



Leeds City College

Transgender Policy

Version: Version 1

Aim / Scope:

All those involved in the provision of further education to young people will benefit from a greater understanding of transgender issues, the relevant law and good practice in relation to transgender employees and learners.

Policy Owner: Human Resources

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Leeds City College

Transgender Policy

Promoting transgender equality in further education

(See Appendix 1 for Glossary of Gender related Terms)

Purpose

All those involved in the provision of further education to young people will benefit from a greater understanding of transgender issues, the relevant law and good practice in relation to transgender employees and learners.

Our commitment

The College will treat all employees and students with respect, and seek to provide a positive working and learning environment free from discrimination, harassment or victimisation.

The College will seek not only to eliminate all discrimination on grounds of gender identity, but also to create a working and learning environment based on good relations between all employees. The aim is to create a positive inclusive ethos where issues of stereotyping can be discussed openly, with a shared commitment to respecting diversity and difference, and to encouraging good relations between people whatever their gender identity.

The College will work towards the elimination of discrimination, whether overt or covert, and will seek to ensure that all staff and students, including trans people, have equal access to all learning programmes and facilities.

Our College Code

We are proud of our college.

We believe that everyone is equal and must be treated with respect.

We do not allow students or staff to discriminate against others because of any of the strands of diversity:

- Age
- Disability
- Gender;
- Pregnancy/maternity;
- Race;
- Religion or belief
- Sexual orientation
- Transgender

We challenge those who breach the code.

Identifying with one strand of diversity does not give anyone the right to discriminate against, harass or bully people who are in a different strand.

You must not discriminate against people on the grounds of their religion or belief. Whatever your religion or belief, you must respect other people's religions and beliefs;

Whatever religion you follow, you must respect other people's right to identify as gay, lesbian, bisexual, transgender or heterosexual.

If you are being harassed or bullied on the college premises, or outside the college, report it. If you see someone else being bullied, report it.

We are all responsible for each other's wellbeing and respecting each other's differences.

Legislation

The Equality Act 2010, embraces and extends the existing legislation to provide protection for transgender people in further education against harassment, victimisation and discrimination in the delivery of goods, facilities, services, and in employment (at recruitment, during employment and when ending a job).

As the new Equality Act rolls out, the previous relevant legislation will be repealed. The Equality Act reflects, and is compliant with, the **Human Rights Act (1998)**.

There is a duty not to victimise people who complain.

The **Gender Recognition Act 2004** gives legal recognition in their acquired gender to transsexual people who satisfy the Gender Recognition Panel (a judicial body of lawyers and doctors) that they:

- have or have had gender dysphoria, and
- have lived in the acquired gender for two years prior to the application, and
- intend to live permanently in the acquired gender.

The panel or the Secretary of State can also apply for medical evidence, marital status and other information, which must be given for an application to be successful.

Following a successful application, a transsexual person will acquire the rights and responsibilities of their acquired gender from the date of recognition.

Meeting our duties

This policy sets out how the College looks to support staff and meet its legal obligations under the existing legislation, which includes the Sex Discrimination Act (1975), the Sex Discrimination (Gender Reassignment) Regulations (1999), the Gender Recognition Act (2004) and the new Equality Act (2010).

The Sex Discrimination (Gender Reassignment) Regulations state clearly that no one should suffer discrimination at work on the basis of gender reassignment. Trans people are protected from direct and indirect discrimination and from harassment on the basis of their gender identity. Any college that tolerates discrimination against any trans person is therefore potentially subject to legal action, as are the individuals involved.

The Gender Recognition Act (2004) outlines a process by which trans people can apply for formal recognition that they have changed gender. For example, if successful in achieving recognition, they can obtain a new birth certificate.

Meeting our legal duties

The College commits to:

- Not discriminate on grounds of gender identity in the way it recruits and selects staff or students.
- Working to ensure all of a trans person's rights are met.
- Viewing harassment as a very serious offence which if proven may lead to the dismissal of the member of staff, or expulsion of the student.

