

Trans Employee Policy

This policy details the position the Trust takes in relation to Trans Employees and the responsibilities under the Gender Recognition Act (GRA) 2004, Sex Discrimination Act (SDA) 1975 and the Equality Act (2006 & 2010) in relation to Trust employees.

It also provides guidance on expectations of patients, carers and visitors within the Trust and what staff can do in relation to managing this.

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Version Control and Summary of Changes

Version Number	Date	Comments (description change and amendments)
1	July 2021	New Policy replacing Gender Reassignment Policy

For further information contact:

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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.

Due Regard

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and procedures and services are free from discrimination;
- LPT complies with current equality legislation;
- Due regard is given to equality in decision making and subsequent processes;
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 5) of this policy.

Definitions that apply to this Policy

Term used	Definition
Transgender	Refers to a broad range of people who experience and/or express their gender differently from what most people expect – either in terms of expressing a gender that does not match the sex listed on their original birth certificate (i.e. designated sex at birth), or physically changing their sex. Not all people who consider themselves (or who may be considered by others as) Transgender will undergo a gender Transition. – use unison definition
Non binary gender people	Those who identify outside of the gender binary of male or female and may include genderqueer, bi-gender, pangender, genderless, agender, neutrois, third gender and gender fluid people.
Gender Dysphoria	A person with gender dysphoria can experience anxiety, uncertainty, or uncomfortable feelings about the gender they were born with. They may feel that they have a gender identity that is different from their biological sex.
Ally	A (typically) straight and/or cis person who supports members of the LGBT community.
Cisgender or Cis	Someone whose gender identity is the same as the sex they were assigned at birth. Non-Trans is also used by some people.
Trans	An umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the Trans umbrella may describe themselves using one or more of a wide variety of terms.
Gender	Is the social meaning given to sex. A person's gender role reflects the duties, qualities, and expectations of society based on gender, which includes how we have learned to walk, look, act, dress, what job we choose, what first name we have and so on.
Gender Expression	Refers to all external characteristics and behaviours that are socially defined as either masculine or feminine, such as dress, mannerisms, and speech patterns.
Gender Identity	This is an individual's internal self-perception of their own gender. A person may identify as a man, as a woman or as having a non-binary gender.
Bi-gendered	A person who considers themselves to be both male and female at different times
Non-gendered	A person who does not identify with any gender
Gender Reassignment	Is the term used to describe Transitioning from one gender to the other. The process may involve different stages.

1.0. Purpose of the Policy

- 1.1. This policy provides guidance for the Trust's employees, line managers and Trans people on the expectations and other considerations that may be necessary to improve the experiences and opportunities of Trans people. Trans people are protected by legislative acts and where possible the Trust is committed to go above and beyond to protect employees on the grounds of gender identity and gender expression, to afford full protection to Trans employees.

