

Transgender guidance for Trust staff and service users

January 2019



Embrace

Table of contents

3	Introduction
4	Purpose of the guidelines
4	Scope
5	Definitions/glossary
6	Ownership and responsibilities
7	Standards and practice (supporting our service users / patients)
8	Standards and Practice (supporting our staff)
9	Promotion of transgender equality
9	Dissemination and implementation
9	Monitoring compliance and effectiveness
10	Appendix 1

1. Introduction

Cambridgeshire and Peterborough NHS Foundation Trust (CPFT) is committed to leading and promoting diversity, equal opportunities and supporting human rights in terms of the provision of health services for the community it serves and in its practice as an employer.

The purpose of this guidance is two-fold. Firstly, it aims to support employees in their work with service-users, for whom gender identity might be an important issue. Secondly, it aims to support all employees who have transgender needs themselves, by providing clear guidelines to employees and managers in relation to any work-related issues that may arise. This policy will use the term transgender but with the acknowledgement that people will have their own individual preferences over the term that is used.

CPFT will not tolerate discrimination, victimisation or harassment based on a person's gender identity, gender expression or transgender status. CPFT seeks to provide a supportive environment for transgender staff and service users alike to create a culture and environment where they are able to thrive and are well supported during any process of transition.

In 1996 it was made illegal to discriminate against people who are transgender in the workplace. In 1999, gender reassignment surgery was made a legal right on the NHS. In 2000, the European court of Human Rights established that transgender people should be afforded legal status in the gender that they lived in. This was effected in the UK in 2004, in the form of the Gender Recognition Act (2004) and has since been superseded by the Equality Act (2010).

The Equality Act 2010 came into force on 1 October 2010. This important piece of legislation strengthened and streamlined equality legislation and created some new protections. The Equality Act 2010 provides explicit protection for people who are transgender, people who are proposing to undergo, are undergoing, or have undergone the process of changing their sex. These colleagues have the protected characteristic of gender reassignment. Protection is provided from discrimination in employment, services and public function.

1.2. Transgender is an umbrella term used to cover numerous types of gender identity labels such as transsexual, transvestite, intersex, bi-gendered or non-gendered (see glossary for more details explanation). Their gender identity may not fit neatly into society's idea of gender, for example they may feel they are not totally one gender or the other, they may not identify with their assigned birth gender or they may not identify with any gender at all. Gender is not just the physical body; we all have gender traits or behaviours.

1.3. It is important to remember that staff / patients may have a number of 'labels' attached to them, and it is important we use such labels with care.

1.4. Some people who feel that they have been assigned to the wrong gender will choose to have gender reassignment (to change from one gender to the other). Some individuals may want to undergo gender reassignment but are unable to due to a number of health issues (such as being unable to have hormone therapy, e.g. if the person had liver or kidney damage). Similarly, some individuals may choose that on balance surgery is not the best option for them, however we need to acknowledge that this decision may not be static.

1.5. It is important to clarify the difference between gender identity and sexual orientation. Gender identity is about the gender you feel comfortable with and sexual orientation is about who you feel attracted to.

1.6. It is also important to recognise that being a person who is transgender is only one aspect of the individual's identity and therefore it is not a case of "one size fits all". Each person will have different needs and, as such, a person-centred approach to their needs as a service-user and/or employee will need to be taken.

1.7. For a member of staff who is transgender, any changes to working conditions or access to facilities should be negotiated sensitively between the staff member and their manager.

1.8. These guidelines need to be considered alongside other Trust policies such as, Guide to the Sickness Absence, Employee Wellbeing Policy, Equality and Diversity Policy, etc.

2. Purpose of the guidelines

2.1. The purpose of this document is to provide guidance for the Trust's employees on the expectations and other considerations that may be necessary for transgender service users and staff.

2.2. To support the Trust in its delivery of inclusive services and ensures that it does not breach the Equality Act 2010. Under this legislation it now states that a person who is transgender no longer has to be under medical supervision or have a gender reassignment certificate to prove that they are transgender. They must be treated as the gender they have chosen to be.

3. Scope

3.1. These guidelines apply to all staff, patients and members of the public detailing how a person who is transgender should be treated in a dignified, non-discriminatory way.

3.2. Discrimination against a person who is transgender should be challenged, whether the discrimination stems from staff, patients or the public.

4. Definitions / Glossary

Gender identity

A person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned to them at birth.

Gender expression

A person's external gender-related behaviour and appearance, including clothing.

Transgender

A person whose gender identity does not match to the sex they were assigned at birth. This is an 'umbrella term', including people who describe themselves as transsexual, and people who have a more complex sense of their own gender than either 100% female or 100% male.

Gender binary

The classification of sex and gender into two distinct and disconnected forms of male and female.

Gender variance

Gender expression that does not match society's norms of male and female.

Non-binary person

A person who does not identify as solely male or female. They may identify as both, neither or something entirely different.

Gender fluid

Having a gender identity which varies over time.

