

Gender Reassignment Support in the Workplace Policy

July 2022 - July 2024

CONTROL RECORD			
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1. Introduction

- 1.1 This policy applies to the NHS Nottingham and Nottinghamshire Integrated Care Board, hereafter referred to as 'the ICB'.
- 1.2 It is the ICB's intention that all staff, volunteers, and prospective applicants considering undergoing, currently undergoing or who have undergone gender reassignment will experience respect and dignity.
- 1.3 It is also the intention of the organisation that managers have good information and guidance on gender reassignment and on the implications for people considering or undergoing this process and that the ICB is committed to ensuring that transgender people are treated with respect and that it does not discriminate unlawfully. This commitment is an important aspect of its overall commitment to providing equal opportunities in employment.
- 1.4 This policy is intended to assist the ICB to put this commitment into practice and to help deal with any practical issues that may arise. Compliance with this policy should also ensure that employees do not commit unlawful discrimination.
- 1.5 Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The organisation has a separate Acceptable Behaviours Policy that deals with these areas.

2. Purpose

- 2.1 The ICB is committed to equality of opportunity, preventing discrimination or harassment and promoting positive relations between all people employed in the organisation. It is the organisation's intention that all staff, volunteers, applicants and members of the public considering undergoing, undergoing or who have undergone gender reassignment will experience respect and dignity as employees or potential employees or whilst undertaking roles in the organisation in a range of other circumstances.
- 2.2 The purpose of this policy is to:-
 - Set out how the ICB will address these aims.
 - Set out how the ICB will address gender reassignment from an employment perspective ensuring practice is in line with legal requirements and good practice guidance.
 - Set out how the ICB will ensure that individuals considering or undergoing gender reassignment or who have transitioned are treated with fairness and supported in recruitment employment and career development.

- Set out ICB Policy on applying appropriate procedures in recruitment.
- Set out ICB Policy on applying appropriate procedures and support processes when employees or volunteers are considering, undergoing or have undergone gender reassignment.
- Set out how the ICB will ensure that relevant members of staff have sufficient information, guidance and support so that they can provide sensitive and supportive management to people who have informed them that they are considering undergoing or are undergoing gender reassignment.
- Set out the action that will be taken by the ICB to ensure that people who have undergone gender reassignment are treated with respect and their legal rights are maintained.

3. Scope

- 3.1 The policy is ICB wide and applies to all people applying for employment and employed by the ICB including those working in the ICB under honorary contacts and as contractors or volunteers. It is intended to apply to anyone within this group who is considering, is undergoing or who has undergone gender reassignment.
- 3.2 The policy applies to people who cross dress when, as part of the process of reassigning their sex, or is driven by their gender identity to cross-dress.
- 3.3 The ICB must have due regard to the aims of eliminating discrimination and promoting equality when policies are being developed.

4. Roles and Responsibilities

Roles	Responsibilities
Head of HR& OD and Associate Director of Governance	Has delegated responsibility for maintaining an overview of the corporate ratification and governance process associated with the policy.
Appointing Officers	Have delegated responsibility for: <ul style="list-style-type: none"> • Developing and creating a culture where employees can discuss any concerns they may have regarding their welfare or that of others. • Ensuring employees are aware of the services available and how they can be accessed.

Roles	Responsibilities
	<ul style="list-style-type: none"> • Taking prompt action where there are concerns regarding the wellbeing of an employee. • Seeking advice from Human Resources/Occupational Health Services as appropriate.
All Staff	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • All staff should be aware of the policy as it applies to them as individual members of staff or volunteers. • All staff with leadership / managerial responsibilities must be aware of this policy and its related procedures and guidance and ensure that it is applied in their area of responsibility.
Human Resources	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Providing advice and guidance in relation to this policy. • Provision of Occupational Health Services/Staff.
Occupational Health Services/Staff Counselling Service	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Providing confidential support to employees who self-refer or who are referred by their line manager because of concerns about their well-being in accordance with the contractual agreement with the ICB. This may include advice to access specialist services as deemed necessary.