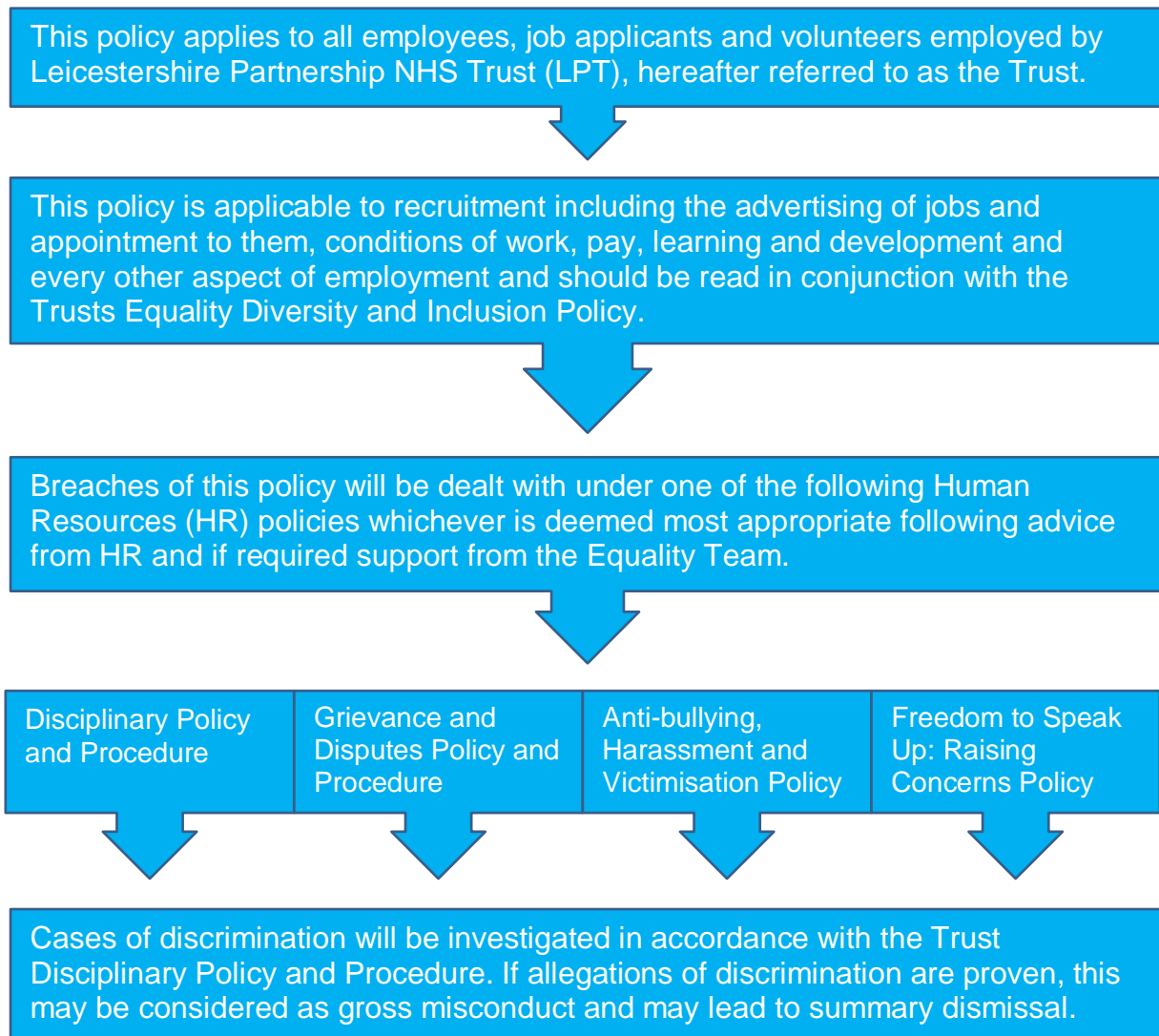
2.0. Summary and scope of policy

- 2.1. 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 sex and their gender identity/ expression. The Trust will not discriminate against people on the grounds of their transgender identity. Where this policy refers to 'trans people', it has in mind people living with any of these identities (including nonbinary). 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

- 3.1 The Purpose of this policy is to assist managers and Trans employees in LPT with practical information on workplace support and guidance and ensure that the provision for Trans employees is responsive to individual need, is prejudice free, and challenges any discrimination individuals may experience.
- 3.2 The Trust is committed to go beyond its legal duties to provide protection on the grounds of gender identity and gender expression. Trans people should be protected from discrimination and harassment at all times, not solely when they are Transitioning. Although the phrase 'gender reassignment' is used in the Equality Act 2010, it is now generally considered out-dated language. Both the Equality Act 2010 and the Gender Recognition Act 2004 are clear that gender reassignment need not involve any medical intervention. However, the phrase is widely misinterpreted to assume that it is a medical process, and this can feed myths and misunderstandings.
- 3.3 The Trust believes that Trans employees are entitled to be treated with dignity and respect and to be supported to perform their roles free from harassment, unfair discrimination and unnecessary barriers.
- 3.4 All staff should act in accordance to our Trust leadership behaviours for all and be able to evidence adherence in situations. A fundamental approach to developing our Leadership behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

4.0. Flowchart/process chart



5.0 Principles

5.1 As well as ensuring that Trans colleagues are fully supported, the Trust will demonstrate its commitment to Trans equality in the following ways:

- Ensuring that all training courses that are delivered, where appropriate, take into account the needs of Trans colleagues this includes both face-to-face training and e-learning;
- Marking important dates for the Trans community;
- Including Trans people in publicity and marketing materials;
- Ensuring that all forms and surveys are inclusive of Trans people, including non-binary people for both staff and clients;
- Including Trans equality as a core part of the organisation's equality agenda and objectives;
- Investigating fully all complaints of harassment or bullying, victimisation or discrimination on the grounds of gender identity, gender history, Trans identity or gender expression; and
- Monitoring the implementation of this policy.

