

Quality Assurance

Procedure:	Procedure for supporting Transgendered staff or students
Related Policy:	Equality and Diversity
Policy Ref:	EO/6/1
Approved by:	Senior Deputy Principal (Strategic Partnerships)
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Equality and Diversity Statement

Warrington Collegiate welcomes people from a range of backgrounds and experiences and believes that they can enhance the life and development of the Collegiate. All individuals will be treated equally on the basis of individual merit and without prejudice.

The College will aim to provide learning and working environment which actively promotes inclusion, equality of opportunity and freedom from discrimination on the grounds of age, cultural background, economic status, disability, ethnicity, gender/transgender, religion/belief, marriage/civil partnership or sexual orientation in both education and employment.

1.0 Introduction and background information

Under the Equality Act 2010, Gender Reassignment is one of the 9 Protected Characteristics.

This means **that** it is unlawful to discriminate against staff and students, either directly or indirectly on **the** grounds of Gender Reassignment when accessing education or employment. This legislation protects a person who intends to **undergo the transition from the moment they decide to start the process.**

1.1 Gender reassignment / transitioning

The Sex Discrimination (Gender Reassignment) Regulations 1999 extended the Sex Discrimination Act to make it unlawful to discriminate on the grounds of gender reassignment.

Gender reassignment is defined in the regulations as “a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and

includes any part of such a process". This means that an individual does not need to have undergone any specific treatment or surgery to be protected by the law. It is the process that matters.

1.2 Privacy

The Gender Recognition Act (2004) safeguards the privacy of transsexuals by prohibiting the disclosure of information acquired in an official capacity relating to an application for a Gender Recognition Certificate

1.3 Gender Recognition Certificate

A full Gender Recognition Certificate (GRC) shows that a person has satisfied the criteria for legal recognition in the acquired gender. A full GRC also gives the holder the means to obtain a new birth certificate.

2.0 Responsibilities of Warrington Collegiate

2.1 Clear information and guidance should be made available to staff / students informing them of Warrington Collegiate's procedure for supporting the transitioning. Such information should clearly convey a message of affirmation and support.

3.0 Responsibilities of the transitioning student or staff member

3.1 If transitioning staff /student want their individual needs to be met, it is essential that Warrington Collegiate is informed as soon as possible. The Collegiate aims to provide first class support for transgender students and staff and the early provision of information from those about to commence the process will allow appropriate and timely support processes to be put in place.

4.0 Recording of personal details

4.1 New students in the process of gender transition are asked to inform Warrington Collegiate prior to registration if they wish the College to be notified.

4.2 Staff registering new students will need to pay particular attention to the needs of students who are transitioning from one gender to another.

4.3 Essential documentation required, including evidence of identity, and any discussion surrounding this might require a private and confidential environment.

4.4 Although the current system of recording personal data of staff and student requires them to choose whether they are male or female, Warrington Collegiate acknowledges that staff /student may identify themselves as neither male or female and prefer to choose 'Other' or 'Prefer not to say'.

5.0 Procedure for supporting transitioning staff or students

5.1 Staff must make reference to other policies and procedures when considering a support plan, e.g. Safeguarding, Health and Safety, Equality and Diversity.

Warrington Collegiate recognises that transitioning staff /student may use a variety of routes to declare their intention to the institution.

- a) The student can talk to Learner Services,
- b) The student can talk directly with their Personal Tutor or Curriculum Manager.
- c) The member of staff can talk directly to their Line Manager, their Director or HR.

It is important that the Collegiate identifies an appropriate and competent person to manage these procedures and offer direct support.

- 5.2 Once the staff /student has formally informed the Collegiate of their intention to transition in writing, the identified person will seek the consent from the transitioning staff / student to discuss the situation in outline with other key staff.
- 5.3 Following notification, a representative from Learner Services or Human Resources will be appointed in order to meet with the transitioning staff /student to discuss learning and /or personal support needs.
- 5.4 The key purpose of this meeting is to establish a dialogue with the transitioning staff /student about their needs, what support they would value, how the college can help and any specific issues to be addressed. A meeting has to take place in a safe, private and comfortable environment where staff /student can express their concerns.
- 5.5 During the meeting it will be necessary to agree a support plan which takes into account the transition process and what the Collegiate will do to support this. Whilst the plan will be confidential, it will be necessary to agree with the staff /student who should receive an individual copy and who is permitted access to it.
- 5.6 The support plan should identify the time-line for any particular stages in the transition process as well as the issues and support needs arising, including leading time to put an action plan in practice. Whilst every Trans person's journey is unique, it will be helpful to discuss:
 - 5.6.1 The date when the person intends to live in their acquired gender (i.e. commencing real life experience.) During the early stages of transition a student may choose not to permanently present in their acquired or preferred gender. Trans students may or may not engage in a variety of hormonal and surgical interventions and their transition may not be complete for several years.
 - 5.6.2 The date when the staff /student intends to change their name and personal details. How would the staff /student would like people to refer to them – name and title?
 - 5.6.3 Does the staff /student wish to continue with their programme of study / work at this moment in time or consider alternative arrangements (e.g. part-time study /work, or another arrangement?)
 - 5.6.4 Trans staff /students should be provided with an opportunity to discuss whether there are any other Warrington Collegiate facilities that cause concern. In particular, toilet arrangements can pose particular

challenges. Staff /students in the process of transition often express concern about the use of appropriate toilet facilities.

- 5.6.5 Best practice in this area includes provision of “gender neutral” toilet facilities but these may not be readily available. (Although disabled toilets may be an acceptable alternative). It is recommended that Trans staff / student are invited to use the facilities of their preferred gender. However, this is a complex issue and the decision of a Tran’s staff / student regarding use of gender-labelled toilet facilities is likely to vary at different times during the transition process. Trans staff /students will value the sensitivity and support of relevant staff.
- 5.6.6 Trans staff /students may have been already experiencing negative treatment from other students or staff or may experience this after transition. Trans staff /students need to be informed [about](#) where they can raise these issues and how to report [any incidents](#). Extra support in dealing with these situations may need to be provided if necessary.
- 5.6.7 Consideration should also be given to the extent to which established institutional policies cover the needs of the transitioning student and if not how these will need to be amended. All relevant procedures need to address transphobia. (E.g. Complaints Procedure, Dignity at Work, Bullying and Harassment, Safeguarding.)
- 5.6.8 Further thought should also be given to the training of relevant staff – particularly those involved in day-to-day staff / student communication and contact. Training on Equality and Diversity matters should include awareness-raising of transgender issues.

6.0 Amending personal records

- 6.1 Warrington Collegiate can change the following information on the staff /student personal records at the appropriate time without requiring any documentation except the official notification letter from the staff /student. The following records should not be changed without the expressed permission of the staff /student:
 - 6.1.1 Pronoun (Ms, Mrs, Mr, etc)
 - 6.1.2 Name
 - 6.1.3 Gender/sex marker (Male, Female)
- 6.2 Information about the changes should not be shared with anyone who does not need to know, but can be shared with the specific individuals with the express consent of the staff /student.
- 6.3 From that point forward, the staff /student must be referred to using their chosen name and gender pronoun.
- 6.4 As a legal document, existing and new certificates can only be issued in a new name when the staff /student provide one of the following:
 - 6.8.1 A statutory declaration of name change
 - 6.8.2 A new birth certificate
 - 6.8.3 A driving licence
 - 6.8.4 Passport

Human Resource Issues

7.0 Recruitment and Employment

- 7.1 In most cases the gender of an employee is of no relevance to their ability to do their job. Warrington Collegiate is committed to the employment, development and promotion of all, regardless of sex, marital status, colour, race, nationality, ethnic/racial/national origins, religious beliefs, disability, age, sexual orientation or gender identity. As such, Warrington Collegiate is committed to ensuring potential employees are not discriminated against in the recruitment process.
- 7.2 It should not be expected that applicants and interviewees for employment would necessarily wish to disclose their transsexual status. Many have experienced prejudice and harassment as a result of disclosure. It is not a question that should be asked at interview, as it is not a relevant criterion in selection.
- 7.3 There is no obligation for a transsexual person to disclose their status as a condition of employment. If they choose to disclose it, this is not in itself a reason for not offering employment. Moreover, non-disclosure, or subsequent disclosure, are not grounds for dismissal.
- 7.4 Any forms and documents that are provided during the interview and resulting procedures will be considered confidential and will not be accessible by any one outside of the HR department and the individual themselves.

8. What questions can employers ask at interview?

- 8.1 Interviewees may not necessarily want to disclose their transsexual status at interview, and it is not a question that should be asked. However, there are certain exceptions when it will be necessary to inform the questioner of their transsexual status. These are:
- If there is a genuine occupational requirement for a job to be carried out by a particular sex
 - If the job involves conducting personal searches pursuant to statutory powers
 - If the job involves working in a private home where there would be close physical or social contact, or knowledge of the intimate details of a person's life, and the employer can show that people would object.

These exceptions will not apply where the individual has obtained a gender recognition certificate.

9. Long term sickness

- 9.1 Complications may arise as a result of medical treatment for gender reassignment resulting in prolonged incapacity for work. As with any other long-term illness, the individual will be supported and monitored by Occupational Health and HR.

10. Insurance

- 10.1 Employers registering employees for corporate insurance and benefits policies should ask their underwriters if they need to be informed of a transsexual employee's status, since some insurers automatically invalidate a policy if gender reassignment is not disclosed.
- 10.2 The employer should get the employee's prior written consent before disclosing the information. If an employer is unaware that an employee has reassigned gender, the obligation to disclose falls upon the employee, who could also be held liable in the event of an incident for which no valid insurance cover existed.
- 10.3 An employer should inform insurers if they require the information, in confidence, in the following cases of group insurance policies:
 - a) Group life assurance
 - b) Group permanent health or income protection
 - c) Group private medical insurance
 - d) Group personal accident insurance
 - e) Group motor vehicle insurance in the case of company cars
- 10.4 This requirement does not apply if the person has a gender recognition certificate.

11. Pensions

What is the individual's entitlement to a state pension?

A transsexual person who receives a full gender recognition certificate will be treated according to their acquired gender for state pension purposes. Transsexual people who do not obtain a full gender recognition certificate retain their state pension rights in accordance with the sex that is recorded on their birth certificate.

11.1 Occupational and personal pensions?

- 11.2 In terms of pension provision, it is good practice for people to be treated as having their birth gender up to the point of transition (i.e. when they start to live fully in the Acquired gender) and their acquired gender from the point of transition. This would apply for example in calculating funds transfers between pension plans.
- 11.3 In some cases, however, it is considered administratively convenient, with the agreement of the transsexual person, to treat them as having the acquired gender for the entire duration of the pension contribution history.

12. Survivor benefits.

- 12.1 In terms of survivor's benefits, this depends in large part upon the marriage relationship or civil partnership status of the individual. Regardless of legal gender, married partners and civil partners have legal rights to certain degrees of provision.

12.2 Any other provision for survivors is normally at the discretion of the trustees of the pension scheme if not specifically covered in the pension scheme.

Flow Chart outlining the transitioning process

It is important to note that Trans staff / students have different approaches to their transition. Some want to change the entire record and obtain the GRC, yet others may not wish to do so. Warrington Collegiate will respect and support individual's choices and wishes. If someone does not wish to change their record, some of the actions below may not apply. This flowchart is only a guideline and all cases will be treated individually.