5. Definitions

Term	Definition
Gender-dysphoria	An anxiety, uncertainty or persistently uncomfortable feelings experienced by an individual about their assigned gender which is in conflict with their internal gender identity.
Non-binary and gender-fluid	Some people that believe themselves to be non-binary or 'fluid' with regard to gender. The terms non-binary and gender-fluid are often used to describe persons who identify as male or female (or a combination of both) at different times or in different situations. Others may believe that they don't want to be identified by any gender, i.e. a gendered or gender neutral.

Term	Definition
Gender	Gender is expressed in terms of masculinity and femininity. It is largely culturally determined and is assigned at birth based on the sex of the individual. It affects how people perceive themselves and how they expect others to behave.
Trans	'Trans' is an umbrella term used politically and collectively - it is generic and captures the variety of trans identities Without being limiting. Trans refers to a diverse and inclusive community of people ranging from part-time cross dressers to transsexual people who undergo gender reassignment Surgeries.
Sex	In this policy, sex refers to male or female, the biological sex that you were born with.
Protected Characteristics	This policy is intended to protect employees and service users from unfair treatment, regardless of their background. Our definition of 'protected characteristics' is based on those set out in the Equality Act 2010. The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
Due Regard	Having due regard for advancing equality involves: <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
Transition	A transition is the process or journey of an individual from one perceived gender identity to another/others. It should be noted that there is no specific time scale for a transition. It neither has to be permanent or irreversible and the objective may change at any time. The process for transitioning can and often does take many years and may or may not involve some form of medical intervention or procedures.

6. Putting the Policy into Action

6.1 A member of staff who is considering undergoing gender reassignment may wish to initially speak with Occupational Health Counselling Service. Staff may self-refer to

workplace counselling. Workplace wellbeing will ensure that staff are made aware of this Policy and related procedures and support.

- 6.2 A member of staff considering undergoing gender reassignment is advised to initially approach their line manager or HR. The line manager or HR should ensure that the employee is provided with a copy of this policy, and related procedures and support.
- 6.3 A member of staff considering undertaking gender reassignment may not proceed or may not plan to undergo gender reassignment imminently.
- 6.4 The line manager should agree with the member of staff what, if any, support will be helpful on an on-going basis and on how they wish the process to be handled and the practicalities of working in the environment while going through the 'real life experience' which will include:
- 6.5 Informing colleagues and managers, the manager may take responsibility for this unless the member of staff would prefer to do this. The Trust will not inform colleagues, clients or the public that an employee is intending to undergo, or is undergoing gender reassignment without the employee's explicit agreement.
 - If appropriate the line manager will seek advice from the Communications Team on dealing with any interest from the media.
 - With regard to change of name, all staff should refer to the transsexual person by their new name and use pronouns appropriate to their affirmed gender.
 - The use of changing and toilet facilities will be part of the discussion process with the member of staff undergoing gender reassignment. Agreeing the point at which the use of facilities should change from one sex to the other. An appropriate stage for using the facilities of the employee's new gender is likely to be the change of social gender.
- 6.6 Should there be any objections to this; the line manager might consider reserving one set of facilities for those who object to sharing facilities with the individual concerned. It is not good practice to allocate specific facilities for the individual undergoing gender reassignment. In particular, the individual should not be asked to use disabled facilities and it is not acceptable to expect any members of staff to accept this.
- 6.7 It would not be acceptable to expect an individual undergoing gender reassignment to use facilities designated for use by those of their birth gender as their safety may be compromised due to the reaction of colleagues. Following gender reassignment, the individual should be fully supported in using all facilities appropriate to their acquired gender.
- 6.8 The authority to agree these elements is with the manager except in relation to duties. The decision to adjust duties during the gender reassignment process will be based on:

- Whether there is a genuine occupational qualification.
- If so, whether any change in duties is reasonable in all the circumstances.

- 6.9 The final decision with regard to change of duties will be made by the department head with advice from Human Resources, and as advised by the Occupational Health manager.
- 6.10 Transsexual people undergoing medical and surgical procedures related to gender reassignment may require time off from work. The organisation's policy of managing sickness absence and should be referred to for guidance. Managers should try to be as flexible as possible to meet reasonable requests for changes in shifts or working hours within the needs of the service and should refer to the Sickness Absence Management Policy and Procedure.
- 6.11 The line manager should ensure that if a person has raised the issue of gender reassignment with them that any record made or transfer of information is made only with the specific agreement of the employee.