6.0 Equality legislation

6.1 The Equality Act

The Equality Act 2010 (England, Scotland, and Wales) protects against discrimination because of gender reassignment in employment and service delivery. It bans direct and indirect discrimination and victimisation. The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the gender assigned at birth to the gender they would prefer.

- 6.2** People discriminated against because they are wrongly perceived to be Trans, or who are discriminated against because of their association with Trans people or issues are also protected.

6.3 The UK Gender Recognition Act

The UK Gender Recognition Act (GRA) enables people aged over eighteen to gain full legal recognition for the gender in which they live. Applications are considered the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate (GRC), they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender. Not all Trans people will obtain or seek to obtain a GRC. Employment rights do not depend on whether a person has a Gender Recognition Certificate. Employers should not ask for a person's GRC and it should never be a pre-condition for Transitioning at work. To make an application for a GRC, a person needs to show they have been living and working in that gender for at least two years.

- 6.4** The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender recognition, without the consent of the individual affected. 'Official duties' include employment, trade union representation, or supply of business or professional services. It is also an offence to pass on information relating to an individual's Trans history or identity as a Trans person without their consent, regardless of whether the individual has a GRC or not.

6.5 The Human Rights Act

Article 8 of the European Convention on Human Rights provides a "right to respect for one's "private and family life, his home and his correspondence", subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society".

- 6.6** Everyone has the right to respect for his private and family life, his home and his correspondence.
- 6.7** There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

6.8 Genuine Occupational Requirement

In the vast majority of cases, the gender of a worker 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, they will be redeployed into a suitable position.

7.0 Gender Transition

- 7.1** Trans people experiencing gender dysphoria, a recognized medical condition, often live for many years in the gender role that society expects of them until, finally, their distress becomes intolerable and they may undergo transition to live permanently according to the gender role that matches their gender identity.
- 7.2** Trans people are legally entitled to treatment on the NHS but may also choose to be treated privately. Whatever their choice in terms of treatment this is the point when they are most likely to make contact for the first time with their line manager regarding their transition.
- 7.3** In order to support the transition from one gender to another it is essential that line managers are supportive, sensitive and able to discuss with the person concerned how they want the process in relation to their continued employment to be handled. It is important to document any agreement and any discussions to ensure confidentiality and sensitivity are maintained. These should be recorded in staff personal files and not disclosed to any third party, unless the individual has given specific written permission to do so. It will be useful to establish a timeline of events to ensure appropriate support and timely interventions are actioned as agreed involving where appropriate Occupational Health, HR, Equality & Diversity Advisors and Staff Side. No action should be taken without the written consent and knowledge of the individual. Line managers may find it helpful to use the transition checklist/action plan attached as appendix 1 to this policy.
- 7.4** The process that a person goes through to present themselves permanently in their new gender may include, but is not limited to, a pathway of specialist psychiatric evaluation, hormone treatment, a period of real-life experience and sometimes reassignment surgery.
- 7.5** The process of diagnosis and treatment can take anything from a matter of months to a period of years. The initial diagnosis may be followed by a real-life experience which is usually supported by hormone therapy. The real-life experience is currently a prerequisite to obtaining a Gender Recognition Certificate and to obtaining gender reassignment surgery in the UK. Some people also choose other pathways including paying for procedures at private clinics e.g. breast reduction can be undertaken without hormone therapy.
- 7.6** If an employee states that, they are intending to Transition at work, their line manager, in conjunction with other appropriate colleagues, should aim to make this process as smooth as possible. Managers should be aware that it could be an extremely difficult step for someone to approach their manager about Transitioning. The Trust is committed to reassuring all staff that they will be supported and respected. The Transition process will be led by the individual concerned.

