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Trans Equality and Gender Identity Guidance for Staff

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Purpose and Commitment

1. This guidance details the legal requirements and good practice which support staff who are transgender or who see their gender outside of the gender binary of male or female.
2. There is specific protection in law for Trans individuals and the University will support those who wish to take, or have taken steps, to present themselves in a gender different to the one assigned at birth recognising that this process will be unique to each individual.

Trans and transgender

3. Trans and transgender are umbrella terms for people whose gender identity and gender expression differs from the sex (male or female) they were assigned at birth. For the purpose of this guidance we are using transgender or trans to include Trans men and women and non-binary people.

Transition

4. Transition is the process of a person changing their social role to match their self-identified gender which is different from the gender they were assigned at birth. It may include telling others, changing names, asking people to use different pronouns and changing the way their gender is expressed. For some people it may involve medical assistance including hormone therapy, surgery, counselling or voice coaching.

Confidentiality

5. Our University will respect the confidentiality of all Trans staff and will not reveal information without the prior agreement of the individual.

The Gender Recognition Act gives Trans people privacy rights. Anyone who acquires information that a person is Trans or has a Trans history is liable to criminal proceedings if they pass that information on **without** the explicit permission of the individual

6. Disclosure that has not been agreed with the member of staff is unacceptable as is inappropriate or casual discussion of the Staff member's status. Some people may need to know of a change in order to update personal information on systems etc. and work colleagues may also be included. These arrangements should be agreed as part of the personal support plan.

Informing the University

7. Coming out as Trans will be a significant life event for individuals and we all have a responsibility to be sensitive and supportive. In the first instance the member of staff should inform their line manager or a member of Human Resources and with their

permission a confidential discussion will be arranged. This will enable a named link person to be identified and support to be put in place and can be done in conjunction with the Equality and Diversity team if preferred.

8. The link person will support the individual by being a single point of contact for any changes which may be required and in most cases this would be the line manager. The link person will be responsible for overseeing a personal support plan and providing ongoing advice and support.
9. Line managers have a key role in supporting staff through transition and can seek additional guidance and support from Human Resources and The Equality and Diversity Team. This support is very important and can contribute significantly to our staff having a positive experience of the process. Support can be emotional but also practical and the staff member should be reminded about our policies [Equality and Diversity](#) and [Dignity at Work and Study](#). Both these set out our University's aim of being an inclusive place to work and study, free from harassment, discrimination and victimisation.

Confidential Meeting

10. Once an individual has informed the University they will need support to manage their transition and what they want to change. A confidential meeting should be arranged by the link person with the member of staff. This is an opportunity to talk about any concerns that the individual may have about disclosing their gender identity and/or chosen name and to begin developing a support plan. This can be done in conjunction with Human Resources and the Equality and Diversity team and the member of staff is welcome to be accompanied by a friend, work colleague or trade union representative for additional support.

Personal Support Plan

11. A personal support plan should be developed with the staff member and may include clarification of any changes required e.g. titles, names, pronouns as well as any planned absence from work.
12. Certain records and data may need altering (examples are provided in the personal support plan) and agreement will be required as to how these are to be communicated. Other people whom the individual works with may need to be informed and the staff member and their link person should agree when and how such changes are communicated as well as any ongoing support or training for others.
13. Such arrangements are confidential and the individual's sensitive data will be kept in accordance with the Data Protection Act. The link person will agree with the individual where copies should be kept and who should know of the transition.
14. The support plan may need updating or changing and the link person must ensure that the individual is comfortable with its content. A suggested template can be found

at (Appendix 1). Please note these template plans are for guidance only and each plan will differ according to individual needs and preferences.

Absence from Work

15. The University must ensure that staff undergoing surgery or attending identity clinics, voice therapy or hormone treatment specialists are given the time to do so. Individuals are encouraged to discuss timescales for appointments and/or medical treatment with their link person as early as possible so that appropriate arrangements or adjustments can be made.
16. A Trans individual who has time off from work (which relates to their transition) has the right to be treated in the same way as someone who is absent for reasons of sickness. The possible side-effects of medication may adversely affect performance, and the Trans individual may need reasonable adjustments in place for a temporary period when they return. If time-off is required, it is important to discuss what support is needed to ensure the staff member can return to work.