7. Staff intending to undergo Gender Reassignment

- 7.1 If the member of staff decides to undergo gender reassignment, they have the option to start the procedure set out in Appendix A. A member of staff who is considering undergoing gender reassignment may wish to initially
- 7.2 The procedure in Appendix A sets out what should take place to support an employee considering undergoing gender reassignment.

8. Staff undergoing Gender Reassignment

- 8.1 People undergoing gender reassignment are usually required by medical protocols to 'live in role' for up to two years. They may be prescribed hormone therapy or may choose to undergo surgical procedures. However, not all people who undergo gender reassignment will wish to undergo surgical procedures. A person is legally protected even if they never seek medical treatment.
- 8.2 Absence from work due to gender reassignment must be treated in the same way as absence due to illness and take account of the ICB Sickness Absence policy. The manager should discuss with the member of staff what type of appointments or time off they will require associated with gender reassignment. On the production of an appointment card/letter employees will be granted reasonable paid time off to attend hospital appointments under the terms of the ICB's Annual and Special Policy.
- 8.3 Appendix A sets out a procedure to be followed to support someone undergoing gender reassignment.

- 8.4 The ICB will maintain up to date information about support services available to a person undergoing gender reassignment and provide this information through the ICB intranet site – or should be signposted to this information.

9. Recruitment and New Employees

- 9.1 Employment recruitment procedures and practice will include provisions for ensuring that people are not discriminated on the basis of gender reassignment. 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.
- 9.2 There is no obligation for a transsexual person to disclose their status as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment and non-disclosure, or subsequent disclosure, are not grounds for dismissal.
- 9.3 Individuals involved in the recruitment and selection process that becomes aware of an applicant's transsexual status must maintain full confidentiality in relation to this issue as indicated in the legislation.
- 9.4 New and current employees requiring DBS checks who are undergoing gender reassignment will be able to use the DBS specific procedure. This involves contacting the DBS directly. See Appendix E for DBS check procedure.
- 9.5 The ICB staff does not need information about a member of staff's gender history and should not ask about this during DBS checking.
- 9.6 DBS internal procedures ensure that relevant checks are made. Where a conviction or (in Enhanced Disclosure cases) other relevant information has been recorded in a previous name, this will be revealed on the disclosure and as such details of any previous identity may become apparent.

10. Work Permits

- 10.1 Staff who are working in the ICB on a work permit or student visa are asked to comply with any work permit/visa regulations which may relate specifically to name change or gender reassignment in order that the work permit/visa continues to be valid.

11. References for New Starter

- 11.1 References for someone moving to a new job must be in the name which will be used in the new job and not disclose a former name.

- 11.2 If a transgender person has to disclose a previous identity in order for references from past employers to be obtained strict confidentiality and respect for dignity should be applied and this information kept secure.

12. Occupational Requirements

- 12.1 The Equality Act 2010 has replicated exceptions for 'occupational requirements' that were in previous equalities legislation. The Equality Act 2010 makes it clear that any 'occupational requirements' for a role must *'pursue a legitimate aim' and 'the burden of showing that the exception applies rests on those seeking to rely on it'*.
- 12.2 When advertising roles the ICB policy and procedure on advertising posts which have Occupational Requirements must be referred to.
- 12.3 When a person is considering undergoing or undergone gender reassignment it is essential that any concerns a line manager may have regarding the role of the transgender person are discussed with the person as part of the procedures described in Appendix A. If agreement cannot be reached then advice should be taken from HR to agree if all or any part of the person's role is subject to an occupational requirement.

13. Gender Recognition Certificates (GRC)

- 13.1 This section applies to new recruits irrespective of the type of contract and to staff who have undergone gender reassignment.
- 13.2 The Gender Recognition Act 2004 provides that where a person holds a gender recognition certificate (GRC) they must be treated according to their acquired gender.
- 13.3 Anyone who has a GRC must be treated for all purposes as having their acquired gender.
- 13.4 Transgender people must not be routinely asked to produce a GRC. Staff undergoing gender reassignment may choose to apply for a GRC but they should not be required to do this.
- 13.5 People who have a GRC will be issued with a new birth certificate. This is confirmation of their legal gender.