Ensuring equality for trans people

Every individual is important to the College and it will endeavour to create an environment in which everyone is treated equally and with respect.

The College aims to eliminate trans discrimination in its policies and procedures as well as encouraging change in individual behaviour and attitudes, and ensure equality of opportunity and treatment for all the college community.

In creating this environment the college recognises the importance of the following factors in particular:

- Trans abuse, harassment or bullying (e.g. name-calling, derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) are serious disciplinary offences, and will be dealt with under the appropriate procedure.
- Anti-trans propaganda, in the forms of written materials, graffiti, music or speeches will not be tolerated. The College undertakes to remove any such propaganda whenever it appears on the college premises.
- Trans equality training will be offered as a means of understanding the

diversities of trans people and the barriers they face.

- There may be a continued need for trans people to access medical treatment, which may include periods away from college. The College will ensure that every provision will be made to facilitate people through the stages of gender reassignment. It accepts the need to undertake special measures to ensure genuine equality of access for trans students and staff.
- Stereotyped gender roles can be harmful to trans people, who may feel constrained to behave in ways, or work in areas that are traditionally considered appropriate for their registered gender at birth (or appropriate for their role after gender transition). Encouragement and support will be given to those who are trying to step outside the constraints of stereotypes.

Provision for adjustment of records and issues of support and duty of care for trans people

The College will respect any request for anonymity. The College will seek to update its records to include the chosen name and gender identified by the individual at an appropriate time.

The College will provide support for staff and students returning after a break caused by medical and surgical treatment.

For staff with significant medical and surgical treatment returning to work after an absence due to the above, the College will treat sympathetically requests to job share, or to move from a full-time to a fractional contract for a specified period.

When producing timetables for teaching staff or work patterns for support staff, the College will adopt a flexible approach which endeavours, whenever possible, to meet the individual needs of staff with medical and surgical treatment recuperation.

The College will ensure that all records of trans staff and students will not refer to a previous name, and any records made prior to a change of name or gender change will be updated once a Gender Recognition Certificate has been received by the College (See Appendix 2 Record Keeping and CRB Checks).

The College notes that any unequal treatment of part-time workers may have an adverse impact on trans people, who may be more likely to be found in such roles within any organisation and will use impact assessment to avoid potential discrimination.

Transition

The College recognises that for those trans people who wish to undergo full gender transition, there is a long and difficult process during which they have to live their lives under medical supervision. The College recognises that this process can be exceptionally difficult for the individual concerned, and will support any reasonable

requests to make the process easier and more pleasant for the individual involved. Because of the length of time involved support provision normally relates to staff (See Appendix 3 Support Available) but the College's Counselling Service will also provide guidance and support for students..

Responsibilities

Governors are responsible for ensuring that:

- The College's strategic equality plan includes a commitment to equality for trans people
- Equality training, including in trans issues, will feature as part of the College's strategic training plan
- They are aware of the College's statutory responsibilities in relation to gender reassignment legislation as an employer and service provider
- They receive and respond to monitoring information.

The College Principal and Senior Leadership Team are responsible for:

- taking the lead in creating a positive, inclusive ethos that challenges discriminatory behaviour on the part of the managers, staff or learners

Managers are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to all legislation relating to trans people
- All aspects of College activity are sensitive to gender identity
- The procedures for the recruitment and promotion of staff enshrine best practice in relation to equality and diversity
- The College's publicity materials present appropriate positive and non-stereotypical messages about trans people
- Appropriate training and development is provided to support the appreciation and understanding of diversity.

Staff are responsible for ensuring that:

- They are aware of the College's statutory duties in relation to gender reassignment and other relevant equality legislation
- They challenge discriminatory behaviour by learners, placement providers, outside contractors or members of staff

- The College and each of its individual staff confront discrimination, whether witting or unwitting, whenever it occurs.

