

Gender Reassignment Policy

This policy forms part of our Trusts commitment to create a Positive culture of respect, dignity and equality of opportunity for all individuals including staff, patients, their families and carers as well as community partners.

| | | |
|---|-------------------------------------|--|
| Key Words: | Gender Reassignment, Discrimination | |
| Version: | 3 | |
| Adopted by: | Strategic Workforce Group | |
| Date Adopted: | 23 May 2018 | |
| Name of Author: | Equality Team | |
| Name of responsible Committee: | Workforce & Wellbeing Group | |
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| Target audience: | Managers and staff | |
| Type of Policy | | Non Clinical <i>e.g. HR or Education related</i> √ |
| Which Relevant CQC Fundamental Standards? | | |

Contents

| | Page No. |
|--|-----------------|
| Contents Page | 2 |
| Version Control and Summary of Changes | 3 |
| Equality Statement | 3 |
| Due Regard | 3 |
| Definitions that apply to this policy | 4 |
| 1.0. Purpose of the Policy | 5 |
| 2.0. Summary of the Policy | 5 |
| 3.0. Introduction | 5 |
| 4.0. Flowchart/Process Chart | 6 |
| 5.0. Duties within the Organisation | 6 |
| 6.0. Putting policy into action | 7 |
| 7.0. Support mechanism | 11 |
| 8.0. Training Needs | 11 |
| 9.0. Monitoring Compliance and Effectiveness | 12 |
| 10.0. Standards/Performance Indicators | 12 |
| 11.0. References and Bibliography | 13 |
| 12.0. Further Information | 13 |
| REFERENCES AND ASSOCIATED DOCUMENTATION | |
| Appendix 1 - Policy Training Requirements | 14 |
| Appendix 2 - NHS Constitution Checklist | 15 |
| Appendix 3 - Stakeholder and Consultation | 16 |
| Appendix 4 - Digital Barring System Checks | 17 |
| Appendix 5 - Due Regard Screening Template Statement | 18 |
| Appendix 6 - How to become: A Trans Ally Glossary | 20 |
| Appendix 7 - How to become: A Trans Ally | 21 |
| Appendix 8 – Privacy Impact Assessment | 22 |

Version Control and Summary of Changes

| Version number | Date | Comments (description change and amendments) |
|----------------|------------------|--|
| 1.0 | September 2011 | Joint Policy for Leicester, Leicestershire & Rutland Health Community (LPT, UHL & PCT's) |
| 1.1 | 20 February 2012 | Revised in context of LPT policy harmonisation process |
| 1.2 | 06 March 2012 | Revised aspects of policy (refer to induction and mandatory training, also linked policies')following consultation with HR Policy Group |
| 1.3 | 12 January 2017 | New person in role, Non binary and gender fluid definition, transition definition, add in 5.11, 511.1, 511.2, removal of CRB and added in DBS details and Pension link. Included Due Regard appendix 3 |
| 1.4 | 8 March 2018 | Included - How to become a trans ally Appendix 6 & 7 |
| 1.5 | 22 March 2018 | Included Appendix 8 – Privacy Impact Assessment |

For further information contact:

*Equality & Human Rights Coordinator
170 Penn Lloyd
County Hall
Glenfield*

Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all.

This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

In carrying out its functions, LPT must have due regard to the different needs of different protected equality groups in their area.

This applies to all the activities for which LPT is responsible, including policy development and review.

Due Regard

LPT must have **due regard** to the aims of eliminating discrimination and promoting equality when policies are being developed. Information about due regard can be

found on the Equality page on e-source and/or by contacting the LPT Equalities Team. **The Due Regard assessment template is Appendix 5 of this document.**