14. Confidentiality

- 14.1 The ICB policy on confidentiality will apply, however the following should be particularly noted.
- 14.2 Members of staff may gain information about a person's gender history in the course of their work. This information must be kept confidential

- 14.3 If this information needs to be passed on then the specific permission of the person it relates to must be obtained.
- 14.4 If the person has a GRC and this information is passed on without gaining the person permission, the person passing the information on will be committing an offence.

15. National Insurance

- 15.1 Staff who change their name will need to inform the local social security office, providing the appropriate certificates and will pay NI contributions on the basis of their affirmed gender according to the GRC.

16. Pension

- 16.1 A transgender person who receives a full recognition certificate will be treated according to their affirmed gender for state pension purposes. Transgender people who do not obtain a full gender recognition certificate retain their full pension rights in accordance with the sex that is recorded on their birth certificate. In terms of pension provision, it is good practice for employees 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.

http://www.nhsbsa.nhs.uk/Documents/Pensions/Gender_recognition_V3_06.2015.pdf

17. Professional Registration

- 17.1 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. If the employer has to keep evidence of professional status or qualifications, he or she should discuss with the member of staff how to retain evidence on file so as not to compromise or breach disclosure of protected information.

18. Changes in Social Gender

- 18.1 At some point the member of staff will start to live full-time in the affirmed gender and name and other records will need to be changed formally. As part of this process the member of staff will decide the appropriate point when a form of dress and the use of single sex facilities will be adopted in accord with the new social gender. However, this change in social gender, whilst usually taking place during or after hormone therapy will sometimes occur years before the final surgical procedure, which for some members of staff this will never take place. These issues must be discussed fully with the member of staff.

19. Sharing Personal Information

- 19.1 It is illegal for staff to share information regarding someone's trans status unless there is specific agreement to do so by the trans person. If it is necessary for professionals to pass on someone's trans status to a third party then it is recommended that the trans person be asked to provide permission in writing - for clarity on this issue see <http://www.opsi.gov.uk/si/si2005/20050635.htm>.

20. Single Sex Facilities

- 20.1 There is a requirement to live as a member of the opposite sex before going through any surgical procedure, which includes using single sex facilities. The issue of when this will begin is something that needs to be decided by the individual and supported by the appointed advisor and those around them. This will involve open discussion, education and understanding. Trans people (like everyone else in Britain) can use toilets or changing facilities appropriate to their gender presentation with or without a Gender Recognition Certificate (usually it is acceptable to do this on the presentation of a letter from a GP or gender specialist confirming that the individual is undergoing gender reassignment with the intention of living permanently in the new gender).

21. Support Mechanisms

- 21.1 The list below shows just some of the options available to individuals who wish to seek support within the organisation during a gender transition period. This support must also include identifying individual support needs so as not to 'homogenise' trans people. This individual support may include diversity issues covering any if not all of the protected characteristics.
- Human Resources – an appointed advisor from within the Human Resources department should be identified at an early stage in order both to offer support and to deal with any changes that need to be made to an individual's post or personal records and to deal with any implications within the affected team. Any qualified Human Resources professional should have the necessary knowledge and awareness required to deal with such personal and sensitive issues. Support for the trans person or for HR staff can be sought from the Trusts Integrated Equality Services, LGBT Support Group.
 - Occupational Health – a manager may wish to refer the individual to occupational health, or the individual may wish to refer him or herself for additional support and advice concerning any counselling needs or advice regarding the medical process of the transition. Managers may also need advice regarding the needs of the individual and on how to deal with changes that may need to be made within the team or work environment.

- Trade Union Support – Union Members may find it useful to contact their Trade Unions for advice and support. Please see appropriate Union websites for details.
- External Organisations – Refer to further information sources in section 16 below for a list of external organisations that can offer support and advice on gender transition issues in the workplace.
- Spectrum – LGBT&Q Staff support group.