7.7 Throughout the transitioning period managers will need to meet regularly with the individual and agree a clear plan of action to consider the following issues: -

- Discuss the impact on their role now and following transition. It is not permitted to suggest a change in role as this will constitute discrimination. Every effort must be made to ensure that the individual can continue as before. However, some employees may themselves wish to suggest a temporary change of deployment – e.g. from a public-facing role to an alternative support role. Efforts should be made to accommodate this if requested but staff must never be pressured into such a move or denied the opportunity to move back when they feel ready
- Practical issues regarding the use of and access to facilities post transition
- Agreeing a procedure for adhering to any pre-required dress code
- The expected timescale of absence for the medical and surgical procedures and medical treatment they may choose to undergo
- Communication to colleagues and disclosure – who and when
- How to handle any potential problems confidentiality, disclosure
- Support available and who will provide this (including the LGBTQ+ (Spectrum) staff network “Spectrum”)
- Amending Records – paper and electronic, change of title and/or name.

7.8 Trans people undergoing medical and surgical procedures related to gender reassignment may require time off from work. Appointments may be required during normal working time. Typically, there can be a period of one or more years before the individual is accepted for reassignment surgery and the recovery time required for this will vary greatly from one week to around 12 weeks, depending on the nature of the surgery undertaken. There is no specific minimum or maximum time employers should grant to a person undergoing medical and/or surgical treatment related to their gender reassignment treatment. The service will show the same flexibility during this time as for someone undergoing any other significant operation.

7.9 Complications may arise as a result of medical treatment, resulting in prolonged incapacity for work. As with any other long-term illness the individual will be supported and monitored by Occupational Health, their GP and local management. If incapacity continues beyond normal expectations for the process undergone, consideration will be given to suitable redeployment for the Trans employee, retirement on medical grounds, or dismissal in the same way as any other person who becomes unfit for employment.

7.10 Managers would need to be able to show that they have explored all reasonable means to attempt to work around any aspects of shared staff facilities which would prevent a Trans person who has not undergone a complete gender reassignment process from sharing facilities with people of their acquired gender. Many of LPT’s facilities such as showers and toilets are gender neutral. However, where these are not available line-managers should liaise with Estates and Facilities and discuss how existing provision can be adapted to make them gender neutral. All future facilities will be refurbished to ensure they are gender neutral.

7.11 Trans people who have attained legal recognition must always be accommodated according to their acquired gender, regardless of their stage of treatment. Trans people who have not obtained legal recognition, but who have commenced permanent transition to their new gender, must never be required to use accommodation and facilities (including toileting and bathing facilities) intended for members of their birth gender.

7.12 In order to lawfully decide that a post is not open to someone who is in the process of

transition or has not obtained a Gender Recognition Certificate the exclusion must be shown to be objectively proportionate as a means of achieving a legitimate aim (e.g. accommodating staff in sleeping accommodation whilst maintaining their privacy, dignity and safety). An employer would need to show that there was no other way of accommodating a Trans employee alongside others within the available premises to achieve that goal. For these reasons it is advisable to assume by default that Trans people are eligible for jobs and for the recruiting manager to seek expert advice from HR or the EDI Service in any rare circumstances where you think otherwise. If you have professionally assessed that a GOR does apply to the post, it would be best practice to state that in the job description and person specification and include the reasons why.

- 7.13** Trans people are not under any obligation to identify themselves as such in applications, at interview or on recruitment – especially if they have received legal recognition. Therefore, by clearly stating the limited circumstances in which you have determined you would not be able to employ them, you offer the opportunity for such people to qualify themselves out. However, as stressed above, you must be able to show that you have genuinely explored ways to overcome the obstacle that engages the GOR and that you have exhausted every possibility. Doing this in a transparent and honest fashion is the best way of avoiding / defending possible claims of unlawful discrimination.
- 7.14** Unless the individual specifically asks for a change in role or work area this should not be discussed, unless, the role requires a GOR. Every possible effort must be made to ensure that the individual can continue in their role. This means making specific adjustments so that they can work in an environment that is inclusive and promotes mutual respect.
- 7.15** There is no general need or obligation to inform colleagues, clients or the public that a person is undertaking gender reassignment. Such information may be considered appropriate where the relationship with that individual was established prior to their change of gender and is to continue. In such a case an explanation may be considered necessary, however the manager should discuss and agree with the Trans person if and how the information should be given (please also refer to the checklist action plan attached as appendix 1).
- 7.16** Any deliberate or inappropriate release of confidential information resulting in a Trans member of staff being identified against their stated wish, whether internally or externally, will be regarded as gross misconduct and subject to appropriate disciplinary action.
- 7.17** It is recommended that the Trans person takes the lead in informing those who need to know, and the individual should be assisted in deciding how this is to be done. In some circumstances the Trans person may choose to make a personal disclosure to colleagues. In this case the HR Representative, Line Manager (if they are already aware of the situation) will need to know when the disclosure is to take place and the depth of the disclosure so they can agree and provide the appropriate support for both the individual and the wider team.
- 7.18** The Line-manager will ensure that education takes place on two levels: general information about gender change and a specific briefing to outline the details of the person involved. Both the individual and the manager(s) should be provided with information on the process to ensure there is a mutual understanding about what needs to be done. At the point of public change in gender, it is common for Trans people to