Definitions that apply to this Policy

| | |
|-----------------------------|--|
| Gender-dysphoria | An anxiety, uncertainty or persistently uncomfortable feelings experienced by an individual about their assigned gender which is in conflict with their internal gender identity. |
| Non-binary and gender-fluid | Some people that believe themselves to be non-binary or 'fluid' with regard to gender. The terms non-binary and gender-fluid are often used to describe persons who identify as male or female (or a combination of both) at different times or in different situations. Others may believe that they don't want to be identified by any gender, i.e. a gendered or gender neutral. |
| Gender | Gender is expressed in terms of masculinity and femininity. It is largely culturally determined and is assigned at birth based on the sex of the individual. It affects how people perceive themselves and how they expect others to behave |
| Trans | 'Trans' is an umbrella term used politically and collectively - it is generic and captures the variety of trans identities Without being limiting. Trans refers to a diverse and inclusive community of people ranging from part-time cross dressers to transsexual people who undergo gender reassignment Surgeries. |
| Sex | In this policy, sex refers to male or female, the biological sex that you were born with |
| Protected Characteristics | This policy is intended to protect employees and service users from unfair treatment, regardless of their background. Our definition of 'protected characteristics' is based on those set out in the Equality Act 2010. The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. |
| Due Regard | Having due regard for advancing equality involves: <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. |
| Transition | A transition is the process or journey of an individual from one perceived gender identity to another/others. It should be noted that there is no specific time scale for a transition. It neither has to be permanent or irreversible and the objective may change at any time. The process for transitioning can and often does take many years and may or may not involve some form of medical intervention or procedures. |

1.0. Purpose of the Policy

Leicestershire Partnership NHS Trust is committed to equality of opportunity, both in the provision of services and in its role as an employer. It is the organisation's intention that all staff, volunteers, applicants and members of the public have the right to be treated with fairness, dignity, respect and professionalism and those individuals with gender dysphoria and those who are undergoing or have undergone gender reassignment will receive the same respect and fairness in treatment as any other person.

This policy sets out how the Trusts will meet its duty and requirements under equality legislation.

The aim of this policy is to assist managers in supporting any staff member/s who are going through a transition process or journey. The individual transitioning may have either changed their gender identity before joining the organisation or, who are changing their gender identity whilst being employed by the Trust. Specifically the policy aims to:

- Ensure that transsexual people and individuals undergoing the gender reassignment process are treated with fairness and support in their recruitment and career development.
- Provide management guidance on the status of transsexual people undergoing the gender reassignment process.
- Detail the appropriate procedure to be followed when a transsexual person applies to the Trust following gender reassignment, or states that they are about to undergo the gender reassignment process whilst in the employment of the Trust.
- Explain what support should be provided to people undergoing gender reassignment.

2.0. Summary and Key Points

The Trust celebrates and values the diversity of its workforce. It aims to create an environment in which all staff feel equally welcome and valued, and in which transphobic behaviour is not tolerated. The Trust recognises that there can be differences between a person's anatomical gender and their gender identity/ expression. The Trust will not discriminate against people on the grounds of transvestism, transsexualism, intersex conditions or any process of gender reassignment, begun or complete. Where this policy refers to 'trans people', it has in mind people living with any of these identities. When it refers to 'gender identity', it covers both the fixed identity of people living in the gender of their birth and the more fluid identities of many Trans people.

3.0. Introduction

This policy applies to all employees, job applicants and volunteers employed by Leicestershire Partnership NHS Trust (LPT), hereafter referred to as the Trust.

This policy is applicable to recruitment including the advertising of jobs and

appointment to them, conditions of work, pay, learning and development and every other aspect of employment and should be read in conjunction with the Trusts [Equality Diversity and Human Rights Policy](#).

Breaches of this policy will be dealt with under one of the following Human Resources (HR) policies whichever is deemed most appropriate following advice from HR and if required support from the Equality Team:

- Disciplinary Policy and Procedure
- Grievance Policy and Procedure.
- Dignity at Work Policies

Cases of discrimination will be investigated in accordance with the Trust Disciplinary Policy and Procedure. If allegations of discrimination are proven, this may be considered as gross misconduct and may lead to summary dismissal.

4.0. Flowchart/Process Chart

This policy applies to all employees, job applicants and volunteers employed by Leicestershire Partnership NHS Trust (LPT), hereafter referred to as the Trust.

This policy is applicable to recruitment including the advertising of jobs and appointment to them, conditions of work, pay, learning and development and every other aspect of employment and should be read in conjunction with the Trusts [Equality Diversity and Human Rights Policy](#).