Publicising our policy and progress

To the public (including learners, placement providers and staff):

- Our commitment to equality on grounds of gender identity will be highlighted in our prospectus, annual reports and through other relevant publications.
- A summary of the results of our monitoring information (where applicable and where this does not breach confidentiality) will be included in our annual Equality Statutory Duties Report and made available on the College website.

To staff:

- All staff will have access to the policy through Moodle and the website
- The staff induction programme will highlight the College's commitment to equality to all, action to be taken by staff who suffer discrimination and the action to be taken against any perpetrators of such discrimination

Complaints

The College will seek to provide a supportive environment for those who make claims of discrimination or harassment.

Acts of discrimination (direct or indirect) on the grounds of gender identity, harassment, victimisation or abuse will be treated as a serious disciplinary offence.

Students should in the first instance look to take up the matter with their tutor, or where necessary use the Customer Care and Complaints Policy procedures to have the matter addressed.

Staff who feel they are being discriminated against on grounds of gender identity by other members of staff should raise the matter under the Grievance Procedure, which will, if the accusation is upheld, be treated as a serious disciplinary offence.

If, in the course of their work, College staff suffer discrimination from members of the public, the College will take appropriate action and provide appropriate support.

Any discriminatory behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

Consultation and Implementation

The College, working in partnership with the recognised trade unions and staff and representatives, will seek to ensure that all staffing policies and procedures (such as the Recruitment and Selection Procedure) are non-discriminatory, impact assessed, and that monitoring and positive action processes are regularly reviewed and monitored.

The college will also consult with student representatives to ensure that any student concerns are brought to attention and addressed.

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Updated 1 November 2010

Appendix 1: Glossary of Gender Related Terms

Introduction

Terminology in the transgender field is varied and constantly shifting as our understanding and perceptions of gender-variant conditions changes. The concept of a 'normal' gender expression associated with a binary man/woman paradigm is, in itself, questionable. In addition, in writing such a glossary of terms there is a risk of merely creating further stereotypes. People have the right to self-identify, and many people, especially among the young, reject the whole idea of binary gender tick boxes, and use terms more wide ranging, open terms such as pan-gender, poly-gender, third gender, gender queer and so on.

Gender identity

Gender identity describes the psychological identification of oneself, usually as a boy/man or as a girl/woman. There is a presumption that this sense of identity will evolve along binary lines and be consistent with the sex appearance. However, not everyone will wish to be constrained by that binary form of categorisation. Some people experience a gender identity that is completely inconsistent with their sex appearance, or may be neutral, or may embrace aspects of both man and woman.

Sex

Sex refers to the male/female physical development – the phenotype. In an infant, the sex is judged entirely on the genital appearance at birth. Other phenotypic factors such as karyotype (chromosomal configuration) are seldom tested unless a genital anomaly is present. There is a presumption that an apparently male infant will identify as a boy, and vice versa.

Gender role

The gender role is the social role – the interaction with others which gives expression to the inner gender identity and reinforces it. Despite the greater gender equality in modern Western culture, in terms of the subjects studied in school and at university, the choice of friends, work and domestic arrangements, dress and leisure pursuits, there is still a presumption of conformity with society's 'rules' about what is appropriate for a man or a woman, a boy or a girl, especially in terms of appearance. A significant departure from stereotypical gender expression often causes anxiety and discomfort in those who witness it.

Gender variance/gender dysphoria/gender identity disorder

It is now understood that the innate gender identity, although powerfully influenced by the genitalia and the gender of rearing, is not determined by these factors. There is evidence that sex differentiation of the brain may be inconsistent with other sex characteristics, resulting in individuals dressing and/or behaving in a way which is perceived by others as being outside cultural gender norms; these unusual gender expressions may be described as gender variance. Where conforming with these norms causes a persistent personal discomfort, this may be described as gender dysphoria. In many, this includes some level of disgust with the phenotype, since this contradicts the inner sense of gender identity. Gender dysphoria is not a popular term with those experiencing the condition since it has become associated with the clinical diagnosis of gender identity disorder; both these descriptions imply a diagnosis of pathology and mental illness, whereas the more neutral term, gender

variance, denotes that these departures from stereotypical gender experience and expression are part of a natural, albeit unusual, human development.