take annual leave and then return in their new name and gender role. This may be a useful opportunity to brief staff ready for their return.

7.19 If a uniform is in place for the role, managers will ensure that the Trans employee has access to the uniform that best matches with their gender identity and/or gender expression. Some Trans employees, including non-binary employees, may need access to both the male and female uniforms. Managers will be flexible, and will support the preferences of the Trans person wherever possible. Trans staff have the right to comply with any dress codes in a way that reflects their gender identity and gender expression. In circumstances where an individual may need two uniforms (male and female) the ID badge will need to reflect the gender identities assumed by the employee (please refer to paragraph 9.7 below).

7.20 The Trust recognises that Trans people are not only gender variant, but may also be people of ethnicity, be lesbian, gay or bisexual, of different ability, age etc. and that they may hold beliefs about religion and the world in the same way as anyone else. They may also face oppression because of any one or more of these factors

8.0. Record Keeping

8.1 Employees with a legal change of name and/or gender marker should notify HR. At the point when the person makes their transition public all documents, public references (such as telephone directories, e-mail accounts, circulation lists, rotas, Electronic Staff Records) and employment details should be amended to reflect the acquired gender of the person. It should also be undertaken following discussions with the person and their manager and HR.

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

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

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

8.5 Once a person has obtained a Gender Recognition Certificate there must be no disclosure of this information without the express written permission of the individual. As previously stated this constitutes a criminal act, subject to a maximum £5,000 fine.

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

8.7 Electronic records will be updated in a timely manner, to coincide with the date on which the workplace Transition begins. Care will be taken to ensure that records do not link

back to the former name; this may entail creating a completely new email address rather than simply changing the name on the existing one, for instance. The manager and employee will work together to ensure that nothing is missed. New ID badges (and any other identification documentation) with the correct name and a new photograph will be issued, without any replacement cost to the Trans employee. Paper records will be updated where possible. Those, which cannot be, updated for instance, paper copies of references relating to the employee's recruitment or documents referencing the Trans employees' previous details will be kept in a confidential envelope on the individuals file clearly marked as only to be looked at by named persons.

9.0. Disclosure and Barring Service (DBS Checks)

- 9.1.** Where a post is subject to a Disclosure and Barring Service Check, the DBS process requires documentation of an individual's identity to be verified. Because this process would essentially disclose an individual's gender, the bureau has now devised a process which allows Trans people to pass their details onto the DBS without first revealing them to the employer.
- 9.2** The DBS has a separate application procedure, which allows Trans applicants to exclude previous names from the Disclosure Application Form. Applicants however will still be required to send details of their previous identity in a separate letter directly to the 'Sensitive Casework Manager' within the DBS. The DBS will then check the data sources held against both current and previous names. This avoids the need for disclosure about gender history or former name to the employer or voluntary body at the application stage but allows the DBS to carry out the requisite checks against any previously held identities.
- 9.3** It should be noted that where a conviction or (in Enhanced Disclosure cases) other relevant information has been recorded in a previous name, this will be revealed on the Disclosure and as such details of any previous identity may be revealed. Where there are no convictions recorded, the details of any previous names that have been provided directly to the DBS will not be revealed on the Disclosure.
- 9.4** Trans applicants wishing to take advantage of this separate procedure should contact the DBS for further details.
- 9.5** If an applicant does not have a Gender Recognition Certificate, the DBS advise to still contact the DBS's Sensitive Applications Team who will monitor the application. For further information, please visit the applicant section of the DBS website www.homeoffice.gov.uk/dbs. Anyone wishing to use the process may contact the DBS Sensitive Applications Team directly on 0151 676 1452. Alternatively, the DBS have a dedicated email address for enquiries regarding transgender applications: sensitive@dbs.gsi.gov.uk. It should be understood that withdrawal of a DBS check is likely to result in the applicant no longer being able to be appointed, as not all necessary checks will have been completed.

