

Gender Reassignment Policy

Policy Details

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1. Introduction

This policy covers any employee who proposes to go through gender reassignment, which is defined within the legislation as a person who:

- Is proposing to undergo
- Is undergoing
- Or has undergone

A process, or part of the process, to reassign their sex permanently by changing physiological or other characteristics or attributes of sex. The employee is referred to within the Act as a “transsexual person”.

The Trust wishes to support employees in their personal circumstances and, in relation to time off for surgery, it recognises that gender reassignment is not a lifestyle choice.

It will therefore make necessary accommodations for those undergoing gender reassignments; however, it is clearly important that the operation of the Trust will not be adversely affected, where this can be avoided.

2. Scope of Policy

The policy applies to all people employed by the Trust. It is intended to apply to anyone within this group who is considering, is undergoing or who has undergone gender reassignment. The policy applies to people who cross dress when, as part of the process of reassigning their sex, or is driven by their gender identity to cross-dress. The Trust must have due regard to the aims of eliminating discrimination and promoting equality when policies are being developed.

3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with Gender reassignment. The Trust recognises that gender reassignment rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Trust HR Team is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

The Board of Trustees, as a corporate body, has the responsibility to set the strategic direction and objectives of all matters across the Trust.

The CEO Takes overall responsibility for the implementation of the policies and procedures and reporting as appropriate to the Trustees, in relation to this policy.

The Headteacher has overall responsibility of the implementation of and compliance with this policy within their school ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance

Line Managers are responsible for ensuring effective and competent operation of this policy, resolving any issues members of staff refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution.

Heads of Department are responsible for the overall implementation of this policy in their departments.

The Trust Executive Leadership Team are responsible for ensuring that high standards of corporate governance are maintained

All members of staff have a responsibility to comply with the policy and to co-operate with the school's leadership and management on all matters relating to it.

4. Representation

Employees have a statutory right to be accompanied at formal gender reassignment meetings/hearings by their trade union representative or a workplace colleague. The Trust will extend this right and allow for employees to be accompanied at all informal meetings as part of the disciplinary procedure.

The employee is responsible for arranging their representation, including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time.

The Trust should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on their behalf.

The Trust will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need.

5. Understanding Key Terms

To avoid causing distress to, or potentially discriminating against an employee it would be wise for members of staff to familiarise with the key terms surrounding gender reassignment. Understanding the terms will help promote awareness and inclusivity which avoiding incidents of harassment or bullying.

- **Gender Identity** – this is how a person perceives their gender. Typically, this is the birth gender or the gender that is associated with their physical appearance, however, those who are undergoing gender reassignment may associate with a gender that does not match their physical appearance.

- **Gender Reassignment** – this is the process in which the employee changes gender. This may be from a female to a male, or from a male to a female. To be included within the protected characteristic of gender reassignment, the employee does not need to undergo any medical treatment or intervention.
- **Gender Dysphoria** – this is a recognised medical condition where an employee feels distress and discomfort as their gender identity is inconsistent with their physical appearance. This used to be known as “gender identity disorder”.
- **Transsexual** – this is the specific term used within the Equality Act to define employees who fall within the protected characteristic of gender reassignment.
- **Transgender/trans** – these are umbrella terms commonly used to describe the employee whose gender identity falls outside of their physical appearance. These terms will cover the employee, such as those who adopt the physical appearance of the opposite gender on an intermittent basis and non-binary identities, as well as those who are transsexual. These terms are commonly seen as more inclusive than the term transsexual.
- **Non-binary** – this describes the employee whose sense of gender identity does not identify with male or female. Many non-binary individuals will refrain from using pronouns such as “he” or “she”.
- **Gender Expression** – this is the way in which an employee chooses to express their gender. Common examples include clothing, jewellery, hairstyle, voice, names and pronouns.
- **Affirmed Gender** - this is the term for an employee's gender once gender reassignment has taken place.

6. Time Off for Gender Reassignment

If an employee wishes to apply for time off for gender reassignment surgery, they should speak to their Line Manager as far in advance as possible to discuss the circumstances and to make necessary arrangements. Any information provided will be maintained in strict confidence and will only be disclosed on a “need-to-know” basis.

The following arrangements will normally apply in relation to gender reassignment:

Medical appointments in connection with the gender reassignment process will be treated no less favourably than any other medical appointments. As usual, an employee should try to arrange medical appointments at times that will cause minimum amount of inconvenience to the school and time off to attend medical appointments must be authorised by their Line Manager in advance in the normal way.

Equally, an employee should try to arrange any related surgery at times that will cause the minimum amount of inconvenience to the school and so the school would greatly appreciate staff trying to arrange any procedures during the school holidays in order not to miss any days of the school term and keep to a minimum any disruption to the good operation of the school.

However, if it is unavoidable that such procedures take place during term time, the school will grant the employee leave of absence to undergo the gender reassignment surgery.

Pay

There is no contractual or statutory right to receive salary during time off for gender reassignment medical appointments or surgery; however, provided the employee complies with the school's sickness absence reporting procedure and the absence is properly certified, they will receive sick pay in accordance with the school's sick pay provisions set out in their contract of employment and in the section on "Sick Pay"

Staff may be required to provide evidence from a qualified medical practitioner that the process of gender reassignment has been approved and confirming the time off required after surgery.

For teaching and term-time support staff, if they have been absent and receiving sick pay immediately prior to a school holiday period for gender reassignment purposes and subsequently become fit to work, the school will reinstate normal salary upon receipt of a GP certificate confirming that the employee is fit to work, and provided that the employee returns to work at the start of the next term.