Transsexualism

Gender dysphoria may be experienced to a degree that medical intervention is sought; this may include hormone therapy and/or surgical procedures to change the appearance and improve personal comfort. Often these treatments are associated with a permanent transition to a gender role that accords with the gender identity, thus alleviating much or all of the discomfort. At this level of intensity, the condition is commonly known as transsexualism. A transsexual person is someone who intends to undergo, is undergoing or has undergone gender reassignment. The word transsexual should be used as an adjective, not a noun. It is, therefore, not appropriate to refer to an individual as a transsexual, or to transsexual people as transsexuals; the abbreviation tranny is also unacceptable.

Transition

Transition is the term used to describe the permanent change of gender role in all spheres of life: in the family, at work, in leisure pursuits and in society generally. A few people make this change overnight, but many do so gradually over a period of time. The term affirmed gender, is now becoming more common in describing the post-transition gender role which, at that stage, accords with the innate gender identity.

Gender confirmation treatment

Those transitioning permanently usually have gender confirmation treatment that includes hormone therapy and often surgery to bring the sex characteristics of the body more in line with the gender identity. Such surgery is sometimes referred to as gender (or sex) reassignment surgery. The term sex change is not considered appropriate or polite.

There are other gender-related surgeries that may also be undertaken for reasons of appearance or function. Equality law makes special provisions for people who need to take time off for treatments associated with gender reassignment.

Transgender

Transgenderism has had different meanings over time and in different societies. Currently, it is used as an inclusive term describing all those whose gender expression falls outside the typical gender norms; for example, those who cross-dress intermittently for a variety of reasons including erotic factors (also referred to as transvestism), as well as those who live continuously outside gender norms, sometimes with, and sometimes without, medical intervention. There is a growing acknowledgement that although there is a great deal of difference between say, a drag artist and a transsexual person, there are nonetheless areas in the transgender field where the distinctions are more blurred; for example, someone who cross-dresses intermittently for some years, may later transition fully to the opposite role and could, then, be described as a transsexual person.

Trans men and trans women

The word trans is often used synonymously with transgender in its broadest sense. However, sometimes its use is specific, for instance, those born with female appearance but identifying as men may be referred to as trans men and those born

with male appearance but identifying as women may be referred to as trans women; these individuals could also be referred to as transsexual men and women. Many trans people, having transitioned permanently, prefer to be regarded as ordinary men and women. In these cases, where it becomes essential to refer to their pre-transition status, the phrase woman (or man) of transsexual history may be used.

Intersex conditions

There are a number of intersex conditions (recently renamed Disorders of Sex Development) that may lead the individuals born with them to experience some inconsistency between their gender identity, and the gender role assigned at birth. Inconsistencies in development may be associated with atypical sex chromosomes such as Klinefelter syndrome (XXY), Jacob's syndrome (XYY) or other genetic anomalies, such as Androgen Insensitivity Syndrome or Congenital Adrenal Hyperplasia in which unusual hormone levels are present. These may lead to atypical genital appearance at birth.

Sexual orientation

Sexual orientation is a separate issue from gender identity. Sexual orientation is associated with the sexual attraction between one person and another. This is quite different from the internal knowledge of one's own identity. Trans people may be gay, straight, bisexual or, occasionally, asexual. Their sexual relationships may remain the same through the transition process, or they may change.

So a person who is living as a man, and is in a heterosexual relationship with a woman may, having transitioned to live as a woman, continue to be attracted to women and seek a lesbian relationship, or may be attracted to men, and therefore seek a heterosexual relationship with a man. Sometimes trans people make lasting relationships with other trans people, so the possibilities are many and varied, and do not necessarily fit comfortably into typical categorisations of sexual behaviours.