10.0 Duties within the Organisation/Key Duties

- 10.1** The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.

10.2 The Trust Policy Committee is mandated on behalf of the Trust Board to adopt policies

10.3 The Equality, Diversity and Inclusion (EDI) workforce Group have the responsibility for this policy.

10.4 Divisional Directors and Heads of Service are responsible for:

- Ensuring that line managers adhere to this policy and procedure
- Ensure that all line managers and colleagues attend any training as required
- Ensure that they and others implement this policy in line with the Trust's Behaviours Framework.

10.5 Managers and Team leaders are responsible for:

- Ensuring that all staff are aware of this policy and attend any relevant training;
- Challenging staff who discriminate and ensuring that the relevant procedures are followed;
- Supporting their staff to challenge discrimination from patients or the public;
- Agreeing a plan with a staff member who is proposing to Transition to ensure that they are supported throughout the process;
- Supporting the employee in any way that is necessary and appropriate;
- Ensuring that colleagues are informed about the employee's Transition, this should be led by the employee.

10.6 Responsibility of Staff

- Engaging with managers and HR around the logistics of Transitioning in the workplace;
- Reporting any instances of harassment or bullying, victimisation or discrimination.

11.0. 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 role development training.

12.0. Dissemination and Implementation

12.1 This policy will be communicated through the EDI Workforce Group and the Spectrum Staff Support Network.

12.2 The policy will also be available on the Trust website and communicated through the staff newsletter.

12.3 Implementation of the policy will be carried out through appropriate training and communication.

13.0 Monitoring Compliance and Effectiveness - complete the template below

Ref	Minimum Requirements	Evidence for Self-assessment	Process for Monitoring	Responsible Individual / Group	Frequency of monitoring
	Ensuring line manager is aware of employee wishing to transition	Completion of transition checklist (appendix 1)	Completion of checklist	Line manager	Monthly

14.0 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

15.0. References and Bibliography

The policy was drafted with reference to the following:

- Trans, A practical guide for the NHS - This is recommended reading for more detailed information and guidance, in particular Chapter 6: Employing and Retaining Trans People.
- Press For Change
- Gendys Network
- Gender Trust
- TransBareAll
- Christine Burns MBE, Plain Sense.

Appendix 1

Checklist / Action Plan for Transition

The Trans employee and their manager might find it helpful to put in place an action plan, or to agree a checklist to clarify the actions that will be taken over the course of the employee's Transition, dates by which these will be done, and the person who will take responsibility.

Please see use the table below to document your journey, the table can be modified to suit the individual's needs. This information should be treated as confidential unless both employee and line-manager agree to share the contents and agreed actions with other colleagues. This should be made clear in the action plan.

Employee Name:	Supporting Managers Name:
What date does the employee plan to start their transition?	
What will the employees name and title be following transition? What pronouns will be used?	
Are there any temporary or permanent changes / adjustments to the role, which should be considered to support the employee? (considerations should include security aspects such as lone working and night working)	
Will time off be required? If so, how will this be managed? (flexible working options should be considered)	
If applicable, how will single sex working arrangements be managed?	
When and how should colleagues be informed of the transition?	
Is there any guidance material, which the employee wishes to share with managers and colleagues?	
If the employee encounters any unacceptable behaviour towards them from colleagues, patients, visitors or others who should this be reported to?	
Are there any actions not covered above that the employee wishes to include?	
Is there an agreed date for when this checklist will be disposed of in line with the requirements of the Data Protection Act and GDPR?	
Actions Agreed:	
Date of Review Meeting:	
Manager (sign and date)	
Employee (sign and date)	

Who needs to be informed of your Transition?

