

Code of Practice: Supporting Gender Transition & Gender Identity (Staff)

1. INTRODUCTION

Keele University supports equality of opportunity and celebrates diversity. We are committed to ensuring there is no discrimination based on gender transition, gender identity or gender expression. All staff, students and stakeholders should feel safe and supported in their learning, working and living environment.

1.1 Purpose

This Code of Practice (CoP) aims to increase understanding of our commitment to equality for staff undergoing or having undergone transition and sets out a framework for supporting them. It supplements our Gender Identity and Gender Transition Statement of Commitment and Respect. For gender transition of students please see our Student Gender Transition policy. Related Keele policies and frameworks include our Equality and Diversity Strategy, our Athena SWAN submission and our engagement with Stonewall's Diversity Champion's programme.

1.2 Legal background

The [Equality Act 2010](#) stipulates that persons undergoing or having undergone gender transition must not be discriminated against, harassed or victimised, irrespective of whether they are undergoing or have undergone medical supervision or interventions. This CoP extends the Equality Act's specific focus on gender transition to encompass all forms of the expression of gender identity.

The [Gender Recognition Act 2004](#) allows trans people to apply for a Gender Recognition Certificate (GRC) which gives legal recognition of affirmed gender and allows birth certificates to be reissued in accordance with gender identity. However, not all trans people decide to obtain a GRC and staff should not be asked to provide one.

Keele protects personal data in accordance with the [Data Protection Act 2018](#) and the [EU General Data Protection Regulations \(GDPR\)](#). The [Human Rights Act 1998](#) provides protection under the right to a private life. It is a criminal offence to divulge knowledge obtained in an official capacity on a person's gender identity history without their consent. Human Resource staff will ensure that subsequent to transition, historical documents that contain references to the staff member's previous name can be accessed only by a limited number of individuals.

Gender transition is a unique process for every individual and may include any number of changes to a person's life. Timescales and communication will be driven by the person transitioning, with support from line management and Human Resources.

A glossary of some term relating to relating to gender identity and reassignment are provided in Annex A.

1.3 Scope

Keele University's Commitment

Keele commits to supporting members of staff undergoing or having undergone gender transition by:

- complying with relevant legislation
- ensuring that current and prospective staff are treated solely on merit relating to all aspects of their employment
- ensuring that staff undergoing or having undergone gender transition are not subject to discrimination or harassment on the basis of their gender transition, gender identity or gender expression.
- dealing promptly with any complaint of harassment or discrimination on the grounds of any protected characteristic, including gender identity,
- promoting our commitment to these principles.

We will:

- work with staff undergoing transition and, where appropriate, with their colleagues/students
- respect a person's right to self-identify as female, male, non-binary or any other gender identity that they feel comfortable with and recognising people in the gender identity in which they choose to present
- amend records to reflect the correct name and or gender identity¹ of the individual
- ensure that guidelines for staff undergoing or having undergone gender transition are well publicised
- provide HR support for Keele's Staff Lesbian, Gay, Bisexual and Trans (LGBT) Group
- recognise the right of staff to 'come out' about their gender identity or gender transition status as well as their right to privacy if they prefer
- provide training on issues concerning gender transition
- ensure confidentiality.

¹ For HMRC purposes sex can only be recorded as female or male; for KeelePeople staff can record their gender as female, male or other.

2. PROCEDURE

Managers and staff should take an active role with respect to the needs of those undergoing gender transition.

2.1 Initial timeline

A member of staff who intends to transition should **notify** their line manager or Human Resources as soon as they feel comfortable doing so, either in person or in writing. Confidentiality must be maintained, and the member of staff must be assured of this confidentiality.

The line manager or link Human Resources manager should meet with the staff member, remind everyone present that the meeting is confidential and reassure the staff member that we will support them. He or she should indicate the availability of occupational health and/or counselling services² and determine the changes required in the University (such as personnel records, email addresses and contact details, other administrative issues). Medical appointments, or other commitments in relation to their gender transition should be noted, so that the line manager can arrange cover or reschedule work, if required (see also section 2.9) and the necessity of future meetings ascertained. A timescale for actions (see checklist) should be agreed. The member of staff undergoing or having undergone gender transition may wish to be accompanied at this meeting by a person of their choice.

2.2 Communicating the transition

A member of staff undergoing gender transition may want to tell others about their transition personally or they might want a line manager or other representative to inform them. This should be agreed in advance of any communication.

During and after the transition, staff should:

- Use the staff member's preferred name and pronoun (he/she/they/ze; his/her/their/zir).
- If you do not know a person's pronouns you may ask.
- If you make a mistake with pronouns, apologise, correct yourself and move on.
- Respect people's privacy and boundaries and relate to them as you would any other colleague.
- Remember confidentiality – someone else's transition and (current or former) personal details are not yours to share (see also GDPR and Data Protection legislation).

2.3 Practical Concerns

Practical concerns such as use of **toilet or changing rooms** can be discussed at the first or at subsequent meetings. Staff may use the facilities they choose; gender neutral toilets, showers and changing areas are available on campus³.