22. Equality and Diversity Statement

- 22.1 Nottingham and Nottinghamshire ICB pays due regard to the requirements of the Public Sector Equality Duty (PSED) of the Equality Act 2010 in policy development and implementation as a commissioner and provider of services as well as an employer.
- 22.2 The ICB is committed to ensuring that the way we provide services to the public and the experiences of our staff does not discriminate against any individuals or groups on the basis of their age, disability, gender identity (trans, non-binary), marriage or civil partnership status, pregnancy or maternity, race, religion or belief, gender or sexual orientation.
- 22.3 We are committed to ensuring that our activities also consider the disadvantages that some people in our diverse population experience when accessing health services. Such disadvantaged groups include people experiencing economic and social deprivation, carers, refugees and asylum seekers, people who are homeless, workers in stigmatised occupations, people who are geographically isolated, gypsies, roma and travellers.
- 22.4 As an employer, we are committed to promoting equality of opportunity in recruitment, training and career progression and to valuing and increasing diversity within our workforce.
- 22.5 To help ensure that these commitments are embedded in our day-to-day working practices, an Equality Impact Assessment has been completed for, and is attached to, this policy.

23. Communication, Monitoring and Review

- 23.1 This Policy will be highlighted to new employees at staff induction and is stored on the ICB's HR/OD Intranet pages and by the ICB's HR&OD Team.
- 23.2 This Policy will be reviewed periodically every three years (or earlier if changes in the law or any other circumstances require it) and will be approved by the Remuneration Committee.

23.3 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the HR Lead.

24. Staff Training

24.1 All staff will be offered relevant training commensurate with their duties and responsibilities. Staff requiring support should speak to their line manager in the first instance. Support may also be obtained through their HR Department.

24.2 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the HR Team via email at nnicb-nn.hr@nhs.net.

25. Interaction with other ICB Policies

25.1 This policy should be read in conjunction with the following ICB policies:

- Sickness Absence Policy.
- Equality, Diversity and Inclusion Policy.
- Recruitment and Selection Policy.
- Leave Policy.

26. References

26.1 The following legislation and guidance has been taken into consideration in the development of this procedural document:

- The Equality Act 2010
- The Gender Recognition Act 2004
- Press for Change - www.pfc.org.uk
- www.dh.gov.uk
- <http://www.transgenderzone.com>
- <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- [Supporting trans employees in the workplace | Acas](#)
- <http://www.gendertrust.org.uk/>
- www.equalityhumanrights.com
- <https://www.unison.org.uk/content/uploads/2016/09/Transgender-workers-rights.pdf>
- Unison Document: 'Bargaining for Transgender Workers' Rights' April 2007
- [Gender Identity Research & Education Society – Improving the Lives of Trans People \(gires.org.uk\)](http://www.gires.org.uk)
- A Practical Guide for the NHS (2008), Department of Health

Appendix A:

Undergoing Gender Reassignment Procedure

1. Planning

- 1.1 People are different and each person considering and undergoing gender reassignment will have different pefaces and priorities. The following procedures are intended to provide a framework to support this process but they may be modified to meet individual needs.

2. Informing colleagues service users and carers and contacts

- 2.1. There is no requirement and there should be no obligation to inform colleagues, clients or the public that a person is undertaking gender reassignment.
- 2.2. Where case work is being undertaken or a member of staff has a long term caring relationship it may be considered appropriate to have a discussion with the service user if the relationship with that individual was established prior to their change of gender and is to continue. How to manage this should be discussed with the transitioning person.
- 2.3. Any inappropriate release of information resulting in the member of staff being identified against their stated wish, whether internally or externally, may be regarded as gross misconduct and subject to appropriate disciplinary action. It is therefore important to have a specific discussion at an early stage about who will be informed, at what stage and how.
- 2.4. It is recommended that the transitioning person takes the lead in informing others but they may prefer that this is undertaken by the manager or a HR representative.
- 2.5. It is important the timing of disclosure is agreed as part of the planning.
- 2.6. The manager will ensure that general information about gender change and any specific details about the current transition are made available to staff or the person.
- 2.7. At the point of public change in gender, it is common for people to take annual leave and then return in their new name and gender role. This may be a useful opportunity with the persons consent to brief staff ready for their return.