	Who will tell them?	When?	Date completed
Senior Manager			
Line Manager			
HR Representative			
Team members			
Other colleagues			
Any others (please specify)			

Changes to records – name and pronouns will need to be in several areas:

	Who will do this?	When?	Date completed
HR records (including ESR, personal files, Health roster, Occupational Health etc.)			
Personal file and related data			
Name badge / ID badge			
Email			
IT systems			
Website (if applicable)			
Voicemail			
Union membership			
Pension scheme			
Any lease / hire schemes			
Certificates/Awards			
Other:			

Details of meetings:

Date	Comments	Actions	Date of next meeting	Signatures: Supporting manager / employee

Appendix 2

Training Requirements

Training topic:	Transgender training
Type of training: (see study leave policy)	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input type="checkbox"/> Role specific <input checked="" type="checkbox"/> Personal development
Directorate (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:	N/A
Regularity of Update requirement:	Once every three years
Who is responsible for delivery of this training?	The EDI Service
Have resources been identified?	No
Has a training plan been agreed?	No
Where will completion of this training be recorded?	<input type="checkbox"/> ULearn <input checked="" type="checkbox"/> Other (please specify)
How is this training going to be monitored?	The EDI Service will keep a log of training delivered and attendance records.

Appendix 3

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

Appendix 4

Stakeholders and Consultation

Key individuals involved in developing the document

Name	Designation
Haseeb Ahmad	Equalities Lead

Circulated to the following individuals for comment

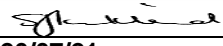
Name
Directors / Heads of Service and Direct Reports
Operational HR Team
Equalities Team
Staffside
Equality, Diversity & Inclusion Group

Due Regard Screening Template

Section 1			
Name of activity/proposal		Revised Transgender Policy	
Date Screening commenced		31 st March 2021	
Directorate / Service carrying out the assessment		HR/EDI Service	
Name and role of person undertaking this Due Regard (Equality Analysis)		Haseeb Ahmad, Head of EDI	
Give an overview of the aims, objectives and purpose of the proposal:			
AIMS: The Transgender employee policy is being revised as it is three years out of date, and requires a refresh.			
OBJECTIVES: To develop a Transgender policy for employees that is current and fit for purpose.			
Section 2			
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details		
Age	N/A		
Disability	N/A		
Gender reassignment	Positive impact as this policy ensures that the Trust is both legally compliant with the most current legislation and ensures that employees who are Trans are treated with the upmost dignity and respect throughout the transitioning period and beyond.		
Marriage & Civil Partnership	N/A		
Pregnancy & Maternity	N/A		
Race	N/A		
Religion and Belief	N/A		
Sex	N/A		
Sexual Orientation	N/A		
Other equality groups?	N/A		
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 <input checked="" type="checkbox"/>	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4. <input checked="" type="checkbox"/>	
Section 4			
If this proposal is low risk please give evidence or justification for how you reached this decision:			
The Trust has had a Gender Reassignment Policy in place for three years at least. It has an LGBT Staff Network and employs Trans staff. The current policy involved the engagement of staff in its development and likewise this policy will be developed hand in hand with Trans staff and where appropriate, members of the community.			
Signed by reviewer/assessor		Haseeb Ahmad	Date July 2021
Sign off that this proposal is low risk and does not require a full Equality Analysis			
Head of Service Signed		Kathryn Burt	Date July 2021

Appendix 6

DATA PRIVACY IMPACT ASSESSMENT SCREENING

<p>Data Privacy impact assessment (DPIAs) 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.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
Name of Document:	Trans Employee Policy	
Completed by:	Haseeb Ahmad	
Job title	Head of EDI	Date 31 st March 2021
Screening Questions	Yes / No	Explanatory Note
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.	No	The same mechanisms deployed to ascertain the gender reassignment status of employees currently in place remain unchanged.
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
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?	No	
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?	No	
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.	No	
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?	No	
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.	No	
8. Will the process require you to contact individuals in ways which they may find intrusive?	No	
<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt-dataprivacy@leicspart.secure.nhs.uk</p> <p>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>		
Data Privacy approval name:	Sam Kirkland, Head of Data Privacy 	
Date of approval	26/07/21	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust