

Trans Equality Staff Guidance

The University of Huddersfield is committed to providing an inclusive, welcoming environment where all members of staff are treated with dignity and respect and are not disadvantaged in the workplace. The University is committed to supporting all trans colleagues; the University uses the term 'trans' as an umbrella term for people whose gender identity and/or gender expression differs from their birth sex. This includes those who have non-binary, agender or gender-fluid identities. Definitions and terminology used in reference to 'transgender' and 'gender identity' is evolving and highly personal. Appendix 1 provides guidance on some of the most commonly used terms.

The University will not tolerate discrimination, bullying, harassment or victimisation and such behaviour may result in action being taken under the University's Disciplinary Procedure. This applies to all characteristics including unfavourable treatment based on gender identity (including gender fluidity and non-binary). Any complaints of discrimination, bullying, harassment or victimisation are taken seriously and dealt with promptly. All members of staff are made aware of the University's Dignity at Work Procedure and the procedures in place for handling complaints of discrimination, bullying, harassment or victimisation.

This guide supplements the Trans Equality Policy Statement and associated guidance documents.

Supporting Staff

The University recognises that the process of transitioning can be an extremely difficult one and aims to provide the necessary support and understanding to colleagues during the process.

Transitioning is a unique process for each individual and there are many different routes that individuals may wish to take in order to transition. There is no right or wrong way to transition. For some, a transition may involve medical or surgical treatment, although this is not the case for all trans people. It may involve dressing differently, using a different name and pronoun (i.e. she, he or they) and changing official documentation.

It is important to understand that a person does not have to undergo a medical intervention or gain a Gender Recognition Certificate (GRC) to transition. If a trans person chooses not to undergo this, they are still entitled to dignity and respect along their chosen path of transition, whatever that may consist of.

Role of the Line Manager

An employee is encouraged to notify their line manager or a member of Human Resources (if this is preferred) if they are planning to transition or already in the process of transitioning as early as possible so that appropriate advice and support

can be provided. Effective support for someone who is transitioning requires dialogue, agreed action and respect. Line Managers have a key role in supporting colleagues through transition and in most cases will be their link person for providing ongoing advice and support. In order to support an employee in the process and contribute to a positive experience, it is recommended you should consider the following and refer to the Action Plan at the end of this document:

- Listen and be supportive and let the employee lead the process as much as possible.
- Discuss levels of confidentiality - discuss with the employee who would they like to be informed, and how those people will be informed. It might be that the most appropriate way to do this is through a meeting with relevant people in a group or individual setting. Members of staff invited to a meeting should be referred to the University's policy statement, as well as this guide and resources on supporting trans colleagues.
- Discuss how this communication will take place.
- Discuss the expected timescale of appointments related to transition and what time off work may be required (where relevant).
- Discuss whether to avoid duties within the role at specific times during the process e.g. lifting heavy items, strenuous physical work (for those who are undergoing surgery/medical intervention).
- Direct the employee to the [Trans Equality section](#) of the [Equality, Diversity and Inclusion webpages](#) where they are able to find details of gender-neutral toilets if they wish to use these.
- Offer them further information and support (as detailed in appendix 3)

An employee and their line manager may find it beneficial to develop a confidential action plan, detailing all the steps to take before, during and after the employee's transition. A template action plan is attached as Appendix 2 but it is important to recognise that this is not prescriptive, the individual should lead the process as much as possible. Regular review meetings should take place to ensure the right support is in place. Transition notes should be destroyed once the employee has successfully transitioned.

Role of Human Resources

An employee may prefer to make contact with a Human Resources Manager or the [University Equality, Diversity & Inclusion Manager](#) for advice and support, where any communication regarding trans support will be treated sensitively and in confidence. The Human Resources Manager or the Equality, Diversity and Inclusion Manager can also provide appropriate support for managers who are assisting a member of staff with their transition.

Guidance for Colleagues

The following informal guidelines on how to be respectful of people transitioning may be helpful:

- Think of the person as being the gender that they self-identity as.

- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, politely ask them what name and pronoun they use. If you make a mistake with pronouns, correct yourself and move on. Don't make a big deal out of it.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. Trans people may not feel comfortable revealing information about their past, especially if they think it might affect how they are perceived in the present.
- Do not tell others about a person's trans status. If documents have to be kept that have the person's old name and gender on them, keep them confidential.
- If you hear, or see staff members or students using transphobic language or behaviour challenge it and/or bring it quickly to the attention of someone in a position of authority.
- Respect people's boundaries and refrain from asking personal questions that may be considered inappropriate. Personal questions include anything to do with a person's sex life, anatomy (not just genitalia) and relationship status – past, present or future. Questions about medical transition, such as 'Are you on hormones?' can be considered personal.
- Listen to the person, and ask and respect how they want to be treated and referred to.

(Equality Challenge Unit guidance 'Trans staff and students in HE and colleges: improving experiences' (2016). www.ecu.ac.uk)

Training

LGBTQ+ Awareness training is available to all University members of staff with the aim to increase the understanding of the diversities of trans people and raise awareness of the barriers they can face.

