



Freedom of Information Team
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Name:
Email:
Date: 19/07/2023
Ref: 23-24 197

Dear

RE: Freedom of Information request

Thank you for your request for information under the Freedom of Information Act 2000, which was received by the Trust on 28/06/2023. Please see responses to your requests below.

1. Does your trust have a general policy on the care of transgender patients or guidelines for supporting trans staff and patients? If so, please supply a copy

Yes, please see the attachment to this letter.

2. Does your trust have a specific policy on maternity/pregnancy for trans and non-binary patients? If so, please supply a copy.

There is no specific policy for maternity however reference to trans men and non-binary people using maternity services is referenced in the Trust policy, see attached. The maternity service is in the process of updating the language in maternity guidelines and patient information as part of the review an update process, to ensure inclusivity.

3. Does your trust record patients' biological sex, self-described gender identity or both?

The Trust's Patient Administration System (PAS) does have the capability to record both biological sex and self-described gender identity, however currently we only capture the biological sex of the patient. There are ongoing discussions between IT, NHS Digital and software suppliers but there is no clear timeframe for capturing this requirement yet.

4. Does your trust follow Annex B of NHS same-sex accommodation guidance, which states that a trans patient can be placed in an opposite sex ward?

Yes, in the Trust's Delivering Single Sex Accommodation policy there is a section for delivering same sex accommodation for Trans people and Gender variant children which is compliant with Annex B of the NHS same sex accommodation guidance.

Please accept this letter as completion of your request. Please note that copies of this request will be held on file for three years before being confidentially destroyed.

If you are dissatisfied with the outcome of your request, please contact our Head of Information Governance on Information.Governance@porthosp.nhs.uk or write to the above address and we will

conduct an internal review. Upon review, if you are still dissatisfied, you may appeal our decision by contacting the Information Commissioner's Office; for more information, please visit the [ICO's website](#).

Please be aware, if we do not receive an appeal within 30 days of you receiving this letter, we will assume that you are satisfied with our response. If you have any further queries, please do not hesitate to contact us.

Yours sincerely

Freedom of Information Team



Working together
for Patients



Working together
with Compassion



Working together
as One Team



Working together
Always Improving

TRANS SUPPORT POLICY FOR STAFF

**Portsmouth Hospitals University NHS Trust procedural documents are only valid if viewed on the intranet.
Please visit the intranet for the latest version.**

Version	2
Sub-committee approval group	Policy Group
Document Manager (job title)	Equality, Diversity and Inclusion Lead
Date ratified	06 September 2022
Date issued	29 September 2022
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Electronic location	Management Policies
Related Procedural Documents	Equality, Diversity and Inclusion Policy Prevention of Bullying and Harassment Policy Attendance Management Policy Annual Leave and Planned Absences Policy
Key Words (to aid with searching)	Trans, Transition, Non-Binary, Equality, Diversity, Inclusion, Discrimination

Summary

The policy will provide a framework for managers to support staff who identify with a gender other than that assigned at birth.

It also provides guidance to managers and colleagues on how best to support individuals who are transitioning or who have transitioned.

This policy ensures that the provision for trans, non-binary and gender non-conforming individuals is responsive to individual needs; is prejudice free and challenges the discrimination individuals may experience.

Version tracking

Version	Date Ratified	Brief Summary of Changes	Author
2	06.09.2022	<ul style="list-style-type: none"> Policy in new template Inclusion of those who identify as non-binary Expansion of the umbrella term 'trans' 	Equality, Diversity and Inclusion Lead

Version tracking			
Version	Date Ratified	Brief Summary of Changes	Author
		<ul style="list-style-type: none"> Statement on zero tolerance added re. transphobic behaviour, bullying and harassment Introduction of FAQ's (Appendix D) 	

Trans Support Policy for Staff

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Trans Support Policy for Staff

PROCESS

For quick reference the guide below is a summary of actions required. Additional details, by exception to cover any additional notes that supplement the quick reference guide can be found in Section 3 – Process.

