

United Learning Gender Reassignment Guidelines

Scope

The guidelines set out in this document apply to all employees employed by United Church Schools Trust (UCST) and United Learning Trust (ULT) including teaching, support, fixed-term, part-time, full-time, permanent and temporary staff. The two companies (UCST and ULT) are referred to in these guidelines by their trading name, 'United Learning'.

Where these guidelines refer to 'School' or 'Head Teacher', within Central Office this should be interpreted to refer to the department where an employee works and their Head of Department.

These guidelines refer to gender reassignment, as defined as a protected characteristic under law and apply to employees and job applicants only. These guidelines should be read in conjunction with the United Learning Equality Guidelines and the best practice guidelines published by [ACAS](#).

As a values-led organisation our values of ambition, confidence, creativity, respect, enthusiasm and determination are key to our purpose and underpin all that we do.

1. Introduction

- 1.1 United Learning is committed to ensuring that transsexual colleagues are treated with respect and it aims to create an environment in which transgender men and women feel equally welcomed and valued. United Learning will not discriminate against an applicant or colleague who is proposing to undergo, undergoing, or who has undergone gender reassignment. United Learning is committed to offering full support to the individual and acknowledges that the right to disclose or discuss their medical history, in relation to their transgender issues, is their prerogative. A colleague or applicant will not be discriminated against because they are perceived to be transgendered, whether rightly or wrongly, or because of their association with transgendered people or issues.
- 1.2 These guidelines are intended to assist United Learning to put these commitments into practice and to help United Learning, transsexual colleagues and other employees to deal with any practical issues that may arise.
- 1.3 United Learning has a separate 'United Learning Guidelines for Professional Conduct' and 'United Learning Harassment and Bullying Policy'. Disciplinary action will be taken against colleagues who have been proven to bully or harass other colleagues or who do not comply with the 'United Learning Guidelines for Professional Conduct'.

2. Who are Transsexual People?

- 2.1 A transsexual person is someone who does not identify as the sex they were labelled at birth. Transsexual people seek hormonal and surgical interventions to bring their body in line with the sex they identify as. This is referred to as sex reassignment surgery. Transsexual people do not believe they are 'changing' or 'crossing' from one sex

to another, as they have always identified as the same sex. The process of changing one's gender role is referred to as 'transition'. The medical term for people who are uncomfortable with the role they are expected to fulfil because of their physical sex at birth is 'Gender Dysphoria'. Those who seek to permanently change their outward physical appearance in order to live more comfortably in the opposite gender role are described as 'transsexual people'.

- 2.2 The process of gender reassignment will normally involve a period of at least one year when the transsexual person must live and work in the gender to which he/she is reassigning (the 'real life experience'). A decision to undergo surgery may follow the real life experience. Surgery is not a required part of gender reassignment but is usually undertaken to ensure safety and appropriateness in all situations, such as the requiring of intimate nursing care in old age or following an accident.

3. The Law

- 3.1 The Equality Act 2010 makes it unlawful to treat someone less favourably than other people in relation to employment or vocational training on grounds that he/she proposes to, starts or has completed a process to change his/her gender. It is no longer necessary for the individual to be under medical supervision to be protected, so it is sufficient if he/she decides to live as a member of the opposite sex but does not undergo any medical procedures. The protection applies whether or not the individual has a gender recognition certificate. Harassment or bullying on grounds of gender reassignment is unlawful discrimination and will not be tolerated by United Learning.
- 3.2 The Gender Recognition Act 2004, through a Gender Recognition Certificate, grants extra legal protection to some transsexual people who have lived successfully in their acquired gender for two or more years. The sole purpose of this certificate is to allow an individual to have their birth certificate changed. Thus, legally, they become the other gender for all purposes (with one or two exceptions to ensure criminal prosecution is not hindered). This allows them to marry someone who is the same gender as the one they were originally assigned at birth. It is illegal to ask if a person has a certificate or to disclose that someone holds a certificate to a third party without the permission of the transsexual person (it is best to have such permission in writing) nor are they required to do so. It is United Learning policy to afford transsexual people who have "Transitioned", i.e. legally changed their name and title, the same protection as they would afford to someone holding a Gender Recognition Certificate.

4. Medical Treatment/Time Off

- 4.1 When dealing with absence from work for any treatment, United Learning's sickness absence policy will apply and the same degree of flexibility will be shown as for someone undergoing any other serious operation/surgery. In these circumstances, as with any other long-term absence, United Learning will be supportive and individuals will be supported and monitored by their Line Manager, HR and Occupational Health.
- 4.2 Where a colleague has been diagnosed as suffering from 'Gender Dysphoria' or 'Gender Identity Disorder' and the condition is likely to last for more than twelve months, or will



remain with the individual for the rest of their life, United Learning will ensure all individual rights under the Equality Act 2010 are protected and all reasonable adjustments considered.