Transsexual

Legal/medical term for someone who lives (or wishes to live) permanently in the 'opposite' gender to that assigned at birth. They may or may not have gender reassignment.

Legal sex

The sex recorded on your birth certificate. Rarely relevant at work. Currently binary in the UK. Changed by applying to Gender Recognition Panel.

Transvestite

A person who chooses to dress and behave as the opposite gender for some of their time, but this does not necessarily mean they would wish to have a reassigned gender.

Intersex

Individuals whose anatomy or physiology differs from contemporary cultural stereotypes of what constitute typical male and female.

Bi-gendered

A person who considers themselves to be both male and female at different times.

Non-gendered

A person who does not identify with any gender.

Gender dysphoria

Medical term for deep-rooted and serious discomfort or distress because of a mismatch between a person's biological sex and gender identity; overwhelming desire to live in a different gender to that assigned at birth.

Gender reassignment

The process of transitioning from the gender assigned at birth to the preferred gender. This may (or may not) involve medical and surgical procedures.

Transitioning

The process undertaken by a person who is transgender in order to bring their gender presentation into alignment with their gender identity. This often involves dressing differently, using a different name and pronoun (eg she, he or they) and changing official documentation. It may involve various types of medical or surgical treatment, although this is not the case for all people who are transgender. CPFT recognises there is no right or wrong way to transition and is committed to supporting everyone in their decisions.

Gender recognition certificate

Issued by the Gender Recognition Panel – signifies full legal rights in acquired gender and allows the issuing of a replacement birth certificate.

5. Ownership and responsibilities

5.1. Role of managers

Every manager employed by the Trust is responsible for promoting equal opportunities in practice and, where applicable, for preventing patient and staff discrimination.

Line managers are responsible for:

- Ensuring that all staff are aware of these guidelines and undertake any relevant training.
- Challenging staff who discriminate and ensuring that the relevant procedures are followed i.e. Dignity at Work, Disciplinary Policy, etc.
- Supporting their staff to challenge discrimination from patients, the public or other staff.
- Agreeing a plan with a staff member who is proposing to transition to ensure that they are supported throughout the process. (See Appendix 1).
- Ensuring that a person who is transgender is addressed and treated as the gender they identify with.
- Supporting a staff member who wishes to transition at work. Managers should be mindful that it can be an extremely difficult step for someone to approach their manager about transitioning. Conversations of this nature should be handled sensitively, with an attitude of warmth and openness.

5.2. Role of the Diversity Network

The Diversity Network is responsible for:

- Overseeing the development and monitoring of the Transgender Policy and Guidelines.
- Consulting with members of the transgender community.
- Reporting to the Board on any issues of discrimination or non-compliance of the Transgender Guidance / Policy.
- Ensuring that training is established and monitored across the organisation to increase the knowledge about transgender issues.

5.3. Role of individual staff

All employees have a personal responsibility to support the equal and fair treatment of colleagues and to ensure patients are treated consistently in a non-discriminatory manner and in line with clinical practice.

All staff members are responsible for:

- Complying with the Transgender Guidance / Policy.
 - Challenging/reporting discriminatory practice or language.
-

6. Standards and practice (supporting our service users / patients)

6.1. The individual should be asked how they wish to be addressed and their preferred pronouns should be used at all times, e.g. she/he/ they.

6.2. Be aware that the patient may not have the support of their family with regards to changing gender - i.e. they may refer to the patient in terms of their previous gender.

6.3. If the patient is near the beginning of the reassignment process staff need to be aware that they may need sensitive support for some areas of their care, e.g. a female may need to shave facial hair, a male may need menstrual hygiene products such as sanitary towels (important to ensure that a sanitary bin is available in all toilets).

6.4. The patient may be anxious and sensitive due to having high hormone levels from taking medication (this may be more notable for men transitioning to women). Additionally, the patient may be anxious about how they will be treated while in hospital due to poor previous experiences of healthcare.

6.5. Discrimination from staff, other patients or public will not be tolerated. In the case of staff being discriminatory, the manager should use the relevant policies/procedures to deal with the situation - e.g. Dignity at Work, Disciplinary policy and procedure. If other patients or the public are discriminatory, they should be reminded that this behaviour will not be tolerated by the Trust. The Trust has a Zero Tolerance to Discrimination.

7. Standards and practice (supporting our staff)

7.1. If a member of staff is proposing to go through gender reassignment or wishes to live as the opposite gender, a discussion should take place with their manager to negotiate a plan for how this will be managed (Appendix 1)..

Issues that may need to be considered are:

- Who will inform the staff team of the change? The staff member may prefer the manager to do this.
- Would the staff member prefer to be supported through the transition in their current role, or would they like to explore the option of re-deployment to another role in the Trust?
- Will the change of gender affect the job role - i.e. does the role have a “genuine occupational requirement” to be a particular gender?
- What changes to systems/records will be needed - e.g. change of name for payroll?
- Does the team require training or information on transgender issues to support the member of staff and the team and to ensure no discrimination occurs?