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- Dignity at Work Policies

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5.0. Duties within the Organisation

The organisation is responsible for ensuring that managers and employees receive appropriate training and guidance in respect of gender equality and in particular the application in Recruitment and Selection. Equality, Diversity and Human Rights are included in the induction training for all new staff. Training on recruitment and selection is available to all managers. The HR department is responsible for processing the records of existing and new employees and job applicants and taking follow-up action, based on this information, as required.

5.1 The Trust Board has a legal responsibility for Trust policies and for ensuring

that they are carried out effectively. The corporate responsibility for this policy lies with the Board and Executive Management Team.

The responsibility for managing gender equality lies with the Board through its Executive Directors and the relevant Equality Forums

5.2. Trust Board Sub-committees have the responsibility for ratifying policies and protocols.

5.3 Divisional Directors and Heads of Service are responsible for ensuring they have an awareness of this policy.

5.4 **Managers and Team Leaders will be Responsible for:**

Managers are role models for the behaviours required and must therefore behave according to the standards of fairness and equal treatment in the way that they recruit, communicate, manage performance, promote and maintain discipline.

They must identify problems and take action where they perceive it to be appropriate, maintaining good communication, listening carefully and investigating objectively. Managers are required to follow the Code of Conduct for NHS managers which came into effect on 9th October 2002 and any subsequent NHS requirements.

5.5 **Responsibility of Staff**

Every employee has a personal responsibility for their own behaviour and must treat their colleagues with respect and fairness. Failure to do may result in disciplinary action.

Staff should act at all times in accordance with their own professional Code of Conduct, Dignity at Work Policies/Bullying & Harassment Policy, or any other Codes of Practice operating within the Trust.

6.0 **Putting the Policy into Action**

When a member of staff considers embarking on gender reassignment they should inform either their line manager or Occupational Health directly, if they prefer. The line manager will then refer the member of staff to the appropriate Occupational Health Department.

Occupational Health will then undertake an initial assessment and obtain consent to write to the specialist practitioner involved in the member of staff's treatment requesting a full medical report. The transgender status of any employee must not be disclosed at any stage without the employees consent.

Following confirmation from the specialist practitioner that the member of staff is ready to undertake a trial period in the affirmed gender role the Occupational Health Department will inform the manager.

The manager will then seek the views of the member of staff on how they wish the process to be handled and the practicalities of working in the environment while

going through the 'real life experience' which will include:

- Informing colleagues and managers, the manager may take responsibility for this unless the member of staff would prefer to do this. The Trust will not inform colleagues, clients or the public that an employee is intending to undergo, or is undergoing gender reassignment without the employee's explicit agreement.
- If appropriate the line manager will seek advice from the Communications Team on dealing with any interest from the media.
- With regard to change of name, all staff should refer to the transsexual person by their new name and use pronouns appropriate to their affirmed gender.
- The use of changing and toilet facilities will be part of the discussion process with the member of staff undergoing gender reassignment. Agreeing the point at which the use of facilities should change from one sex to the other. An appropriate stage for using the facilities of the employee's new gender is likely to be the change of social gender.

Should there be any objections to this; the line manager might consider reserving one set of facilities for those who object to sharing facilities with the individual concerned. It is not good practice to allocate specific facilities for the individual undergoing gender reassignment. In particular, the individual should not be asked to use disabled facilities and it is not acceptable to expect any members of staff to accept this.

- It would not be acceptable to expect an individual undergoing gender reassignment to use facilities designated for use by those of their birth gender as their safety may be compromised due to the reaction of colleagues. Following gender reassignment, the individual should be fully supported in using all facilities appropriate to their acquired gender.

The authority to agree these elements is with the manager except in relation to duties. The decision to adjust duties during the gender reassignment process will be based on:

- Whether there is a genuine occupational qualification (GOQ) Appendix 2.
- If so, whether any change in duties is reasonable in all the circumstances.

The final decision with regard to change of duties will be made by the department head with advice from Human Resources, and as advised by the Occupational Health manager.