Absence

Absence due to gender reassignment can be treated as sickness absence. The Trust will be cautious including any time off work for gender reassignment when assessing whether the employee has reached a trigger point for formal action under the Managing Sickness and Absence Policy, this may give rise to a risk of direct or indirect discrimination.

7. Adaptations at Work

Once an employee has notified us of their intention to start gender reassignment a meeting will be arranged with their Line Manager in the first instance to discuss topics including;

- What support is available from the school
- What time off is allowed and whether it is paid or unpaid
- How their gender reassignment will affect the dress code
- What toilets, changing and showering facilities will be appropriate to use before, during and after gender reassignment
- How and when to change the employees' personal records and other details such as their pass to get into work, pay slip and email address. Employee chooses to bring a work colleague among with them for this meeting or a trade union rep
- When and what colleagues can be told about the gender reassignment, only with the employee's agreement.

The Trust will support if an employee chooses to bring a work colleague among with them for this meeting or a trade union representative.

8. Privacy

The Trust supports employees in making decisions about who, when and how they share information about their trans status, history or gender identity and recognises employees' rights to discuss their gender identity and transition openly if they choose to do so or keep that information private.

The employee does not need to inform the Trust of their gender reassignment, either to or during their employment. The Trust will not ask employees questions about their gender identity or affirmed gender.

The Trust may become aware that the employee is a transexual, transgender or non-binary. This may be because the employee has directly informed the Trust of this, for example the need to request time off for gender reassignment, or through indirect methods such as social media or identity documents.

To avoid breaching the employee's privacy, the Trust will meet with the employee, in private, to discuss sharing this information with the necessary third parties. Where the information is required to be disclosed, such as for legally required recruitment checks, the employee should be informed of this in advance. In addition, the Trust must make sure the employee is not exposed as being transgender or a transsexual as this is likely to breach privacy laws.

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

Names and 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. 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 Bullying and Harassment Policy (LT2-NSP-006-I) and Disciplinary Policy and Procedure (LT2-SP-001-I)

It is best practice to speak to the employee, in private, and sensitively ask them how they would prefer to be addressed or referred to. Also, request approval to communicate this to other members of staff within the Trust as necessary.

Records

The employee that wishes 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 the Trust shall update all records, including archived records with the employee's new details,

- Paxton / ID badges
- MIS
- School/ Trust Website

- Email signatures and email addresses
- Internal Communications
- Signs on display and doors
- Any item with the employees' details.

If archival records cannot be updated or replaced, or cannot be updated without a Gender Reassignment Certificate, which includes pensions and insurance, the records will be kept separate from the records of other staff and will only be accessed by the Operations Manager and the HR Team.

Protected Characteristics

Gender Reassignment is a protected characteristic under the Equality Act 2010, the employee will have protected characteristics of gender reassignment if they are female making the transition to become male, and if they are male making the transition to become female. The employee will still receive discrimination protection if they have reassigned their gender without medical process.

Employees who have the protected characteristic of gender reassignment may also receive disability discrimination protection. For example, where the employee has a condition such as gender dysphoria or an identity disorder which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Intersex employees of non-binary employees, those who do not subscribe to either gender, may be able to rely on gender reassignment protection, however they may also receive protection under the protected characteristics of sex or sexual orientation.

9. Harassment

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

Harassment of transgender employees will be treated in a serious manner and dealt with under the Bullying and Harassment Policy (LT2-NSP-006-I) and Disciplinary Policy and Procedure (LT2-SP-001-I)

10. 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 Grievance Policy and Procedure (LT2-SP-002-I)

11. Employee Support

Employees who have undergone, are undergoing or are proposing to undergo gender reassignment may view this as a daunting transition, without the added pressure of how this will be viewed or treated in the workplace. Below is a list of what support the Trust could do to support the employees. The list is not limited to:

- Holding meetings with the individual to discuss whether they require ongoing support through their gender reassignment, whether any previous workplace support has had a positive impact and if they have any future concerns.
- Seeking further advice from equality experts, LGBT support charities or medical experts.
- Understanding that no two individuals' experiences are the same, especially those who are undergoing gender reassignment. Rather than making assumptions, try to agree with the employees about what steps the organisation can take to provide them with support.
- Agreeing whether the individual wishes to have a short break before returning to work in their affirmed gender. Any administrative or security matters, such as email addresses, Paxton cards, should be amended prior to their return to work.
- Agreeing any disclosure of information regarding the gender reassignment with the individuals in advance. They should receive warning of any required disclosure.

Occupational Health

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

The Trust will ensure that Health and Safety planning includes regular risk assessments for employees such as providing a stress assessment.

Employees can discuss any requirements or adjustments they may need with their Line Manager, HR Team or Headteacher.

Employee Assistance Programme

Education support: <https://www.educationsupport.org.uk/>

All employees have access to the Education Support Employee Assistance Programme, a free confidential service which offers the following.

- Six telephone sessions with an Aware specialist who is trained in mindfulness and provides an individualised practice plan tailored to needs.
- Life coaching is accessed through telephone conversations with the life coach, setting goals and creating action plans in the first meeting. Engage in five follow up meetings to help recalibrate or refresh employees' thinking.
- Computerised Cognitive Behavioural Therapy (cCBT) - Seven sessions are offered online over seven weeks with a counsellor tracking employees' progress and guiding them via email and telephone support.
- Support for issues at home and at work
- Financial guidance
- Legal enquires

- Signposting and general help.