Gender Recognition Certificate

In 2004 the Gender Recognition Act was passed, and it became effective in 2005. Those trans people who have undergone a permanent change of gender status may endorse their new gender status by obtaining legal recognition in the form of a Gender Recognition Certificate; this converts to a new birth certificate. Those in existing marriages or civil partnerships are obliged to annul them. Annulment may be achieved by obtaining an interim GRC (IGRC) which lasts for six months only, during which time the application to annul must be made.

Cisgendered

Those who are cisgendered have little or no discordance between their gender identity and their gender role or sex anatomy. These factors are well aligned in a cisgendered person. Transsexual people who have completed transition to the point that they are comfortable, may then be regarded as cisgendered.

Appendix 2: Record Keeping and CRB checks re confidential name change

Record keeping

The college will ensure that all documents, public references (such as telephone directories, prospectuses, web biographies) and employment details reflect the acquired gender of the person. This will prevent any breach of confidentiality.

Where documents have been seen and copies taken at the point of starting employment (such as a birth certificate) then every effort should be made to replace those with equivalent documents in the new name and gender.

In some instances, however, it may be necessary to retain records relating to an individual's identity at birth, for example, for pension or insurance purposes prior to obtaining gender recognition. However, once a person has obtained a Gender Recognition Certificate these **MUST** be replaced with new details.

Access to records showing the change of name and any other details associated with the individual's transsexual status, (such as records of absence for medical treatment) must be restricted to staff who need the information to do their work.

They could include people directly involved in the administration of a process, for example the examining medical officer, or the person who authorises payments into a company pension scheme. They do not include colleagues, clients or line managers.

Once a person has obtained a Gender Recognition Certificate there must be no disclosure of this information, not least because it may be a criminal act subject to a maximum £5,000 fine. Breaches of confidentiality should be treated in the same serious manner as disclosure of personal details of any other member of staff.

Transsexual people in employment may choose voluntarily to disclose information at a secondary level, for example, answering an equality questionnaire, or asking for support from a line manager. Again, strict confidentiality should be observed as further disclosure must not be made without the express permission of the transsexual person.

When can the employer make a disclosure?

The GRA defines information about a person's application for gender recognition and a person's gender history as 'protected information'.

This means that if an employer or employee acquires the information in the course of official duties, it is a criminal offence to disclose it. It is not an offence, however, to disclose 'protected information' if the person cannot be identified or if the individual gives their consent.

Any records held on a transsexual employee in their birth gender and those held on

the same person in their acquired gender should be kept confidential, with only specified staff having access to them. The Data Protection Act 1998 limits the purposes for which information may be kept, and when that information is no longer useful it must be destroyed.

CRB

The Criminal Records Bureau provides a service called 'Disclosure.' By providing wider access to criminal record information, the CRB helps employers in the public, private and voluntary sectors identify candidates who may be unsuitable for certain work, especially those positions that involve contact with children or other vulnerable members of society.

What is the clearance procedure?

To enable it to do its job, the CRB has to be aware of any previous names and/or gender of prospective employees. However, the bureau has now devised a process which allows transsexual people to pass details onto the CRB without first revealing them to the employer.

What do transsexual applicants have to do?

The CRB has developed a separate application procedure, which allows transsexual applicants to exclude previous names from the Disclosure Application form. However, applicants will still be required to send details of their previous identity in a separate letter directly to the 'Sensitive Casework Manager' within the CRB. The CRB will then check the data sources held against both current and previous names.

This avoids the need for disclosure about gender history or former name to the employer or voluntary body at the application stage, but allows the CRB to carry out the requisite checks against any previously held identities.

It should be noted that where a conviction or (in Enhanced Disclosure cases) other relevant information has been recorded in a previous name, this will be revealed on the Disclosure and as such details of any previous identity may be revealed. Where there are no convictions recorded, the details of any previous names that have been provided directly to the CRB will not be revealed on the Disclosure.

Transsexual applicants wishing to take advantage of this separate procedure should contact the CRB for further details.

Appendix 3: Support Available for Staff

This support includes:

- Any member of staff who has taken the decision to go through the transition

process can request a meeting with a representative of Human Resources and their trade union representative, or friend.

- The transitioning individual may then request a second meeting with their line manager, the equality manager, a trained mentor, or a member of Human resources. They will also have the right not to have such a meeting.
- Prior to this second meeting, if it is desired, all those invited will be sent information about trans issues (such as ECU, Employing Transsexual people in Higher Education, or the publications of the Gender Identity and Research and Education Society or Press for Change or Gender Reassignment – A Guide for Employers).
- At this second meeting or afterwards, the individual going through the transition process will have the right to make available to any colleagues the details of appointments, and the dates of hormonal or surgical treatment, if they are planning to go through these procedures.
- Those involved in the first or second meeting may want to discuss (on this occasion or subsequently) access to toilet facilities.
 1. The employer and employee should agree the point at which the use of facilities such as changing rooms and toilets should change from one gender to the other. This may be, for example, the point at which the individual begins to present permanently in the sex to which they identify.
 2. It is not acceptable to treat a transgender person as though they have a third sex, i.e. neither male nor female. It is therefore not acceptable to insist on a transgender employee using separate facilities in the long term, for example an accessible toilet for disabled people.
 3. A transgender employee should be granted access to 'men only' or 'women only' areas according to the gender in which they permanently present. Under no circumstances should they be expected, after transitioning, to use the facilities of their former gender.
- They may also want to discuss identification passes, library cards, contact details, email addresses, formal records, website references, or any other matter raised by the person undergoing transition.
- Any individual who is going through the transition process will receive at least the same level of support and protection from management as any other colleague. Any reasonable requests for time off or work on different sites, or alternative duties will be noted, discussed seriously, and if it is at all possible to act on them, that will be done.
- While all trans people can expect to have any requests treated in utmost confidence, the College additionally reaffirms its commitment to respond in confidence to any requests made by transitioning staff. It is essential that the

person grants permission before their status is discussed with any third party.

- The College will not in any way penalise any member of staff for failing to make their trans or transitioning status known to colleagues or personnel, or for any delays in making this information known. Conversely, the person transitioning should appreciate that they cannot expect the College to make reasonable adjustments on their behalf if the College does not know about their status.
- The person undergoing transition will have the freedom to choose a date at which they expect College records to be changed. It may be the day after the first or second meeting, it may be after they begin transitioning or after surgery, or after the receipt of a Gender Recognition Certificate, or any other time. Following their request, all College records will be changed, including personal files, sickness files, progression files, pay roll details, paper files, material held as a paper or electronic database. No changes will be made without prior request. No reasonable requests will be turned down.
- The person undergoing transition will have the right to request a meeting with staff in their area of work at which their status as a transitioning person is explained. At this meeting, if it happens, a representative of the College will express their support for the individual concerned. The transitioning person may choose if they wish to answer questions from other members of staff.
- If such a meeting takes place, then all those involved will be bound by the same rules of confidentiality, given above. The status of the individual undergoing transition will not be discussed with any third party without the prior consent of the person who is changing gender.
- Following the date chosen by the transitioning individual, any remaining information will be changed to reflect their new gender identity, staff lists organisational charts, post trays, door signs, and all other relevant information will be changed. The name of the individual who has undergone transition will not be inappropriately withheld from any list– omission can be embarrassing.
- The College will recognise all medical documents produced by any medical practitioner relating to the transition. In general, the College will take the word of the person transitioning. No attempt will be made to expect medical proof of conditions such as gender dysphoria. Nor will any person transitioning be subject to intrusive questioning by any representative of the College.
- All Gender Recognition Certificates will be honoured.
- No trans person will suffer discrimination at any stage in the interview process, or for selection for promotion, or at any other time.
- While the College will deal sympathetically and speedily with any reports of bullying and harassment against any member of staff or student, irrespective of gender identity, this commitment is reaffirmed for trans staff and students,

including those undergoing transition.

File: Plus SLT COVER

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