3. Records

- 3.1 Records will only be changed when the appropriate deed certificates have been provided. Transsexual people can apply to the Gender Recognition Panel to seek full legal recognition. If successful a GRC is issued to the applicant unless the person is married. A married person may obtain an 'Interim Gender Recognition Certificate' until such time as their marriage is annulled. Managers and HR should ensure that all documentation held on the member of staff's file displays their legal gender. A transgender employee does not need to have a GRC after transitioning to be protected. Provided they have adopted their preferred gender role, they should be considered as such at all times.
- 3.2 At the point of transition all public documents, public references (such as telephone directories, e-mail accounts, circulation lists, rotas, Electronic Staff Records) and employment details need to be amended to reflect the acquired gender of the person. See Section 2 in Appendix A for practical details.
- 3.3 Where documents have been seen and copies taken at the point of starting employment (such as a birth certificate) every effort should be made to replace those with equivalent documents in the new name and gender. This will prevent any breach of confidentiality.
- 3.4 In some instances, it may be necessary to retain records relating to an individual's identity at birth, for example, for pension or insurance purposes.
- 3.5 Once a GRC has been obtained these must be replaced with the new birth certificate details.
- 3.6 Access to records showing the change of name or any other details associated with the individual's status (such as records of absence for medical treatment) must be restricted to staff who need the information to do their work.

Appendix B:

Meetings Guide and Checklists

		Date completed
Initial Meeting	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Agree who will initially be informed and or involved in supporting the employee. 2) Provide employee with details of the policy and ICB procedure. 3) Agree a date for a second meeting – this should take place as soon as possible. 4) What support would be helpful – agree how this can be met. 	
Planning Meeting 1	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Agree outline timescales including support/progress meeting timetable. 2) Agree who should/needs to be told when and how. 3) Does the person wish to stay in their current role during transition or be redeployed if this is an option? 4) Are there any occupational requirements of the current or proposed role (NB these will be limited and must be objectively justified by the organisation)? 5) Can adjustments be made so that the person does not undertake these aspects of the role during transition? 6) Where a role requires on going contact with individual patients/service users discuss communication with these patients. 	

<p>Planning Meeting 2</p>	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Does the person wish to inform colleagues, external organisations and contacts personally, or should this be done on their behalf? 2) Agree how the tasks identified in task list 1 below will be completed (who when etc.) 3) When will use of chosen gender facilities begin. 4) How will negative reactions be managed 5) Agree how to respond to any media interest 6) Does any information need to be provided to colleagues 7) Agree final timetable for when key actions will take place. 8) Discuss any concerns of the transitioning person 9) Discuss any questions the line manager may have. 	
<p>Progress Meeting 1</p>	<p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Review Progress 2) Check list of tasks 1 completed 3) Review/revise timetable. 	
<p>Progress Meetings</p>	<p>To take place in line with planning identified above.</p> <p><u>Suggested Agenda</u></p> <ol style="list-style-type: none"> 1) Review Progress 2) Review/revise timetable. 	
<p>Final meeting</p>	<p>This should take place at a stage when the transitioning person feels that support should finish or alternative on-going support should be agreed and all tasks have been completed.</p>	

Appendix C:

Practical Procedures and Considerations

1. Electronic Staff Record (ESR)

This is the system used in the NHS to keep staff records.

Option 1 – preferred name – a member of staff can change their preferred name on the system without providing any supporting information, so someone whose name is John Smith could indicate that they wish to be known as Joanna Smith. If someone's preferred name is changed on the system any official information linked to ESR records will still record the person's name as Joanna Smith in this case.

To action this Request to Vary a Contract form needs to be completed and returned to the Central HR Workforce Team.

Option 2 - Initiating a full change of name. Any member of staff can change their name but the ICB policy is that this must be supported by some formal proof of name change (for example a marriage certificate). For people undergoing gender reassignment the requested name change should be supported by a 'statutory declaration' of name change or a gender recognition certificate.