Appointments

17. Transition related medical appointments are to be treated as Special Leave. Our [Time off and Special Leave Policy](#) states that employees may be granted paid special leave of up to five days per rolling year. In the case of transition related appointments this is five full days irrespective of the individual's work pattern. Should there be a need to exceed this then advice from HR can be sought.
18. Appointments are subject to waiting lists which in some cases are several years. It is not appropriate to suggest colleagues ask for an alternative date and these appointments should be regarded as a priority for the individual. In addition, they may involve travelling long distances and could mean needing a whole day or possibly more away from work.

Surgery

19. Not all individuals will undergo surgery but those who do will require time off from work for the procedure and recovery. The amount of time will vary greatly depending on the nature of the surgery and the recovery process, and support will be provided through HR and line management.
20. Any time away from work linked to surgery or recovery should be recorded as sickness absence in line with the [University's Absence Management Policy](#). Where the absence is linked to medical transition it will not count towards any sickness absence trigger points. If general health conditions keep the individual from returning to work this period would be dealt with in line with the University's Absence Management Policy.

21. The University will want to support individuals to return as and when they are able to do so and should ensure that the link person and/or line manager remains in contact with the individual and reviews their personal support plan as appropriate.

Telling People

22. Other people may have fixed views of gender or lack awareness of gender identity and may not know how to respond. Consideration should be given to what support or development needs colleagues may have and any negative situations must be dealt with quickly and sensitively.

23. In order to make the appropriate people aware of the transition (e.g. those who alter personal data) written permission must be sought from the individual.

24. The transitioning individual should have a discussion with the link person about approximate timescales for presenting to others their self-identified gender as well as the way in which this is to be communicated. The individual may want to tell colleagues themselves or they may prefer that another person does this either with them present or in a separate discussion.

25. In the early stages of transition, an individual may not present in their self-identified gender, as they may not feel able to do so. It can take several years to transition fully and during this time a Trans individual may experience extensive physical changes.

26. Avoid putting pressure on a person if they are unsure of when and how they would like to present to others in their self-identified gender. As and when the individual is ready they should let the link person know and clarify what changes if any they wish to make.

27. Once the person is comfortable with the changes made (names/pronouns/gender etc.) these should apply in all circumstances.

Changing Records

28. An individual may wish to change their name and/or gender as part of their transition. The University systems are set up for all staff so that any individual can alter their forename, preferred name and title (Mr/Ms/Mrs/**Mx**) through i-Trent self-service.

With the exception of pension and insurance records, notification of intent to transition is sufficient for a person's gender to be changed in their record. It is not appropriate to ask for evidence of medical transition, before changing the gender field on a person's record.

Name changes to qualification certificates require proof of a formal name change (statutory declaration of name change or deed poll)

29. Where an individual intends to change their personal information they should provide written notification of their intent to transition and permission to change their record.

This change will then be reflected across all university documents, lists and registers as soon as possible. If there is a pressing need to update some records this may be done ad hoc.

30. Pension changes are governed by legal criteria which mean that an individual must have a full Gender Recognition Certificate to recognise their self-identified gender – referred to legally as ‘acquired gender’. Such a change must be agreed between the individual and the pension scheme provider but it is regarded as good practice to include changes to gender and or name on internal pension records. The HMRC will use a Trans person’s preferred name and title in all communications and if a full Gender Recognition Certificate is issued this will lead to a change in National Insurance records to reflect the person’s acquired gender.
31. In order to maintain confidentiality, our University is prohibited from storing any data on an individual’s file that could disclose to a third party that a change in gender has occurred. A member of staff with a Gender Recognition Certificate can request that any reference to their previous gender, and if applicable their name, is completely removed from their record. This would apply to all records.
32. A checklist for Staff can be found at Appendix 1. Please note this checklist is for guidance only and you must tailor this to the individual’s needs and preferences.

Photographic Identification

33. Dependent on the individual it may be necessary to update photographic identification and in some cases this may need to be more than a single instance. This should be discussed as part of the personal support plan.