- 4.3 The colleague may require time off for medical appointments. Time off for these purposes will be treated no less favourably than time off for other medical appointments (see the 'United Learning Time Off Guidelines' for further information).

5. Communications

- 5.1 Any transsexual colleagues who are proposing to undergo or are under-going gender reassignment should arrange a meeting with their line manager. It is accepted that as this is a very private matter the individual may prefer to initially hold this discussion with the Head Teacher or a member of the HR Department. This meeting will be strictly confidential. At all stages United Learning will be committed to supporting the individual wherever possible. The meeting may discuss and consider:
- a) The expected timescale of any medical and surgical procedures, where applicable and if known;
 - b) The time off required, if known;
 - c) Whether the colleague wishes to stay in their current post and whether reasonable adjustments or redeployment should be considered;
 - d) The expected point or phase of change of name, personal details and social gender;
 - e) Whether the individual wishes to inform their colleagues etc. themselves, or whether they would prefer this to be done by their Head Teacher or line manager;
 - f) Whether training or briefing of colleagues etc. will be required;
 - g) What amendments will need to be made to records and systems;
 - h) A procedure for adhering to any dress code policies;
 - i) Agreeing the point at which the individual will start using single sex facilities in their new gender (such as toilets and changing rooms).

6. Relationship with other staff, pupils/parents and third parties

- 6.1 All colleagues should refer to the transsexual person by their new name and use pronouns appropriate to their new gender role. It is acknowledged that there may initially be genuine mistakes by colleagues, but persistence or a refusal to change to appropriate nouns and pronouns is unacceptable (see 6.2).
- 6.2 Unfortunately, there may be certain colleagues who are unsympathetic and United Learning will support and inform such individuals to enable them to behave in a professional manner. However, United Learning will also ensure that any incidents of misconduct, harassment, bullying or victimisation will be handled quickly and in accordance with the relevant United Learning policy.
- 6.3 When appropriate to the colleague's role, careful consideration will be given, in consultation with the colleague concerned, as to how pupils and their parents should be informed and whether this should include all pupils and parents or only those taught by the colleague concerned.



- 6.4 United Learning has a duty of care to ensure colleagues are treated with respect by third parties with whom they are required to interact with in the performance of their duties.

7. Pensions

- 7.1 After a colleague who is a member of a United Learning pension scheme has successfully transitioned into their new gender role, or obtained a Gender Recognition Certificate, the School must inform the United Learning Financial Controller at Central Office. This information will only be passed on to those people who require it for these purposes and it will be kept strictly confidential.

8. Employee Records

- 8.1 Personnel records for transsexual colleagues should not overtly refer to a previous name or gender. Therefore, after a colleague has successfully transitioned into their new gender role, or obtained a Gender Recognition Certificate, all records relating to or made prior to the transition will be removed and new records created to ensure confidentiality. Where documents have been seen and copies taken at the point of starting employment (such as a birth certificate), every effort will be made to replace these with equivalent documents in the new name and gender. Nothing should remain on file that would show a change has taken place. Any records that United Learning needs to keep that relate to the transition or to a colleague's previous gender, for example relevant qualifications in a previous name, should be placed in a sealed envelope attached to the file with instructions 'Confidential – Head Teacher/Director of HR only'. All information will be treated with total confidentiality and with strict adherence to the Data Protection Act.
- 8.2 If United Learning becomes aware of information relating to a colleague's gender history, it will keep this information confidential. It will not disclose information about an employee's gender history to a third party without the colleague's consent.

9. Review

For the avoidance of doubt this policy is non-contractual and United Learning reserves the right to review and amend it. Such a review would also include full consultation with its recognised trade unions.

APPENDIX 1: SOURCES OF SUPPORT

ACAS

Guidance on managing gender reassignment in the workplace and effectively supporting transgender colleagues.

<http://www.acas.org.uk/index.aspx?articleid=2064>

GIRES

A very good source of information on helping transgendered people.

www.gires.org.uk

EHRC

An independent statutory body established to help eliminate discrimination, reduce inequality, protect human rights and to build good relations across the Equality Act's protected groups, including transgendered people.

www.equalityhumanrights.com

The Beaumont Society

A support network that promotes better understanding of the conditions of transgender, transvestism and gender dysphoria and a very good source for information on helping transgendered people.

www.beaumontsociety.org.uk

The Gender Trust

The Gender Trust is a listening ear, a caring support and an information source.

www.gendertrust.org.uk

Employee Assistance Programme (EAP) (where schools have access)

www.well-online.co.uk, 0800 0851376

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