Transsexual people undergoing medical and surgical procedures related to gender reassignment may require time off from work. The organisation's policy of managing sickness absence and should be referred to for guidance. Managers should try to be as flexible as possible to meet reasonable requests for changes in shifts or working hours within the needs of the service and should refer to the [Sickness Absence Management Policy and Procedure](#).

6.1 Recruitment and Selection

It should not be expected that applicants and interviewees for employment would necessarily wish to disclose their transsexual status. Many have experienced

prejudice and harassment as a result of disclosure. It is not a question that should be asked at interview, as it is not a relevant criterion in selection.

There is no obligation for a transsexual person to disclose their status as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment and non-disclosure, or subsequent disclosure, are not grounds for dismissal.

Individuals involved in the recruitment and selection process that becomes aware of an applicant's transsexual status must maintain full confidentiality in relation to this issue as indicated in the legislation. Please refer to the Trusts [Recruitment and Selection policy](#) and section 12.1 below confidentiality.

6.2 Records

Records will only be changed when the appropriate deed certificates have been provided. Transsexual people can apply to the Gender Recognition Panel to seek full legal recognition. If successful a GRC is issued to the applicant unless the person is married. A married person may obtain an 'Interim Gender Recognition Certificate' until such time as their marriage is annulled. Managers and HR should ensure that all documentation held on the member of staff's file displays their legal gender. A transgender employee does not need to have a GRC after transitioning to be protected. Provided they have adopted their preferred gender role, they should be considered as such at all times.

6.3 References

If giving a reference for someone moving to a new job, a reference should be in the name which will be used in the new job and not disclose a former name. It may sometimes be necessary for a transsexual person to disclose a previous identity in order for references from past employers to be obtained. In these cases strict confidentiality and respect for dignity should be applied and information kept secure.

6.4 Safeguarding and DBS Checks

NHS staff who have contact with patients are required to apply for a DBS disclosure. See Appendix 4. This process does not weaken the effectiveness of the process in any way.

6.5 Birth Certificates

The person will be able to obtain a new birth certificate which will not disclose the fact that they changed gender.

6.6 Work Permits

Staff who are working in this organisation on a work permit or student visa are asked to comply with any work permit/visa regulations which may relate specifically to name change or gender reassignment in order that the work permit/visa continues to be valid.

6.7 National Insurance

Staff who change their name will need to inform the local social security office, providing the appropriate certificates and will pay NI contributions on the basis of their affirmed gender according to the GRC.

6.8 Pension

Please refer to link below for pension enquiries:

http://www.nhsbsa.nhs.uk/Documents/Pensions/Gender_recognition_V3_06.2015.pdf

6.9 Professional Registration

Staff who are professionally registered are advised to contact their professional bodies to find out whether there are any specific requirements in terms of name changes etc. If the employer has to keep evidence of professional status or qualifications, he or she should discuss with the member of staff how to retain such evidence on file so as not to compromise or breach disclosure of protected information.

6.10 Changes in Social Gender

At some point the member of staff will start to live full-time in the affirmed gender and name and other records will need to be changed formally. As part of this process the member of staff will decide the appropriate point when a form of dress and the use of single sex facilities will be adopted in accord with the new social gender. However, this change in social gender, whilst usually taking place during or after hormone therapy will sometimes occur years before the final surgical procedure, which for some members of staff this will never take place. These issues must be discussed fully with the member of staff.

6.11 Sharing Personal Information

It is illegal for staff to share information regarding someone's trans status unless there is specific agreement to do so by the trans person. If it is necessary for professionals to pass on someone's trans status to a third party then it is recommended that the trans person be asked to provide permission in writing (for clarity on this issue see <http://www.opsi.gov.uk/si/si2005/20050635.htm>).

6.12 Single Sex Facilities

There is a requirement to live as a member of the opposite sex before going through any surgical procedure, which includes using single sex facilities. The issue of when this will begin is something that needs to be decided by the individual and supported by the appointed advisor and those around them. This will involve open discussion, education and understanding. Trans people (like everyone else in Britain) can use toilets or changing facilities appropriate to their gender presentation with or without a Gender Recognition Certificate (usually it is acceptable to do this on the presentation of a letter from a GP or gender specialist confirming that the individual is undergoing gender reassignment with the intention of living permanently in the new gender).