Confidentiality

The University of Huddersfield will respect the confidentiality of all trans colleagues and will ensure that confidential and protected information relating to their gender identity is not disclosed without the prior written agreement of the employee. An individual's file or record should reflect their current name and gender.

All personal information gathered by the University relating to a member of staff is treated with the care and confidentiality required by the Data Protection Act 2018. The University will ensure compliance with section 22 of the Gender Recognition Act 2004, which makes it a criminal offence to pass information of a person's trans status to a third party without the consent of the employee concerned. It is unlawful to reveal that

an employee has, or may have, applied for a gender recognition certificate (GRC) unless permission has been given by that person.

The Gender Recognition Act

The Gender Recognition Act 2004 allows trans people who are able to satisfy the Act's evidence requirements to apply to the gender recognition panel in order to seek full legal recognition of their acquired gender. If an applicant is successful they will be issued with a full or interim gender recognition certificate (GRC). A full GRC enables the person to obtain a new birth certificate which does not disclose the fact that they have changed gender. The Gender Recognition Act also makes the disclosure without permission by a third party of an employee's trans status potentially a criminal act. A GRC is very rarely the end result of a transition and most trans people will never have one. A transition should never be defined by this and the University should never ask for one as this is illegal.

Recruitment

Managers should not ask questions about an applicant's gender identity or gender history. If an employee chooses to mention this during the interview, they should be informed that the organisation supports trans colleagues and assured that the disclosure will have no bearing on the outcome of the interview and will not be revealed outside the interview room.

As not all trans people will hold official documentation that is reflective of their affirmed gender, where the University requires official confirmation of a person's identity, the University will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the employee.

Where an employee's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the employee and in accordance with the University's data protection policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.

DBS checks

For some of our courses and positions that require a Disclosure and Barring Service (DBS) check, the DBS Service has a sensitive applications team in order to protect details of previous identity. Please contact Human Resources for further information.

References

Reference requests made for current and former members of staff who have transitioned should not make reference to the employee's former names, gender or pronoun, unless explicit permission has been obtained from the employee. This is in compliance with the Data Protection Act 2018 and the Gender Recognition Act 2004.

Reference requests for someone who has previously transitioned, which refers to them by a previous name or gender, will be treated as confidential.

Absence from the University

Any absence relating to gender reassignment will be managed in line with the University's Management of Sickness Absence Policy. The University will ensure that time off for these purposes will be treated no less favourably than time off for illness.

Practical Arrangements

Pronouns

A person should be addressed and referred to using the pronouns which make them feel comfortable. If you are not sure what the correct pronoun is, politely ask the person what they prefer. This could be he, she or some trans people, particularly those with non-binary identities, may prefer a gender-neutral pronoun, such as they.

Changing Name and Gender

Once a trans person has made known their chosen name, this should be used in all circumstances, rather than the name they used during application, recruitment or on commencement of post.

An employee may wish to change their preferred name and/or gender as part of their transition, these changes can be made by the employee in MyHR. Notification of intent to transition is sufficient for a person's preferred name and/or gender to be changed on their record.

Evidence of a formal name change and/or gender is required for external organisations for purposes such as pensions and tax. A full GRC gives a trans person the means to obtain a new birth certificate but other official identification and services reflective of their preferred gender can be gained without a full GRC, including a passport and driving license and the ability to change bank details. The University would not ask to see a GRC certificate as it breaches the individual's right to privacy and is regarded as unlawful. However, other permissible evidence could be requested which may take the form of a statutory declaration or deed poll for a change of name or if an employee has changed their legal gender, an amended birth certificate would suffice. A deed poll can be created for free online, please see Gendered Intelligence for more information:

<http://genderedintelligence.co.uk/projects/kip/transitioning/name/deedpoll>

No records should be changed without the permission of the employee concerned. Any records that hold personal details should be changed by the time the individual presents at work with their new identity. Records will include all of the systems that may contain names, titles and other personal identifiers such as photographs on the

website and intranet. The University will work with the employee to ensure that nothing is omitted.

Paper records will be updated where possible. Those which cannot be updated, for instance paper copies of references relating to the employee's recruitment will be stored confidentially in line with the requirements of data protection legislation.

If an employee receives a full GRC, they have the right to request that all reference to their previous gender and if applicable their previous name, is completely removed from their record.

Toilets and Changing Facilities

The University recognises that a trans person should have access to any single-sex facilities e.g. toilets and changing rooms according to the gender by which they identify. We appreciate that some trans people, including those who are non-binary prefer to use gender-neutral facilities. Gender-neutral toilets are available in some University buildings for colleagues that prefer to use these. Details of where these are can be found on the [Equality, Diversity and Inclusion web page](#). Gender-neutral changing rooms are available in the Sports Centre on level 2. If an action plan is created as part of an employee's transition, the employee may find it useful to agree with their manager when they wish to start using facilities appropriate to their gender identity and how this should be communicated to colleagues. A trans employee should not be required to use disabled toilet facilities, nor facilities that do not correlate with their gender identity.

Dress code

The University does not have a gendered dress code; colleagues are encouraged to dress as they feel comfortable in accordance with their gender identity.