sexual orientation* – a change of gender rarely has anything to do with a person's sexual orientation. Trans people, like all people, can be lesbian, gay, bisexual, asexual or heterosexual.

## **5 Related policies**

Single Equality Scheme  
Equality and Diversity Policy  
Gender Equality Scheme  
Disciplinary  
Recruitment  
Health and Safety  
Harassment