7.0 Support Mechanisms

The list below shows just some of the options available to individuals who wish to seek support within the organisation during a gender transition period. This support must also include identifying individual support needs so as not to 'homogenise' trans people. This individual support may include diversity issues covering any if not all of the protected characteristics.

- **Human Resources** – an appointed advisor from within the Human Resources department should be identified at an early stage in order both to offer support and to deal with any changes that need to be made to an individual's post or personal records and to deal with any implications within the affected team. Any qualified Human Resources professional should have the necessary knowledge and awareness required to deal with such personal and sensitive issues. Support for the trans person or for HR staff can be sought from the Trusts Integrated Equality Services, LGBT Support Group.
- **Occupational Health** – a manager may wish to refer the individual to occupational health, or the individual may wish to refer him or herself for additional support and advice concerning any counselling needs or advice regarding the medical process of the transition. Managers may also need advice regarding the needs of the individual and on how to deal with changes that may need to be made within the team or work environment.
- **Trade Union Support** – Union Members may find it useful to contact their Trade Unions for advice and support. Please see appropriate Union websites for details.
- **External Organisations** – Refer to further information sources in section 16 below for a list of external organisations that can offer support and advice on gender transition issues in the workplace
- **Become a trans ally** – Refer to appendix 5 & 6 and each document will help guide staff on how to become an ally.
- **Spectrum** – LGBT&Q Staff support group

8.0. Training needs

There is a need for training identified within this policy. In accordance with the classification of training outlined in the Trust Learning and Development Strategy this training has been identified as Equality, diversity and human rights (core mandatory).

The course directory e-source link below will identify who the training applies to, delivery method, the update frequency, learning outcomes and a list of available dates to access the training.

A record of the event will be recorded on Ulearn.

The governance group responsible for monitoring the training is Workforce and OD.

Public authorities will need to consider providing specific training to ensure that all employees are aware of the gender equality duty, including the duty to eliminate discrimination and harassment on the grounds of gender reassignment, and how the duty impacts upon their jobs.

Training should be conducted in such a way so as to ensure that all staff are able to raise issues and concerns of their own, and it is paramount to ensure that they know what is expected of them. Training may be particularly important if any members of staff are transitioning.

When developing training programmes for staff, especially doing so in response to a member of staff or trainee transitioning, it is good practice to involve any transsexual staff/trainees in the planning and design phases, should they choose to be involved. Keep in mind that some transsexual staff/trainees may choose not to be publicly identified as such; when consulting, confidentiality is paramount, until they indicate that they are comfortable being “out”.

Delegates attending the Trusts Induction and Mandatory training sessions should be made aware of this policy in context of our overarching commitment to equality diversity and human rights in the workplace, service delivery and the wider community we serve.

9.0. Monitoring Compliance and Effectiveness

| Ref | Minimum Requirements | Evidence for Self-assessment | Process for Monitoring | Responsible Individual / Group | Frequency of monitoring |
|-----------|---|------------------------------|---|--------------------------------|-------------------------|
| Section 9 | Number of grievances (refer to section 9) | | Application of this policy to be consistently applied to all staff (new and existing) | Head of HR and OD | Monthly |

10.0. Standards/Performance Indicators

| TARGET/STANDARDS | KEY PERFORMANCE INDICATOR |
|--|--|
| Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards) | That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14 |

11.0. References and Bibliography

This policy was drafted with reference to the following:

- Trans – A practical guide for the NHS, Department of Health, October 2008
- Advice from the TUC on Trans right in the workplace, The Gender Trust
- Gender Reassignment Policy, NHS Surrey
- Guideline for Supporting Trans Staff and patients January 2012
- Transgender policy, Leicestershire fire and rescue service 2017

12.0 Further Information

The following references have been used in writing this document and can provide further information on the issues raised:

Leicester LGBT Centre - <http://leicesterlgbtcentre.org>

Leicester Chameleon Group – <http://www.leicesterchameleongroup.sm4.biz>

Press for Change - www.pfc.org.uk

www.dh.gov.uk

<http://www.transgenderzone.com>

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

www.acas.co.uk

<http://www.gendertrust.org.uk/www.menshealthforum.org.uk/>

www.equalityhumanrights.com

<https://www.unison.org.uk/content/uploads/2016/09/Transgender-workers-rights.pdf>

Unison Document: 'Bargaining for Transgender Workers' Rights' April 2007

<https://www.gires.org.uk/assets/DOH-Assets/pdf/doh-trans-practical-guide.pdf>Trans

A Practical Guide for the NHS (2008), Department of Health

Training Needs Analysis

| | |
|--|---|
| Training topic: | Equality, diversity and human rights - eLearning |
| Type of training: (see study leave policy) | <input checked="" type="checkbox"/> Mandatory (must be on mandatory training register) <input type="checkbox"/> Role specific <input type="checkbox"/> Personal development |
| Division(s) to which the training is applicable: | <input checked="" type="checkbox"/> Adult Mental Health & Learning Disability Services <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services <input checked="" type="checkbox"/> Families Young People Children <input checked="" type="checkbox"/> Hosted Services |
| Staff groups who require the training: | <i>Please specify...</i> <i>All staff</i> |
| Regularity of Update requirement: | Annually |
| Who is responsible for delivery of this training? | Equality and Learning and Development |
| Have resources been identified? | |
| Has a training plan been agreed? | |
| Where will completion of this training be recorded? | <input checked="" type="checkbox"/> ULearn <input type="checkbox"/> Other (please specify) |
| How is this training going to be monitored? | Staff training schedule |

The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

| | |
|--|--------------------------|
| Shape its services around the needs and preferences of individual patients, their families and their carers | ✓ |
| Respond to different needs of different sectors of the population | ✓ |
| Work continuously to improve quality services and to minimise errors | <input type="checkbox"/> |
| Support and value its staff | ✓ |
| Work together with others to ensure a seamless service for patients | <input type="checkbox"/> |
| Help keep people healthy and work to reduce health inequalities | ✓ |
| Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance | ✓ |

Stakeholders and Consultation

Key individuals involved in developing the document

| Name | Designation |
|---------------|-------------------------|
| Kartik Bhalla | Spectrum (LGBTQ+ chair) |
| Kathryn Burt | Deputy Director HR & OD |
| Staff side | |

Circulated to the following individuals for comment

| Name | Designation |
|------------------------|----------------------------|
| Spectrum staff support | Chair of Spectrum (LGBT+Q) |
| Kathryn Burt | Deputy Director of HR & OD |
| Staff side | |

Digital Barring System Checks

Previously named Criminal Records Bureau (CRB) checks are now replaced with Disclosure and Barring Service (DBS) checks.

We have two scenarios to help individuals/managers understand the new application process:

Scenario one

Individual happy to disclose previous names then can proceed through the normal electronic system. This will require the applicant to disclose previous names to the DBS as part of the application and these will be stated on the certificate that is issued.

Scenario two

If individual is not willing to provide previous names to Trust or does not want to disclose previous/current gender to us as employer, we would contact Atlantic Data to request a paper application form from Atlantic (Atlantic will be the counter signatory for the DBS check, not LPT).

The individual will be sent the form from Atlantic and complete it to send back to Atlantic with their current name/gender details. The individual will then need to call the DBS special application unit to provide the details they are not willing to provide to us as the DBS still need this information for the DBS check to be complete.

As the employer, we can ring Atlantic to check the individual has made this call to the DBS but we will not have any sight of the extra information disclosed by the applicant to the DBS.

This will result in a DBS being issued with just the applicant's current name on it so we will not be aware of any previous names/gender connotations that they carry with them.

In **scenario 2**, paper is used as:

- a) it means that the Trust/Atlantic as our agent do not ever see the previous names
- b) it makes the process slower so that the applicant has opportunity to contact the DBS to provide the further names before the check is run (in the electronic process the DBS check could potentially go through too quickly for there to be time for the applicant to speak to the DBS).