7.2. The matter should be dealt with sensitively and the involvement of the wider team should be considered with the staff member’s consent and approval.

7.3. The staff member should be treated as their preferred gender in the transition period. This will include wearing the appropriate uniform / clothes and using the preferred gender’s facilities - i.e. toilets and changing areas.

7.4. Time off for medical appointments is addressed in the Trust’s Guide to the Sickness Absence and Employee Wellbeing Policy

7.5. Discrimination from staff, other patients or public will not be tolerated. In the case of staff being discriminatory, the manager should use the relevant policies/procedures to deal with the situation - e.g. Dignity at Work, Disciplinary policy and procedure. If other patients or the public are discriminatory, they should be reminded that this behaviour will not be tolerated by the Trust. The Trust has a Zero Tolerance to Discrimination.

7.6. If the employee’s job involves professional registration, we will check whether the registration body has a specific, confidential process for gender transition.

7.7. If an employee is supporting a family member who is transitioning, they may need to take time off to attend appointments and treatment or give assistance following surgical procedures. Some of these may be at short notice and may involve travelling a long distance. The needs of the service has to be considered, however managers will be as flexible as possible to accommodate this

7.8. Some posts will require a DBS check. The DBS offers a confidential service for transgender applicants and they can contact them on 0151 6761452 or e-mail sensitive@db.s.gsi.gov.uk

8. Promotion of transgender equality

8.1. As well as ensuring that transgender staff are fully supported, CPFT will demonstrate our commitment to transgender equality in the following ways:

- Ensuring that all training courses that are delivered are fully inclusive of people who are transgender – this includes both face-to-face training and e-learning.
 - Marking important dates for the transgender community, such as Trans Day of Visibility (31 March) and Transgender Day of Remembrance (20 November).
 - Including people who are transgender in publicity and marketing materials.
 - Ensuring that all forms and surveys are inclusive of people who are transgender, for both staff and clients.
 - Including transgender equality as a core part of the organisation’s equality agenda and objectives.
 - Investigating fully all complaints of harassment, victimisation or discrimination on the grounds of gender identity, gender history, gender status or gender expression.
-

8. Dissemination and Implementation

8.1. Director for Corporate Affairs and the Equality, Diversity and Inclusion leads are responsible for the implementation of this guidance.

9. Monitoring compliance and effectiveness

9.1. This guidance will be monitored for compliance and effectiveness at regular intervals by the Diversity Network.

9.2. Monitoring will be carried out through the progression of the EDS2 action plan which is the working document that ensures the commitments in this guidance are successfully completed.

Appendix 1

Managers guide to supporting staff who are transgender

Take away messages

The most important advice is don't shy away from having a conversation with your staff member. Living as a transgender person can be hard enough, without feeling that these experiences must be hidden and managed alone. As a manager / supervisor, you aren't expected to have all the answers and every person's experience will likely bring its own set of unique challenges – but it's important to embrace an attitude of openness, curiosity and empathy that paves the way to exploring transgender issues collaboratively and finding supportive solutions.

The following checklist maybe a helpful guide to some of the questions and processes that you may want to discuss with your staff member.

Checklist for discussion

Are there any temporary or permanent changes / reasonable adjustments to the role which should be considered to support the employee? Considerations should include security aspects such as lone working, night working.

Is any time off required? If so how will this be managed? Consider flexible working methods, if appropriate)

What will the employee's title and name be? What pronouns will be used? When will they start using these? Will there be any phasing required? Also important to discuss terminology.

Are there any dress codes to be considered? Are new uniforms needed?

If applicable, how will single-sex working requirements be managed?

When and how should colleagues be informed of the transition?

Is there any guidance material that the employee wishes to share with managers and colleagues?

Should the employee encounter unacceptable behaviour towards them (colleagues or service users), who should this be reported to?

Are there any other actions not covered by above?

Is there an agreed date for when this action plan will be disposed of in accordance with the requirements of the Data Protection Act 1998?

Who needs to know?

	Who will tell them?	When	Date completed
Senior manager			
HR representative			
Line manager			
Team members			
Other colleagues			
Other (specify)			

Changes to records

	Who will do this?	When	Date completed
ESR			
E-Academy			
Healthroster			
RiO / SystemOne			
Datix			
Integra			
Name badge			
IT systems including e-mail			
Website			
Voicemail			
Internet/intranet address entry			
Union membership			
Pension scheme			
Certificates/awards			
Personal file and related data			
Other			

Details of meetings

Date	Comments	Actions	Date of next meeting

Further reading

These websites may help you with further information:

<https://www.gires.org.uk/>

<https://nationallgbtpartnership.org/>

<https://www.mermaidsuk.org.uk/>

<https://www.transunite.co.uk/>



HQ Elizabeth House, Fulbourn Hospital, Cambridge CB21 5EF.

T 01223 219400

F 01480 398501

www.cpft.nhs.uk

CPFT supports the **HeadtoToe Charity** – visit www.HeadToToeCharity.org for details on how you can help