Names / Titles and Pronouns

34. Some people will wish to be known by a different chosen name and/or pronoun. Further guidance on pronouns can be found at Appendix 2.

Toilets and Changing Facilities

35. Where gendered toilets or changing facilities are provided, Trans staff, students and visitors are entitled to use the toilets and facilities according to their self-identified gender. It is not acceptable to restrict Trans people to using disabled toilets or other unisex facilities. The University has a number of gender-neutral toilets across both campuses:

City Campus

Portland ground floor: DLG03,04,07,08

Headingley Campus

Caedmon ground floor: G24 and G25

James Graham first floor: 144A

The Grange ground floor: G04A

Bullying & Harassment

36. Harassment, discrimination and victimisation are unlawful and will not be tolerated. Our policies protect the rights of Trans individuals to dignity and respect whilst living and studying at Leeds Beckett University.

37. The University recognises it is an individual's right to choose whether to be open about their gender identity and history. To 'out' someone without their permission could be a form of harassment, and potentially a criminal offence.

38. Some examples of unlawful direct discrimination include:

- Refusing to support a staff member who is Trans.
- Verbally or physically threatening a Trans person or spreading malicious gossip about that person.
- Refusing to associate with or ignoring someone because they are Trans.
- Refusing to address the person in their self-identified gender or to use their new name.
- Sexual harassment of a Trans person.
- Passing judgement on how convincing a Trans person is in their self-identified gender.
- Refusing to acknowledge the rights of someone who is Trans.
- Transphobic propaganda, in the form of written materials, graffiti, music or speeches, will also not be tolerated and will be removed.

39. When investigating a complaint of harassment or bullying it may be necessary to disclose the staff member's Trans status to named persons; this will only be done with the written permission of the Trans individual. If the individual feels unable to agree to such disclosure it must be explained to them how this will impact on the investigation and may limit the action that can be taken.

References

40. References for staff who have transitioned must make no reference to the person's former names or gender, and must use the appropriate pronoun. Failure to do so without the individual's consent would be a breach of the Data Protection and the Gender Recognition Act.

41. Any reference request for a member of staff who has previously transitioned and which refers to them by a previous name, should be treated as confidential. Where possible it is good practice to check with the individual directly as to how any response should be framed.

Job Applicants and the Recruitment Process.

42. Colleagues engaged in the recruitment process must demonstrate sensitivity and

confidentiality when asking candidates for proof of identity. If an applicant is part-way through transition they may not have been issued with new identification and their birth certificate or passport will clearly show that the person was given a different name (and/or gender) to that which they presented in for interview.

43. It should not be expected that job applicants and interviewees will necessarily wish to disclose Trans status, as many consider it a private matter. It is not a question that should ever be asked at interview, nor should a Trans applicant be asked whether they plan to take time off for medical transition – just as, for example, a woman should not be asked whether she plans to have children.

Former Staff

44. It is possible that a former employee could make contact with our university to inform our university of Gender Transition and make a request for any Leeds Beckett records containing their name to be changed. If the individual is applying for another job and names a Leeds Beckett referee the individual may wish to ensure that information regarding their gender is not disclosed. It is advisable that the referee make direct contact with the ex-employee and discuss this with them before any reference is provided.
45. Any requests for record changes from former staff will be facilitated by Human Resources who will ensure that all relevant records are changed. It will be necessary to discuss the request and obtain the individual's explicit written permission to disclose information to other colleagues where necessary to enable such changes to be made.
46. Change requests from former employees involving pension records should be addressed directly to the relevant pension provider.
47. If for any reason some records cannot reasonably be changed, it is important to explain this to the individual. It should be made explicit why the information is held, where the information is and who has access to it. Any such sensitive information must be kept in accordance with the requirements of the Data Protection Act.

Further Support

48. Additional support can be found through the University's Equality and Diversity Team and the following appendices provide information which may be useful. Language in particular changes very rapidly and the terminology provided here is reproduced from Stonewall advice.
49. Other support and information can be signposted from the Equality and Diversity Team. For example, HM Revenues and Customs has a specific section which can alter personal information specifically relating to gender identity.