As a future development the DBS are reviewing introducing Mx as a title and a potential non binary gender status into the DBS process, but there is no ETA for this at the current time bar it being talked about as a development that will come into place this year.

Disclosures sent to the employee and their employer will not reveal the applicants former identity unless they have an offence or caution that has been recorded in that name in police records. In this case there is no way of avoiding the disclosure of that former identity to the employer. However, the organisation's policy for dealing with DBS applications and data should instruct staff on how to deal with this eventuality in a responsible manner if it occurs. This should include reassurances that will need to be given to the applicant/member of staff in the event that the offence itself is not serious enough to preclude employment.

Due Regard Screening Template

| Section 1 | |
|--|--|
| Name of activity/proposal | Gender reassignment policy |
| Date Screening commenced | |
| Directorate / Service carrying out the assessment | Enabling |
| Name and role of person undertaking this Due Regard (Equality Analysis) | Leona Knott |
| Give an overview of the aims, objectives and purpose of the proposal: | |
| AIMS: Leicestershire Partnership NHS Trust is committed to equality of opportunity, both in the provision of services and in its role as an employer. It is the organisation's intention that all staff, volunteers, applicants and members of the public have the right to be treated with fairness, dignity, respect and professionalism and those individuals with gender dysphoria and those who are undergoing or have undergone gender reassignment will receive the same respect and fairness in treatment as any other person. | |
| OBJECTIVES: <ul style="list-style-type: none"> • Link policy in with the Equality and Human Rights Policies • To provide managers and staff with a policy around 'Gender Reassignment Policy in the workplace' • Raise awareness to ensure staff and service users are not discriminated against in regards to their gender reassignment journey. Linking in with the Equality and Human Rights Act Policies. | |
| Section 2 | |
| Protected Characteristic | If the proposal/s have a positive or negative impact please give brief details |
| Age | Awareness of gender reassignment in context of the workplace |
| Disability | Awareness of gender reassignment in context of the workplace. Gender Dysphoria is a psychological condition, and can affect the mental health of people who believe they have been born in the wrong gender. The policy supports employees who are affected by this condition. |
| Gender reassignment | Equality of opportunity for this group be improved through this policy? |
| Marriage & Civil Partnership | Awareness of gender reassignment in context of the workplace |
| Pregnancy & Maternity | Awareness of gender reassignment in context of the workplace |
| Race | Awareness of gender reassignment in context of the workplace |
| Religion and Belief | Awareness of gender reassignment in context of the workplace |
| Sex | Awareness of gender reassignment in context of the workplace. Employees who change their gender will be supported and not discriminated against |
| Sexual Orientation | Awareness of gender reassignment in context of the workplace |

| | | | |
|---|--|----------------------------|---|
| Other equality groups? | Awareness of gender reassignment in context of the workplace | | |
| Section 3 | | | |
| Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below. | | | |
| Yes | | No | |
| High risk: Complete a full EIA starting click here to proceed to Part B | | Low risk: Go to Section 4. | ✓ |
| Section 4 | | | |
| If this proposal is low risk please give evidence or justification for how you reached this decision: | | | |
| <p>Trans people who qualify for protection from the Equality Act 2010 should expect employers and employees</p> <ul style="list-style-type: none"> • Not to discriminate against them • Not to harass trans people or create a hostile environment by using transphobic language (whether or not this is in the presence of a trans person) • Not to victimise a trans person who has made a complaint about a transphobic incident • Not to penalise a trans person who talks time off for treatment associated with gender reassignment • Not to compromise the privacy and dignity of trans people • To ensure that measures are in place to protect and assist a person who is undergoing transition and • Provide support including training for staff engaged in supporting anyone considering or undergoing transition • Reference to this policy will be made during induction and mandatory training provided by the Trust. <p>This policy will be continually reviewed to ensure any inequality of opportunity for service users, patients, carers and staff is eliminated wherever possible.</p> | | | |
| Signed by reviewer/assessor | <i>LKnott</i> | Date | |
| <i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i> | | | |
| Head of Service Signed | | Date | |

How to be: a trans ally

Glossary of terms

Ally

A (typically) straight and/or cisgender person who supports members of the LGBTQ+ community

Gender identity

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth. This may or may not correspond to the sex assigned at birth.