A name change can be facilitated by the person completing a Request to Vary a Contract electronic form which their line manager will then authorise. This should then be sent to the Central HR Workforce Team along with the scanned in copy of the 'statutory declaration' confirming this legal change.

2. Email log in etc.

The IT department should be contacted to facilitate name changes on e-mail and any security or other log in systems.

3. National Insurance

Staff who change their name will need to inform the local social security office, providing the appropriate certificates and will pay NI contributions on the basis of their affirmed gender according to the GRC.

4. Pension

A transgender person who receives a full recognition certificate will be treated according to their affirmed gender for state pension purposes. Transgender people who do not obtain a full gender recognition certificate retain their full pension rights in accordance with the sex that is recorded on their birth certificate. In terms of pension provision, it is good practice for employees 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.

5. Professional Registration

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. If the employer has to keep evidence of professional status or qualifications, he or she should discuss with the member of staff how to retain such evidence on file so as not to compromise or breach disclosure of protected information.

Appendix D:

Task List

Task	Process	Who Will Complete			Completed
		Staff Member	Management	Other	
Change name on ESR	Complete Request to Vary a Contract Form – submit to Central HR Workforce Team.	√	√	HR Team will action on ESR upon receipt of form.	
Change e-mail address	Contact IT directly to request change to email	√	√	IT Team will action on receipt of request.	
Change name on IT systems	Contact IT directly to request change to email	√	√	IT Team will action on receipt of request.	
Advise Professional Body (as per that bodies' policy)	Staff member contacts relevant professional organisation.	√	n/a	n/a	
Change authorised signature mandate	ICB Finance to agree change and inform Central HR.	√	√	ICB Finance Team to action change.	
Change Payroll	Will be actioned via Request to Vary a Contract instruction to Central HR Workforce Team as above.	√	√	HR Team will action on ESR upon receipt of form.	
Order new Uniforms	Staff Member/Manager	√	√	n/a	
Inform National Insurance Office	Staff Member to inform the office directly	√	n/a	n/a	
Pensions	Staff Member to inform the office directly	√	n/a	n/a	
OTHER – to be agreed at planning meetings					

Appendix E:

Advice on DBS Check Procedure

A specific procedure is available for people who have undergone gender reassignment. This involves them contacting the DBS directly.

Applicants may telephone the DBS on 0151 676 1509 or 0151 676 1570 to discuss this matter in confidence.

A brief summary of the process is:

- Transgender people applying for a DBS disclosure should first ring one of the above numbers to clarify anything they are not sure about and to ensure that the DBS know they will be using the special provisions.
- They should then complete the form or E-DBS 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 photocopy the form ensuring they have a clear record of the application serial number or make a note of the serial number if using e-DBS.
- The applicant should then immediately contact the DBS on one of the numbers above and notify them of the application number.
- The special security section of the DBS in Liverpool then have the means to intercept the application 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 their employer will not reveal the applicants 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.
- DBS check information obtained should be treated in line with the ICB policy on DBS checks, data protection and confidentiality.

Appendix F: Equality Impact Assessment

Date of assessment:	June 2022			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Age¹	None identified	N/A	No	No
Disability²	None identified	N/A	No	No
Gender identity (trans, non-binary)³	Potential impact for employees who are transitioning or identifying as another gender.	Management and employee training on application of policy and sickness absence support. Ongoing organisation EDI training. HR support.	No	No
Marriage or civil partnership status⁴	None identified	N/A	No	No

¹ A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

² A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

³ The process of transitioning from one gender to another.

⁴ Marriage is a union between a man and a woman or between a same-sex couple.

Date of assessment:	June 2022			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Pregnancy or maternity⁵	None identified	N/A	No	No
Race⁶	None identified	N/A	No	No
Religion or belief⁷	None identified	N/A	No	No
Gender⁸	None identified	N/A	No	No
Sexual orientation⁹	None identified	N/A	No	No
Carers¹⁰	None identified	N/A	No	No

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'.

⁵ Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

⁶ Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

⁷ Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

⁸ A man or a woman.

⁹ Whether a person's sexual attraction is towards their own sex, the opposite sex, to both sexes or none. <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

¹⁰ Individuals within the ICB which may have carer responsibilities.