1. This policy ensures that the provision for trans, non-binary and gender non-conforming individuals is responsive to individual needs; is prejudice free and challenges the discrimination individuals may experience.
2. All staff will be treated in accordance with the gender they identify as for all purposes of daily living from the point they commence living and working in their acquired gender.
3. The Equality Act 2010 makes it unlawful to discriminate against or treat someone unfairly because of gender reassignment.
4. There is a broad range of terminology when it comes to describing trans individuals. It is important to recognise that language changes and evolves as understanding and perceptions change, and that different communities will adopt different terms and usage.
5. There is no barrier to an individual who identifies as trans from applying for employment within Portsmouth Hospitals University NHS Trust. Applicants do not have to disclose their medical information relating to their transition during the recruitment and selection process including at interview, or as any condition of employment.
6. All personnel records must be updated at the start of the transition process. The line manager should also ensure that all information held in telephone directories, email address and employment details reflect the acquired gender identity of the individual.
7. Once an employee has decided to transition, appropriate support will be provided to the individual. The line manager advised by a member of the Operational HR team will act as a contact for the individual in question and action any reasonable adjustments. It is essential for the Trust to develop a Memorandum of Understanding (see Appendix B) with the employee to detail when, where and how support will be provided.
8. As per the Trust's Attendance Management Policy, any absence from work for medical requirements, physical or mental, would need to be covered by a Self-Certificate and/or 'Statement of Fitness for Work'. Any additional leave for specialist appointments would be classed the same as other hospital/GP appointments in accordance with the trust's Annual Leave and Planned Absences policy.
9. Individuals can use toilets or changing facilities they are comfortable using with or without a Gender Recognition Certificate.
10. Any form of bullying, harassment or inappropriate behaviour which causes offence, whether intentional or not, will be treated very seriously. We have zero tolerance to any transphobic behaviour or harassment, bullying or discrimination on the grounds of gender identity or gender expression. Examples of this could be misgendering and denial of using an individual's correct pronouns and/or name.

Trans Support Policy for Staff

1. INTRODUCTION

At Portsmouth Hospitals University NHS Trust, we celebrate and value the diversity of you all. We're committed to ensuring that anyone who is trans, non-binary and gender non-conforming are respected and valued. We have zero tolerance to any transphobic behaviour or harassment, bullying or discrimination on the grounds of gender identity or gender expression.

This document outlines transitioning at work and the process that should be followed to manage any changes that may be required within the workplace. It also provides guidance to managers and colleagues on how best to support individuals who are transitioning or who have transitioned.

Where this document uses the term "trans", this is meant as an umbrella term, including non-binary and gender non-conforming individuals, to refer to a broad range of individuals who have a gender identity that differs from what is typically associated with the sex they were assigned at birth. Appendix C provides guidance on some of the most commonly used terms relating to trans communities.

Please be conscious that language is constantly evolving and how an individual chooses to describe themselves should always be respected. If you are unsure how to address a colleague, it is always best to ask them rather than to assume. Using inappropriate language and terminology can cause offence and distress and undermine our attempts to create an inclusive workplace for all individuals.

Non-binary and gender non-conforming individuals may or may not identify as trans.

Accommodating Gender Transition in the Workplace

The Trust is committed to supporting all its employees with regard to personal circumstances that may impact on work.

1.1 PURPOSE

The policy will provide a framework for managers to support staff who identify with a gender other than that assigned at birth.

This policy applies to all those working within the Trust. A failure to comply with the requirements of the policy may result in investigation and management action being taken as considered appropriate.

All staff will be treated in the gender they identify as for all purposes of daily living from the point they commence living and working in their acquired gender identity.

All employees must observe the privacy of trans, non-binary and gender non-conforming individuals afforded by the Gender Recognition Act. Breaches of confidentiality will be treated in accordance with the Trust's Disciplinary Procedure.

2. SCOPE

All Trust staff (including permanent, locum, secondee, students, agency, bank and voluntary), the Ministry of Defence Hospital Unit, Joint Hospitals Group South (Portsmouth) and Retention of Employment (ROE) staff must follow the policies agreed by the Trust. Breaches of adherence to Trust policy may have potential contractual consequences for the employee.

In the event of an infection outbreak, pandemic or major incident, the Trust recognises that it may not be possible to adhere to all aspects of this document. In such circumstances, staff should take advice from their manager and all possible action must be taken to maintain ongoing patient and staff safety.

Trans Support Policy for Staff

The Trust is committed to promoting a culture founded on the values and behaviours which will bring us closer to achieving our vision of working together to drive excellence in care for our patients and communities. All staff are expected to uphold the Trust Values of **Working Together: For Patients, With Compassion, As One Team, Always Improving** and all leaders are expected to display and role model the behaviours outlined in the Trusts **Leadership Behaviours Model**

This policy should be read and implemented with the Trust Values and Leadership Behaviours in mind at all times.

3. PROCESS

3.1 Transitioning

We will support any employee who wishes to transition or who has transitioned in the past. Transitioning is a term used to describe the steps someone takes in order to live in their true identity.

3.1.1 What does transitioning involve?

Each person's transition process will be different and may consist of a number of different social, medical and/or legal steps. These may include, but not exhaustive:

- Dressing differently
- A change of name and/or pronouns
- Changing documents such as credit cards, utility bills and employment records
- Undergoing hormone replacement therapy, speech therapy and/or surgeries
- Gaining legal recognition of their affirmed gender as set out in the Gender Recognition Act 2004

3.2 Gender Transition

Once an employee has decided to transition, appropriate support will be provided to the individual. The line manager advised by a member of the Operational HR team will act as a contact for the individual concerned and action any reasonable adjustments.

It is essential for the Trust to develop a Memorandum of Understanding (see Appendix B) with the employee to detail when, where and how support will be provided. This should include a conversation with the individual regarding how they wish to handle the transition.

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.

All documents should be held in the employee's personal HR file and not disclosed to any third party, unless the individual has given specific written permission to do so. No action should be taken without the written consent and knowledge of the individual.

3.3 Time Off Work

As per the Trust's Attendance Management Policy, any absence from work for medical requirements, physical or mental, would need to be covered by a Self-Certificate and/or 'Statement of Fitness for Work'. Any additional leave for specialist appointments would be classed the same as other hospital/GP appointments in accordance with the Trust's Annual Leave and Planned Absences policy.

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3.4 Recruitment and Selection

There is no barrier to individuals who identify as trans, non-binary, or gender non-conforming from applying for employment within Portsmouth Hospitals University NHS Trust. All those involved in the recruitment and selection process have access to training to ensure that they are aware of their responsibilities to select fairly and without prejudice.

3.5 Uniform and Dress Code

Whether a uniform is worn or not, our code for this is not gendered and open to all staff to choose whichever is appropriate clothing for themselves, as long as this adheres to the standards set out.

3.6 Single Sex Facilities

The Trust will ensure that trans individuals are accepted and treated at all times as the gender in which they present. All individuals can use toilets or changing facilities they are comfortable using with or without a Gender Recognition Certificate.

3.7 Confidentiality

Where applicable, electronic records will be updated in a timely manner based on the date decided in your action plan. This may be your first day in the office in your affirmed gender. All reasonable steps will be taken to ensure that records do not link back to your former name, where applicable. Paper records will also be updated where possible. Those which cannot be updated will be stored securely and marked only to be viewed by a limited number of named individuals.

There may be some circumstances when other individuals in the Trust need to be notified of your transition in order to make changes to records. In this circumstance, your consent will be obtained to disclose this, and the information will be restricted to only those who need to know.

In a small number of cases, it may be necessary for some records (e.g. with regards to pensions and insurance) to retain reference to your sex assigned at birth. Access to any such records will be restricted only to staff who require such details to perform their specific duties.

Information will not be disclosed to any third parties without your consent, for example when responding to any reference or tenancy requests.

3.7.1 Confidentiality within the Recruitment and Selection Process

Applicants do not have to disclose their trans status during the recruitment and selection process including at interview, or as any condition of employment.

If applicants choose to disclose their trans status this must not be used as a reason for not offering the individual employment with the Trust and non-disclosure or subsequent disclosure are not grounds for

3.7.2 Data Protection Act 2018

Under the Data Protection Act, an individual's gender identity and issues relating to gender reassignment would constitute 'sensitive personal data' for the purposes of the legislation. It can only be processed for certain specified reasons set out in the Act.

3.7.3 Sharing Personal Information

Under Section 22 of the Gender Recognition Act 2004 it is illegal for staff to share information regarding an individual's trans status. The Gender Recognition Act states that 'It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person unless':

Trans Support Policy for Staff

- There is specific agreement to do so by the trans individual.
- If it is necessary for professionals to know an individual's trans status, then it is recommended that the individual is asked to provide permission in writing.
- The Secretary of State may by order make provision prescribing circumstances in which the disclosure of protected information is not to constitute an offence under this section.

(For clarity on this issue see legislation.gov.uk Section 22 of the Gender Recognition Act 2004).

3.7.4 Records and Information Sharing

All personnel records must be updated at the start of the transition process. At this point, the member of staff will be able to apply for a driving license and passport in their new acquired gender.

A new personnel file will be created to ensure confidentiality. It will be necessary to retain records relating to a member of staff's identity at birth prior to obtaining a full Gender Recognition Certificate (see the Gender Recognition Act 2004); however, once the member of staff has obtained this, such records must be replaced with the new details. The old personnel file will not be destroyed but access to this will be restricted to the Employee Resourcing Manager.

The line manager should also ensure that all information held in telephone directories, email address and employment details reflect the acquired gender of the person.

If giving a reference, the reference should be in the name which will be used in the new job and must not disclose a former name. It may sometimes be necessary for a trans individual 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.

Those 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. Where the Trust has to keep evidence of professional status or qualifications, it should be discussed with the member of staff how this information will be retained so as not to compromise or breach disclosure of protected information. In some instances, certificates can be re-issued with the new chosen name of the trans individual.

A person who has changed their gender role and is living in their acquired gender role does not have to be in possession of a GRC to be afforded equal treatment to a person who is in possession of a GRC.

3.8 Disclosure & Barring Service (DBS) (formerly Criminal Records Bureau) Checks

Staff who work in the NHS may be required to have a DBS check dependent on their job role. Part of this process involves a strict requirement for applicants to state all previous names and aliases. DBS checks however should not be a problem for trans individuals.

The DBS has a confidential checking process for trans applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for DBS disclosure. Should this be the case the applicant must follow the process below:

The applicant may wish to contact DBS customer services to discuss this matter in confidence:

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- Trans applicants can contact the DBS confidential checking service on 0151 676 1452 or email sensitive@db.s.gsi.gov.uk prior to completing the disclosure. They can clarify anything they are not sure about, ensure that the DBS know they will be using the confidential checking process and confirm the current process.
- The trans applicant should complete the electronic form presented by their employer in the normal way, except that they need not complete details (or supply forms of evidence) that would expose their gender history to their employer.
- If they wish to leave out details that could “out” them then they should make a note of the application serial number.
- The applicant should then immediately contact the DBS in Liverpool on the number above and notify them of the application serial number.
- The special security section of the DBS in Liverpool then have the means to intercept the application that was forwarded by the employer. They will ask the applicant to supply the information needed to replace that which was omitted.
- This is then married up so that a rigorous criminal records check can be carried out in the same way as for any other applicant.
- Disclosures sent to the employee and employer will not reveal the applicant’s 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.
- If the offence itself is not serious enough to preclude employment, reassurances should be given to the applicant /member of staff in this event.

3.9 Bullying, Harassment and Discrimination

Portsmouth Hospitals University NHS Trust is committed to creating a working environment where every employee is treated with dignity and respect and where each person’s individuality and sense of self-worth is maintained. All members of staff have the right to be treated with dignity and respect regardless of their gender identity and gender expression. We have zero tolerance to any transphobic behaviour or harassment, bullying or discrimination on the grounds of gender identity or gender expression. Such behaviour is a serious disciplinary offence and will be dealt with as such in accordance with the Bullying and Harassment Policy.

Any form of bullying, harassment or inappropriate behaviour which causes offence, whether intentional or not, will be treated very seriously. Any member of staff who experiences or witnesses unacceptable behaviour should report this as soon as possible to their manager or a member of whichever team is responsible. Further action will only be taken if the individual feels comfortable with us doing so, allowing the issue to be investigated and, where necessary, remedial action to be taken.

Some examples of unacceptable behaviour are:

- Disclosing an individual’s trans status, trans history or transition without their consent;
- Asking intrusive questions about somebody’s gender identity or transition;
- Purposefully using a colleague’s birth name and/or the wrong pronoun
- Verbal abuse, including threats, derogatory name-calling, insults, ridicule or belittling of trans, non-binary and gender non-conforming individuals;
- Telling inappropriate jokes or remarks regarding somebody’s gender identity or gender expression
- Displaying or circulating offensive material relating to somebody’s gender identity, gender expression or sex characteristics, for example by email or via the internet;
- Violence or the threat of violence.

3.10 Legislation

3.10.1 Equality Act 2010

Under the Equality Act 2010, a person is protected from discrimination, harassment, and victimisation if they are proposing to undergo, are undergoing, or have undergone a process, or part of a process, of gender reassignment. This process is considered to be a personal process and there is no requirement for this to include any physiological changes or medical supervision.

Many individuals experience a gender identity within the binary model of gender as defined in terms of men and women. A person who was assigned female at birth but who identifies and lives as a man may refer to themselves as a trans man. A person who was assigned male at birth but who identifies and lives as a woman may refer to themselves as being a trans woman.

Non-binary individuals may experience their gender identity as being on a spectrum between man and woman, or a combination of these identities. We recognise that the current legislation is limited in that it does not provide clear protection against discrimination for non-binary individuals. However, we intend to be inclusive of non-binary and gender non-conforming individuals, as they may wish to take steps to express their gender identity in the workplace.

3.10.2 The Gender Recognition Act 2004

The Gender Recognition Act allows trans individuals, provided they meet the requirements outlined in the Act, to obtain a Gender Recognition Certificate (GRC), which enables them to obtain a birth certificate with the correct gender marker on it. A person does not need a GRC to be protected under the Equality Act.

As the Gender Recognition Act 2004 requires an individual to show evidence that they have been living and working in their affirmed gender for at least two years, obtaining a GRC, if desired, usually happens at a later stage. Employment rights do not depend on whether an individual has a GRC and, in most circumstances, it is not lawful to ask whether an individual has a GRC. Whether someone has a GRC or has applied for a GRC is 'protected information' under the Gender Recognition Act.

If you disclose that you have a GRC, we will ensure that this and any information that suggests that you have transitioned is kept confidential and is not disclosed without your consent. We recognise that both the steps taken during transition and the time they take will be unique to each individual. We are committed to ensuring that everybody receives the dignity and respect they are entitled to regardless of what their transitioning process looks like. We are also committed to supporting those who have transitioned and who may require support at work in relation to gender history or gender expression.

As good practice, Portsmouth Hospitals University NHS Trust will treat all individuals as if they have a GRC.

A GRC is not needed in order to change one's name, pronouns, or gender of presentation at work/or accessing a public service.

3.10.3 Genuine Occupational Requirement (GOR)

Following legal recognition of an individual, the entire body of employment law must be interpreted on the basis that trans individuals are regarded for all purposes as a member of

the acquired gender. If the single sex GOR applies to a post and the job holder changes their gender identity then it is reasonable for the Trust to reconsider the continuation of the job holder within the post. The Trust must treat the individual reasonably in all circumstances.

4. TRAINING REQUIREMENTS

The Trust is committed to providing training to all staff on equality and human rights in order to provide positive assistance in the implementation of the Equality, Diversity and Inclusion policy.

As a minimum, all staff are expected to complete Statutory and Mandatory training, which includes a module covering equality legislation, protected characteristics, discrimination and dealing with unacceptable behaviour.

5. REFERENCES AND ASSOCIATED DOCUMENTATION

- ACAS: <https://www.acas.org.uk/>
- The Equality Act 2010
- Equality and Human Rights Commission: <https://www.equalityhumanrights.com/en>
- List of LGBTQ+ Terms: Stonewall, August 2022. [List of LGBTQ+ terms \(stonewall.org.uk\)](https://www.stonewall.org.uk)
- Section 22 of the Gender Recognition Act 2004: [Legislation.gov.uk](https://www.legislation.gov.uk)

6. EQUALITY IMPACT SCREENING

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This procedural document has been assessed accordingly. The assessment document is held centrally and is available by contacting the Trust Policy Management Inbox.

7. MONITORING COMPLIANCE

This procedural document will be monitored to ensure it is effective and to provide assurance of compliance.

Element to be monitored	Lead	Tool	Frequency of Report	Reporting arrangements	Lead
<i>This policy is followed for staff transitioning</i>	<i>Equality, Diversity and Inclusion Lead</i>	<i>Case study</i>	<i>Annually</i>	<i>Policy audit report to:</i> <ul style="list-style-type: none"> • <i>EDI Group</i> • <i>Workforce and OD Committee</i> 	<i>Equality, Diversity and Inclusion Lead</i>

Appendix A: Roles and Responsibilities

The Role of the Trust Board

The Board has a responsibility to develop a culture and climate in which employees can excel at work and maximise their potential regardless of their trans status.

The Role of the Workforce and Organisational Sub Committee of the Board

To oversee the introduction, operation and monitoring of the policy.

The Role of Divisional Directors

It is the responsibility of Divisional Directors to ensure that relevant care group and departmental managers receive a copy of this policy for onward communications to staff.

Heads of Department

Departmental managers have the responsibility to cascade this information to the staff they manage. Line managers must ensure that departmental systems are in place to enable all staff including agency staff, contractors and volunteers to have access to relevant policies, procedures, guidelines and protocols and to remain up to date with the content of new and revised policies, procedures, guidelines and protocols.

Line Managers

As a manager, your support is likely to be critical throughout and following the transition process. You may be the first person within the workplace to whom your staff member discloses their intention to transition, so please be mindful that this in itself can be an extremely difficult step for somebody to take.

As a manager, you should:

- Be positive and encouraging in initial conversations – these will set the tone for the rest of the transitioning process at work.
- Treat your staff member's disclosure to you with the strictest confidence. No identifying information should be shared with anybody else without the individual's consent.
- Ask how they would like to be referred to at each stage of the transition process.
- Support and assist with any communications within the firm and to clients, as appropriate and as agreed by both parties.
- Plan work in a thoughtful and sensitive way, discussing workload and performance throughout the transition process to ensure your member of staff's transition does not have any negative impact upon their career progression or development.
- Take swift action on any issues that emerge within your wider team or with your clients, such as negativity or inappropriate comments.
- Be flexible in accepting reasonable adjustments and accommodating appointments where possible – appointments can be difficult to secure, may involve long waiting lists and may require a significant amount of travel.
- Organise meetings on a regular basis with your transitioning member of staff to ensure they are feeling fully supported at work, both during their transition and for a period of time afterwards.

If you are unsure about how best to support a member of staff, it may be best to encourage them to meet with a member of the Equality, Diversity and Inclusion team with you.

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The Role of Workforce Leads

The Equality, Diversity and Inclusion Lead is responsible for providing appropriate advice and guidance to all staff on the use of the policy and its application generally and specifically (i.e individual cases).

The Operational HR team will provide an advisory role to managers in respect of the policy.

The Recruitment team will ensure that any member of staff who identifies as trans, non-binary, or gender non-conforming within the recruitment process or as an employee will be treated with respect and dignity and that they adhere to the specific confidentiality issues.

Guidance for Colleagues

As a colleague, your support is vital in creating a positive and supportive work environment for your colleague who is transitioning.

Every employee has a personal responsibility for their own behaviour and must treat their colleagues, patients and visitors with respect and fairness regardless of their gender, sexual orientation, race, age, disability, religion or belief, gender reassignment status, marital or civil partnership status or pregnancy and maternity.

All staff have a responsibility to ensure that they are aware of Trust policies which are relevant to their area of work and that they act in accordance with these at all times.

As a colleague, you should:

- Respectfully ask your colleague how they would like to be referred to if you are unsure at any stage what name or pronouns to address them. While honest mistakes may occur initially, a repeated failure to address a colleague by their chosen name and/or pronouns could be regarded as harassment and dealt with as such. If you make a mistake, you should apologise promptly and sincerely and move on swiftly without making a big deal about the mistake.
- Respect their privacy – if you have any questions, politely ask your colleague if they would be comfortable to answer questions, as not everybody will feel able to openly discuss their transition. Be mindful that transitioning is a major decision and it could have taken many years for your colleague to reach this point. Even if your colleague is willing to answer questions, do not ask intrusive questions about their transition, for example, regarding any physiological changes they may be proposing to undertake, be undertaking, or have undertaken, unless your colleague initiates discussion of any such changes.
- Be an ally for your trans, non-binary or gender non-conforming colleagues and report or sensitively challenge any unacceptable behaviour that you notice towards them. All members of staff have a responsibility to treat their colleagues with respect and dignity, regardless of their gender identity or gender expression.
- Treat your colleague's disclosure with the strictest confidence. While your team or department may have been notified about your colleague's transition, this may not have been communicated across the wider Company. You should not disclose their transition or status to anybody else without their consent, including after their transition.

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Guidance for HR

HR should:

- Provide support to the individual and their manager throughout the transition process;
- Schedule regular review meetings with the individual and their manager;
- Keep the confidential action plan updated;
- Ensure all records are updated in a timely manner as appropriate, having sought the individual's consent to contact other relevant individuals across the firm;
- Securely store any documents which cannot be updated and refer to an individual's birth name, gender marker or pronouns;
- Assist where appropriate with internal communications regarding an individual's transition;
- Support the individual and their manager to put in place any reasonable adjustments;
- Seek recommendations where necessary from occupational health services;
- Deal swiftly with any reported instances of bullying, harassment or discrimination on the basis of gender identity or gender expression.

Trans Support Policy for Staff

Appendix B: Memorandum of Understanding

Manager:	
Employee:	
Date:	

This memorandum of understanding details the agreement of process to be undertaken. It will include specific information relating to when, where, how and who will act in agreement to support:

.....

Administration Processes

When would you like to change your name, personal details and social gender?	
When would you like your personal details and information within IT systems updated?	
Discuss the process for record keeping of sensitive information	
Who do you want to be informed? <i>Line manager, colleagues</i>	
Discuss the process for updating your NHS Pension Record (if applicable)	
Discuss the process for updating your professional registration details with the professional body (if applicable)	

Communication Processes

How would you like people be informed? <i>How, when and whom...</i>	
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Uniform

Trans Support Policy for Staff

Will you need a new uniform?	
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On-going Requirements

What is the expected timescale for medical requirements, physical or mental health?	
Are there any reasonable adjustments that you need?	

Signed by Manager:

Date.....

Signed by Employee:

Date.....

Appendix C: Definitions

ALLY

A (typically) straight and/or cis individual 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.

COMING OUT

When an individual first tells someone/others about their orientation and/or gender identity.

DEADNAMING

Calling someone by their birth name after they have changed their name. This term is often associated with trans individuals who have changed their name as part of their transition.

GENDER

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

GENDER DYSPHORIA

Used to describe when an individual experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity.

This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.

GENDER EXPRESSION

How an individual chooses to outwardly express their gender, within the context of societal expectations of gender. An individual who does not conform to societal expectations of gender may not, however, identify as trans.

GENDER IDENTITY

An individual's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

GENDER REASSIGNMENT

Another way of describing an individual's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender.

GENDER RECOGNITION CERTIFICATE (GRC)

This enables trans individuals to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans individuals will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

INTERSEX

A term used to describe an individual who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex individuals may identify as male, female, or non-binary.

Trans Support Policy for Staff

NON-BINARY

An umbrella term for individuals whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include individuals who identify with some aspects of binary identities, while others reject them entirely.

OUTED

When a lesbian, gay, bi, or trans individual's sexual orientation or gender identity is disclosed to someone else without their consent.

PERSON WHO HAS TRANSITIONED

Someone who identifies as male or female or a man or woman but was assigned the opposite sex at birth. This is increasingly used by individuals to acknowledge a trans past.

PRONOUN

Words we use to refer to individual's gender in conversation – for example, 'he' or 'she'. Some individuals may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

SEX

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.

TRANS

An umbrella term to describe individuals whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans individuals may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, gender non-conforming, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

TRANSGENDER MAN

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male.

TRANSGENDER WOMAN

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.

TRANSITIONING

The steps a trans individual may take to live in the gender with which they identify. Each individual's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans individuals want or are able to have this.

TRANSPHOBIA

The fear or dislike of someone based on the fact that they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at individuals who are, or who are perceived to be, trans.

TRANSEXUAL

This was used in the past as a more medical term to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

This term is still used by some, although many individuals prefer the term trans or transgender.

Appendix D: Frequently Asked Questions

FAQs for staff members wishing to transition in the workplace

“I identify as trans and wish to transition, who should I contact first for support?”

Your line manager, advised by a member of the Operational HR team, will act as first point of contact and action any reasonable adjustments. The transitioning process will be led by you, and the Trust will support you with your individual transitioning decisions.

“Where can I get confidential advice and support regarding transitioning?”

The Employee Assistance Programme, through Care First, have trained counsellors who can provide confidential advice and support on a range of topics, including transitioning. The confidential service is available 24/7 and is accessible on 0800 174 4319 or online.

“Will my colleagues be informed of my transition?”

You will discuss with your line manager who and how you would like your colleagues to be informed of your transition, depending on your individual preference. This will be expressed within the Memorandum of Understanding (see Appendix B).

“Can I use the facilities which match my gender identity?”

You are entitled to use single sex facilities in accordance with your gender identity. All individuals can use toilets or changing facilities they are comfortable using with or without a Gender Recognition Certificate.

“Can I wear the uniform/dress code which matches my gender identity?”

You are entitled to comply with uniform/dress codes in the way that reflects your gender identity and expression.

“Who do I go to if I’m being bullied or harassed about my transition or gender identity?”

The Trust has a zero tolerance to any transphobic behaviour or harassment, bullying or discrimination on the grounds of gender identity or gender expression. Such behaviour is a serious disciplinary offence and will be dealt with as such in accordance with the Trust’s Bullying and Harassment policy. You should raise any concerns to your line manager, or a member of whichever team is responsible as soon as possible.

Do I need a Gender Recognition Certificate (GRC) before I can transition at work?

No, the Trust will treat all individuals as if they have a GRC. A GRC is not needed in order to change one’s name, pronouns, or gender of presentation at work.

FAQs for colleagues of a staff member who is transitioning

“What does it mean if someone is transitioning and what does it involve?”

Transitioning is the steps a trans individual may take to live in the gender with which they identify. Each individual’s transition will involve different things. For some this involves undergoing hormone replacement therapy, speech therapy and/or surgeries, but not all trans individuals want or are able to have this.