50. The Equality Challenge Unit have also produced a transition summary (Appendix 3) and a potential support plan template. Each individual's situation will vary and so these are indicative only.

Appendix 1: Supporting Staff through Transition

This action plan should be confidential and discussion should take place to agree where copies are kept and who should have access.

This action plan is a guide and anyone using it should tailor it to suit the individual's needs.

Support Plan	Anticipated Date	Responsibility
Contact Human Resources and with the individual identify a link person. This would normally be the line manager, who would liaise with HR and the Equality and Diversity Team as required.		
Are there any temporary or permanent changes to their current role which need to be considered to ensure the individual feels comfortable and supported?		
Is there knowledge of any expected timescale at this stage? E.g. Gender Identity Clinic appointments This can be updated as information becomes available.		
Will any time off be required for medical treatment? What dates are these and how will this be recorded?		
What will be the individual's new name, title and preferred pronoun?		
When would they like to use their new name and title? Is phasing required?		
When will the individual present themselves in their self-identified gender. Is phasing required?		
Do work colleagues need informing of the changes and if so who will do this and how will it be communicated?		
Are there any dress code issues that need to be considered?		
When does the individual intend to use the toilet/ changing facilities of their acquired gender?		
When will identification documentation, records and systems need amending? Which department is responsible for the amendment?		

Consider the following;		
• academic biographies		
• Email address		
• Phonebook		
• NUS Extra Card		
• certificates, for example, training attendance		
• club and society membership records		
• committee minutes and records, for example,		
• e-portfolio		
• Staff card and ID. Does the photo need updating?		
• fitness centre/gym membership card		
• professional/learned body membership cards		
• online records (including website references)		
• staff records and databases		
• payroll (and banking details)		
• pension, death in service and dependents' benefits		
• insurance policies		

Remember to signpost the individual to other policies and processes that reinforce our university's commitment to Equality and Diversity.

- Trans Equality and Gender Identity Code of Practice
- Dignity and Respect Network
- Rainbow Rose Forum
- Mediation Service
- Grievance Policy
- Dignity at Work and Study Policy (Includes direct, indirect discrimination, harassment and victimisation)

Informing

- Employee informs a member of staff of their intention to transition or their trans identity. The member of staff asks how they wish to proceed and ensures that the employee is referred to any guidelines of support and is put in touch with the appropriate staff member or members.

Support

- Discuss, and if appropriate put in place, the support available, for example staff networks, information and training that may be provided to colleagues.
- Ensure the employee is aware of any documentation that they may need to provide. For example written notification of intent to transition; written request for name and gender on records to be changed; evidence of name change if appropriate; appointments; and if appropriate, new identification.

Records

- Establish the changes that are required to records and what is possible.
- Agree the record changes to be made and the time of the changes.
- At the same time, ensure the employee is aware of any limitations of the changes. For example, is the name in which they registered viewable to staff accessing their record even though they use the known as or nickname option within records?

Colleagues

- Agree who needs to be made aware of changes such as to names and pronouns, records, and who needs to be informed and how. This may include their line manager, team, head of department, students and external agencies such as pension and insurance providers.

Review

- Review changes periodically to ensure they are appropriate. A review may be triggered by changes in technology (eg capabilities within records systems), services and facilities available or further changes in the employee's gender expression.

Leaving

- When an employee leaves ensure that references are provided in their preferred name and should they request, on presentation of a new birth certificate, their former name and gender will need to be removed from records.

Appendix 2: Terminology (@Stonewall 2017)

Ally - a (typically) straight and/or cis person who supports members of the LGBT community.

Asexual (or ace) - someone who does not experience sexual attraction.

Bi - refers to an emotional and/or sexual orientation towards more than one gender.

Biphobia - the fear or dislike of someone who identifies as bi.

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.

Coming out – when a person first tells someone/others about their identity as lesbian, gay, bi or trans.

Deadnaming - is calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.

Gay – refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian.

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 a person 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 gender they were assigned at birth.

Gender expression – how a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.

Gender identity - a person'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 a person'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

reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice. It is a term of much contention and is one that Stonewall's Trans Advisory Group feels should be reviewed.

Gender Recognition Certificate (GRC) – this enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people 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.

