



Trans Equality Policy

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Other relevant documents

- [Frequently asked questions for employees](#)
- [Frequently asked questions for colleagues](#)
- [Transitioning support plan](#)
- [Glossary of Terms](#)
- [Dignity at Work Policy](#)
- [Information on Equalities, Diversity and Inclusion](#)



1. Our Policy and Commitment

The Royal Borough of Kingston (RBK) is committed to ensuring that all Trans employees and individuals receive the best experience at work and protection from discrimination throughout employment and recruitment.

RBK is committed to ensuring equality of opportunity for trans and non-binary employees and to supporting members of staff who are transitioning. We also welcome and are inclusive of intersex members of staff.

We are committed to developing an inclusive working environment where everyone regardless of their gender identity, feels welcome and motivated to perform to the best of their abilities.

All people are to be treated with dignity and respect at work and as such we will not permit, condone or tolerate bullying and/or harassment including transphobia in the workplace.

We celebrate having a diverse workforce, where staff feel free to be their true self and are representative of the diverse communities we serve.

The STAR values are embedded in this policy as we support staff through their journey, we are transparent in how we do this and we appreciate and value the diverse workforce we have, treating everyone with the respect they deserve.

2. Who our Policy applies to

The Trans Equality Policy applies to all staff employed and working for RBK and the Shared Services. This includes volunteers, agency staff, bank staff and any individual applying for a role at the Council.

3. Definitions

'Trans' or 'transgender' describes people whose gender identity differs from their sex assigned at birth. They are umbrella terms covering people who:

- are intending to undergo, are undergoing, or have undergone gender reassignment at any stage;
- identify as having a gender different from that which they were assigned at birth and are planning or have had medical interventions such as hormones or surgery;
- identify as having a gender different from that which they were assigned at birth, but who are not planning any medical intervention; and/or,
- are non-binary – that is, they are not solely male or female. They may define themselves as both, neither or something entirely different. They may or may not have medical interventions to align their body with their non-binary gender identity.

4. Who can provide support

The Employee Relations team can provide support and advice with the application of this Policy and answer any questions that employees and line managers may have. The team can be contacted via email at employee.relations@kingston.gov.uk.

If an employee is a member of a trade union, they can receive support and advice from a trade union representative.

Support is also available from staff networks and all trans colleagues are warmly invited to join the LGBTIQIA+ (+A) Network.

Workplace options is a confidential, independent counselling service available **24 hours a day, 7 days a week, 365 days a year** available on 0800 243 458 or by Email: assistance@workplaceoptions.com. The login is **RBK** and the password is **Employee**

5. What is Transitioning

Transitioning is a term used to outline or describe the procedure and stages for which an individual takes to live in their true gender.

For any individual that decides to transition, it is a unique process that will not be the same for everyone and may have differing and multiple impacts on their everyday life. For some people, transitioning involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to access this. Whichever option is chosen, the individual should be shown kindness, humility, and support.

Transitioning could contain numerous elements such as informing friends and relatives of their gender identity, completing statutory/legal paperwork, dressing differently or indeed other factors.

Once the individual decides to transition, it will be a uniquely different experience to anyone else.

6. Legislation

Equality Act 2010

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects a person from discrimination, harassment, and victimisation, if they are proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment.

An individual does not need to be undergoing medical treatment to be protected.

The Act also protects anyone who is perceived to have the characteristic of gender reassignment or is associated with someone who has the protected characteristic of gender reassignment, such as an individual's partner or a friend

RBK recognises that the Equality Act's narrow definition does not adequately reflect the varied experiences of trans people. This policy protects all individuals who self-identify as trans, irrespective of 'gender reassignment'.

7. Gender Recognition Act 2004

A person can apply for a gender recognition certificate (GRC), which will give them legal recognition in their affirmed acquired gender and enables them to obtain a new birth certificate. The Act safeguards the privacy of a person with a GRC. it is therefore a criminal offence to disclose such information without the individual's consent.

A person should never be asked if they have a GRC and to do so could be considered harassment. No one is required to apply for a GRC for employment purposes.

The Council will review and update this Policy in line with any further changes to the Gender Recognition Act 2004.

8. Supporting trans employees at work

RBK is committed to supporting trans and non-binary employees at work.

The following sets out what trans employees can expect from the Council.

When a member of staff informs their manager that they wish to transition or are transitioning, a discussion should take place regarding a support plan to ensure appropriate support is provided to the employee.

If for any reason an employee is uncomfortable about providing detailed information about their circumstances to their immediate line manager, they may choose another manager. It is recommended that the alternative manager works within the same service, so the employee can be fully supported.

Should a trans employee wish to disclose information about their gender history or status this will be treated in the **strictest confidence**. This includes information shared with the line manager and HR. Such information will not be shared with others unless there is a specific reason and not without written consent from the employee concerned.

Where an employee agrees that a HR representative can be informed, the HR representative will also act as another specific point of contact.

The manager will arrange a meeting to discuss the support plan. This should take place within a reasonable timescale and should cover aspects of the employee transition that are relevant to work.

It is important that the support plan is employee-directed to ensure that it is person-centred. The manager should also provide them with a copy of this policy.

The support plan should be flexible and reviewed regularly to allow for amendments should the needs of the employee change.

Discussions can include, but may not be limited to:

- Change of name and personal details
- When the employee wishes to start presenting in their true gender
- Communication with the team and other parties (as necessary), this should include the method of communication and by whom e.g. the employee may want to inform their immediate team themselves or prefer that this is communicated by the line manager).
- Ensuring all staff must refer to the individual by their preferred name and use pronouns appropriate to their true affirmed gender
- Time off work for medical appointments (if appropriate), this may change over time so should be reviewed regularly
- Updating HR records
- Involvement of Occupational Health / Employee Assistance Programme
- Use of shower facilities, changing facilities and toilets
- Any implications for their pensions
- DBS requirements (if appropriate)
- Dress code (the Council's Dress Code is very flexible and accommodates an employee that is transitioning, as well as the needs of those employees who are non-binary). The dress code respects the right of the employee to dress freely with regards to their gender identity/expression

9. Time off work

The amount of time off work needed during the transitioning journey will vary from individual to individual and will depend on the nature and extent of any medical treatment or surgery and the employee's job. This should be managed in line with the leave policy and capability policy (if further recovery time is required).

Side effects of medication, or the consequences of surgery, may affect the employee's performance and so managers may need to consider implementing reasonable adjustments such as temporary redeployment to another role, a change in hours or amended duties by way of support.

The Council Leave policy regarding medical appointments will apply but managers should be reasonable about allowing time off taking into account that these may require attendance at a specialist clinic some distance away. They should also be flexible about allowing the employee flexi-time, annual leave or the opportunity to re-

arrange their working hours so that they can attend additional appointments e.g. for medication, electrolysis etc.

Time off for treatment for the purposes of transitioning is protected under the Equality Act 2010 and should be treated no less favourably than time off for other purposes. Employees should discuss with their line manager how much time they are likely to require in terms of appointments, surgery and recovery. This should be managed in line with the leave policy and sickness policy (if further recovery time is required).

10. Recruitment

The Council is working hard to be seen as an inclusive employer where trans applicants can be confident about disclosing this information. However, applicants are under no obligation to disclose their trans status during the recruitment process or under any condition of their employment.

Should an individual choose to disclose their trans status to the recruitment team or the hiring manager, it will be held in the strictest confidence and will have no bearing on the recruitment and selection process.

11. Pre- employment and references

Trans employees who are already living in their true gender have no obligation to inform the council of their change. Job applicants and interviewees should not be asked to declare their trans status.

Where a reference request is received for a former employee who has transitioned, the council will respect the employee's privacy and only respond using the employee's new name and affirmed gender, even if the employee has transitioned after leaving the council. In these circumstances we would advise the former employee to contact the HR department once they have received an offer of employment.

Where a reference is requested by the council, the council will respond to the reference request using the employee's new name and gender since transitioning and will not mention any previous names or gender identity.

Further details on providing references can be found in the Recruitment Policy.

12. DBS Checks

Disclosure and Barring Service (DBS) has a confidential checking process for Trans applicants/ employees to obtain a DBS which does not reveal their former name or the gender they were assigned at birth. This is known as a sensitive application route.

If an applicant/employee does not wish to have their previous identity disclosed, and/or on their DBS Certificate, the applicant/ employee should contact the sensitive

applications team directly, prior to submitting their DBS application. Please see guidance and contact details for [sensitive applications route for transgender applicants](#)

A DBS check may be required following a change of name (this is only applicable if the post requires a DBS Check).

13. Genuine Occupational Requirements

In the vast majority of cases, the gender of a member of staff is of no relevance to their ability to do a particular job. However, the Equality Act 2010 does allow for an exception where being of a particular sex is an 'occupational requirement' of that post. If this is the case for an employee transitioning at work, HR and your manager will work with you to explore redeployment. Advice should be sought from the Employee Relations Team.

14. Qualification certificates

The council recognises that it can be difficult and expensive for a trans person to change their qualification certificates. If these are in a former name then where possible a record will be made that the certification has been seen, but a copy will not be taken. If it is necessary for the council to store a copy, they will be stored securely and only accessed by named persons.

15. Professional registration

If the employee's job involves professional registration, we will check whether the registration body has a specific, confidential process for gender transition.

16. Updating HR records

When notified of the change of name and affirmed gender, HR will, where possible, create new employment records (e.g. issue an employment contract in the new name) rather than update existing ones such as those scanned and are stored electronically.

17. Changing other records

Line managers should ensure that all other documents and public references such as telephone directories, contact details, email addresses, ID cards, ICT logins etc. are updated to reflect the employee's true gender and name.

18. Pensions

If you are a member of the Local Government Pension Scheme (LGPS), the date when you can claim your pension benefits is not affected by your gender. Any actuarial calculations, for example for transfers of pension rights, will be based on your legal gender.

You can change your name on your pensions record by providing the pensions team with a your deed poll. A deed poll is a legal document that proves a change of name.

If you would like your true gender to be legally recognised in the UK, you will need to [apply for a gender recognition certificate](#).

Further information regarding your State Pension can be found at <https://www.gov.uk/state-pension/eligibility>.

19. Facilities

The Council is supportive of trans employees using the facilities of their affirmed gender.

Trans employees should not be asked or expected to use disabled/gender neutral facilities as an alternative. However, an individual can do so if they prefer.

20. Dress Code

The Council's Dress Code is very flexible and accommodates an employee that is transitioning, as well as the needs of those employees who are non-binary. The dress code respects the right of the employee to dress freely with regard to their gender identity/expression. It is important that your work attire should be appropriate to your role and any health and safety requirements.

21. Ongoing support

Where the main contact is the immediate line manager, on-going support will become part of day-to-day line management.

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