“Someone has told me they want to transition, what do I do?”

You should let the individual decide how their transition will progress; offer them support, respect their right to confidentiality and help to ensure their transition is as smooth as possible. Managers should be aware that it can be an extremely difficult step for someone to approach their manager about transitioning.

“How do I respond if a colleague is using inappropriate language in relation to a colleague who is transitioning?”

You should report any instances of transphobic behaviour, harassment, bullying or discrimination in line with the Trust’s Bullying and Harassment policy. The Trust has a zero tolerance to any transphobic behaviour or harassment, bullying or discrimination on the grounds of gender identity or gender expression.

“When do individuals who are transitioning start to use the facilities which match their affirmed gender?”

Trans, non-binary, and gender non-conforming individuals are entitled to use single sex facilities in accordance with their gender identity regardless of what stage they are at in their transition. All individuals can use toilets or changing facilities they are comfortable using with or without a Gender Recognition Certificate.

“How do I know which pronoun to use for someone who is transitioning?”

If you aren’t certain of a colleague’s preferred pronoun, respectfully ask the individual which pronoun they use. If the wrong pronoun is used accidentally, apologise promptly and sincerely and move on swiftly without making a big deal about the mistake.

“Where can I access support regarding a colleague/family member/friend who is transitioning?”

The Employee Assistance Programme have trained counsellors who can provide confidential advice and support on a range of topics. The service is available 24/7 and is accessible on 0800 174 4319 or online. For further information, please visit the intranet site.

Appendix E: SUPPORT AND RESOURCES

The list below shows some examples of the options available, both internally and externally, to individuals who wish to seek support within the Trust during a gender transition period. This encompasses identifying individual needs including additional diversity issues such as age, culture, disability, ethnicity, religion or sexual orientation.

- **Human Resources:** HR may be contacted at an early stage to offer advice and support to managers to put in place practical changes that need to be made to an individual's post or personal file; to encourage positive working relationships between the individual and wider team. Members should have the necessary training, knowledge and awareness required to deal with such personal and sensitive issues.
- **Occupational Health:** Occupational Health staff can support trans, non-binary, gender non-conforming or transitioning individuals with regard to their physical and mental health needs. A referral to occupational health may be considered by the individual or their manager for additional advice and support concerning any counselling needs or information regarding the medical process of the transition
- **Equality, Diversity and Inclusion Team:** Someone who has specialist knowledge of issues in relation to equality and human rights and who can be used as a resource.
- **Lesbian, Gay, Bisexual and Transgender (LGBT+) Staff and Allies Network:** Information can be found on the Trust's Equality, Diversity and Inclusion Intranet page.
- **Union Support:** Union members may find it useful to contact their Union for advice and support.
- **Spiritual Support:** The Chaplaincy Team at Queen Alexandra Hospital can offer spiritual and confidential support for trans, non-binary, gender non-conforming or transitioning individuals.
- **Employee Assistance Programme (EAP)** – The Trust provide an EAP through Care First to all our employees. Care First is an independent, leading provider of professional employee support services which employs counsellors and information specialists, who are experienced in providing support with practical and emotional issues. Care First BACP (British Association of Counselling and Psychotherapy) accredited counsellors all go through LGBTQ+ specific training, as standard. This training ensures all counsellors are well prepared for any issues that the client may raise regardless of their situation. The service is available 24/7 and is accessible on 0800 174 4319 or online. For further information, please visit the intranet site.
- **MindLine Trans+** - This is a UK wide service offering a confidential mental health support helpline for individuals who identify as trans, agender, gender fluid or non-binary. The helpline can also support family members and friends, or signpost to other services or resources. The helpline is open Monday and Friday, 8pm – midnight, on 0300 330 5468
- **LGBT Switchboard** – This is an LGBT+ helpline which is open 10am – 10pm every day, and can be contacted by phone on 0300 330 0630, or by online chat or email from their website <https://switchboard.lgbt/>
- **Stonewall Information Service** – Freephone 0800 0502020 – Lines open 9.30am – 4.30pm Monday to Friday (answerphone outside these hours). Email: info@stonewall.org.uk.

We understand there are times when mental wellbeing is impacted by areas in personal and work life. It is important that we collectively take responsibility for our own and others wellbeing.

If you feel that your mental wellbeing is being impacted or you feel someone else's mental wellbeing is being impacted, please feel safe to speak openly, in a non-judgemental environment with your line manager, HR or Occupational Health.