Gillick competence – a term used in medical law to decide whether a child (under 16 years of age) is able to consent to his or her own medical treatment, without the need for parental permission or knowledge.

Heterosexual / straight - refers to a person who has an emotional, romantic and/or sexual orientation towards people of the opposite gender.

Homosexual – this might be considered a more medical term used to describe someone who has an emotional romantic and/or sexual orientation towards someone of the same gender. The term 'gay' is now more generally used.

Homophobia - the fear or dislike of someone, based on prejudice or negative attitudes, beliefs or views about lesbian, gay or bi people. Homophobic bullying may be targeted at people who are, or who are perceived to be, lesbian, gay or bi.

Intersex – a term used to describe a person 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 people may identify as male, female or non-binary.

LGBT – the acronym for lesbian, gay, bi and trans.

Lesbian – refers to a woman who has an emotional, romantic and/or sexual orientation towards women.

Neurodiverse – a concept where neurological differences are recognised and respected in the same way as any other human difference.

Non-binary – an umbrella term for a person who does not identify as only male or only female, or who may identify as both.

Outed – when a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

Person with a trans history – someone who identifies as male or female or a man or woman, but was assigned differently at birth. This is increasingly used by people to acknowledge a trans past.

Pansexual - refers to a person whose emotional, romantic and/or sexual attraction towards others is not limited by biological sex, gender or gender identity.

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

Queer – in the past a derogatory term for LGBT individuals. The term has now been reclaimed by LGBT young people in particular who don't identify with traditional categories around gender identity and sexual orientation but is still viewed to be derogatory by some.

Questioning – the process of exploring your own sexual orientation and/or gender identity.

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'.

Sexual orientation – a person's emotional, romantic and/or sexual attraction to another person.

Trans – an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people 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, Agender, Nongender, Third gender, Two-spirit, Bi-gender, Transman, Transwoman, 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 person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and

surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

Transphobia - the fear or dislike of someone based on the fact they are trans, including the denial/refusal to accept their gender identity.

Transsexual – this was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the ‘opposite’ gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

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Appendix 3: Transition Summary

Many Trans people will choose social transition but will not transition medically or legally and some will alter their gender expression without undertaking any other steps.

Social transition	Medical transition	Legal transition
A person realises that their gender identity is not congruent with the sex they were assigned at birth.	A person realises that their gender identity is not congruent with the sex they were assigned at birth.	A person realises that their gender identity is not congruent with the sex they were assigned at birth.
The person may tell their friends, family and HEI or college.	The person seeks referral to a gender identity clinic	To secure legal recognition of transition the person seeks a diagnosis of gender dysphoria.
The person may change their gender expression part-time or full-time, for example, their external characteristics and behaviours such as clothing, hairstyle, make-up, mannerisms, speech patterns and social interactions.	The person is placed on a waiting list for a gender identity clinic.	After two years of living in their self-identified gender, whether or not they have undergone surgery, the person is able to apply for a gender recognition certificate (GRC). The majority of trans people who transition do not apply for a GRC as to many it is irrelevant to their lives or inaccessible for various reasons.
The person may change their name and pronouns and identity documents.	When seen in a gender identity clinic the person may be diagnosed with gender dysphoria.	If the person meets the requirements of the gender recognition panel a GRC is awarded and if the person was born in the UK a new birth certificate is also issued.
At the person's request, organisations that hold records (eg their HEI or college, bank, funder, utility company) change their records to reflect their new name (if appropriate) and gender.	After at least three months, the person may begin hormone therapy. In view of the current delays in accessing treatment, a person may also be self-medicating.	The person is now legally recognised in their self-identified gender. Legally any documents and references that have not already been changed must now be changed, for example identification held on file to prove right to work in the UK.
At any point during their transition, a trans person may contact their HEI, college or qualifications agency to request that their degree or qualifications certificates are issued in their new name. Formal proof of name change in the form of a deed poll or statutory declaration of name change will be required for this.	After at least 12 months, the person may be referred for surgery. Again, waiting times can be an issue.	If the person is a staff member who is a member of the HEI pension scheme, they must send their new birth certificate to the appropriate person to ensure their gender is changed on pension records.