Non-binary

An umbrella term for a person who does not identify as only male or only female – or who may identify as both.

Sex

Assigned to a person on the bases of primary sexual characteristics (genitalia) and reproductive functions.

www.stonewall.org.uk/help-advice/glossary-terms

Cisgender

Someone whose gender identity is the same as the sex they were assigned at birth. A non trans person.

Gender dysphoria

A person with a mismatch between their sex assigned at birth and their gender identity. Also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.

Pronouns

Words we use to refer to people's gender in conversation – he or she. Some people may prefer others to refer to them in gender neutral language.

Transgender

People whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

The Human Rights Act 1998 protects the privacy and dignity of gender variant people which protects people from being misgendered. The Equality Act 2010 protects those who are intending to undergo, are undergoing or have undergone changes to reflect their gender identity against discrimination and harassment.



How to be:

a trans allyLeicestershire Partnership
NHS Trust

Transgender and non-binary people today still face disproportionately high rates of discrimination than any other community. Trans and non-binary people are among our colleagues, service-users, neighbours, family and friends. Becoming an ally is a step towards creating an inclusive and accepting culture for all at Leicestershire Partnership NHS Trust.

1 Call it out

Don't tolerate, or dismiss language, remarks or jokes that could be disrespectful and hurtful.

2 Respect pronouns

If you're not sure which pronouns someone uses (he, she), just ask. Try to use gender-inclusive terms when addressing a group.

3 Don't assume

Trans and non-binary people don't all look a certain way, and it may not be immediately obvious.

4 Respect privacy

If someone has shared their gender identity with you, keep it confidential.

5 Keep it appropriate

Do you really need to know about a trans person's genitals, sex life, or surgical status?

6 Listen to trans voices

Be respectful, kind, and keep your mind open to the experiences of trans people.

The Human Rights Act 1998 protects the privacy and dignity of gender variant people which protects people from being misgendered. The Equality Act 2010 protects those who are intending to undergo, are undergoing or have undergone changes to reflect their gender identity against discrimination and harassment.



Privacy Impact Assessment Screening Template

| | | | |
|--|---------------------------------------|-------------|--|
| <p>Privacy impact assessment (PIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet individual's expectations of privacy. The first step in the PIA process is identifying the need for an assessment.</p> <p>The following screening questions will help decide whether a PIA is necessary.</p> <p>Answering 'yes' to any of these questions is an indication that a PIA would be a useful exercise and requires senior management support, at this stage the Head of Data Privacy must be involved.</p> | | | |
| Name of Document: | Gender Reassignment | | |
| Completed by: | Leona Knott | | |
| Job title | Equality and Human Rights Coordinator | Date | 12th March 2018 |
| | | | Yes / No |
| <p>1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.</p> | | | Yes - Members of staff may wish to share their gender identity as a result of updating policy. This would be captured on ESR. |
| <p>2. Will the process described in the document compel individuals to provide information about themselves? This is information in excess of what is required to carry out the process described within the document.</p> | | | Yes - As above individuals may feel supported by workforce to enable them to share their personal details, again on ESR |
| <p>3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?</p> | | | Possible that information may be disclosed depending on each individual |
| <p>4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?</p> | | | No |
| <p>5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.</p> | | | No |
| <p>6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?</p> | | | No |
| <p>7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.</p> | | | Yes - Gender identity and delicate process if historical name change, meaning if individual is updating their current identity (can discuss) |
| <p>8. Will the process require you to contact individuals in ways which they may find intrusive?</p> | | | No |
| <p>If the answer to any of these questions is 'Yes' please contact the Head of Data Privacy Tel: 0116 2950997 Mobile: 07825 947786 Lpt-dataprivacy@leicspart.secure.nhs.uk</p> | | | |
| <p>In this case, adoption of a procedural document will not take place until approved by the Head of Data Privacy.</p> | | | |
| IG Manager approval name: | Sam Kirkland | | |
| Date of approval | 22 March 2018 | | |

Acknowledgement: Princess Alexandra Hospital NHS Trust