2.4 Role Specific Changes

Disclosure and Barring Service: For a number of roles criminal records checks are required. Further information on the Disclosure and Barring Service (DBS) special applications procedure is available via the DBS's sensitive applications team: <https://www.gov.uk/guidance/transgender-applications>.

² HR do not automatically recommend referral to Occupational Health unless requested by you or your manager

³ Locations are available from <https://www.keele.ac.uk/equalitydiversity/equalityareas/genderreassignment/>

Genuine Occupational Requirements: In most situations in Higher Education the gender of a person is immaterial to their ability to carry out their job, but gender-related exceptions might apply to certain posts (such as particular positions in single-sex halls of residence). Occupational requirements must be identified at the beginning of recruitment and selection processes and stated in application packs. If a person undergoing gender transition is already in a post with a gender-related occupational requirement this should be addressed at the initial meeting.

Dress codes: If different uniform items are required, these should be ordered promptly. Managers will be aware that multiple uniforms may be required.

2.5 Overseas Staff and Travel

Particular attention should be paid to risk assessments for overseas travel of transgender staff.

Further details on sources of advice on travel or asylum is available from:

<https://www.keele.ac.uk/equalitydiversity/equalityareas/genderreassignment/>

2.6 Confidentiality

Staff confidentiality and privacy is protected. It is a criminal offence to divulge knowledge obtained in an official capacity on a person's gender identity history without their consent. The University protects personal data in accordance with the Data Protection 2018 / EU General Data Protection Regulation and consent from the person will be required before information about their transition or gender identity is discussed or disclosed.

2.7 Pensions

The state pension age of women now matches that of men (2011 Pensions Act). Thus, gender differences in state pension only apply to staff who are already eligible for their state pension. Any member of staff undergoing gender transition should contact the Payroll and Pensions Office as soon as possible to discuss the particulars of the relevant University-approved pension scheme in the context of their gender transition.

2.8 Recruitment

There is no obligation for a person to disclose whether or not they have undergone or are undergoing gender reassignment as a condition of employment. Disclosure will be irrelevant unless related to a Genuine Occupational Requirement (2.4 above)

The University has a legal obligation (under the 1996 Asylum and Immigration Act) to check that employees have an entitlement to work in the UK via documentation such as a passport or birth certificate. Applicants should be advised that such documentation will be processed confidentially by Human Resources.

A further guidance note is available for Human Resources administrative staff.

2.9 Absence: time off for treatment

Staff undergoing gender transition may require substantial periods of time off work for medical procedures according to the nature of their transition and medical care. Under the provisions of the Equality Act 2010 it is discriminatory to treat gender reassignment related absence less favourably than absence due to sickness or injury.

The staff member will be supported in the same way as someone absent for reasons of sickness or injury and should be made aware of Keele's [Staff Sickness Absence Policy and Procedures](#). For non-medical time off or flexible working relating to transition managers and staff are referred to our [Flexible Working Policy](#).

Individuals undergoing treatment should communicate requirements for time off with their line manager, in order that work can be rescheduled or reassigned.

2.10 Bullying, Harassment and Victimisation

People undergoing or having undergone gender transition or making changes to the expression of their gender identity, may suffer from transphobic harassment, victimisation or discrimination on the basis of their gender transition, gender identity or gender expression. Examples might include refusing to call someone by their correct name or disparaging comments about someone's dress or appearance.

The University has a staff [Dignity and Respect Policy and Procedure](#) which deals with bullying harassment and victimisation and a [Grievance Procedure](#).

Complaints about discrimination, harassment and victimisation on the basis of gender transition, gender identity or gender expression may provide grounds for disciplinary action.

2.11 Ongoing support of a staff member who is transitioning

Ongoing support for staff who require it might include use of [Keele's Counselling service](#) or help from the [staff LGBTI network](#).

3. ROLES AND RESPONSIBILITIES

Human Resources are responsible for the development and implementation of this CoP and a named contact for staff transitions is provided on our Equality and Diversity webpages.

The line manager has responsibility for ensuring staff support and will work together with a named HR representative, where required, to assist staff in making relevant changes. The action plan notes and template (Annex B and C) are designed to help managers to support practical changes.

4. RELATED POLICIES AND PROCEDURES

Related Keele documentation includes:

- [Gender Identity and Gender Transition Statement of Commitment and Respect \(a guide for all staff\)](#)
- [Dignity and Respect Policy and Procedure](#)
- [Keele Equality and Diversity Strategy](#)
- [Keele Equality Objectives 2018-2022](#)
- [Keele Gender Transition Policy \(Students\)](#)

Related legislation can be found at:

- [Equality Act 2010](#)
- [Gender Recognition Act 2004](#)
- [The Human Rights Act 1998](#)
- [Data Protection Act 2018](#) and the [EU General Data Protection Regulations \(GDPR\)](#)

5. REVIEW, APPROVAL & PUBLICATION

In drawing up this documentation we seek input and guidance from:

- Our Stonewall Client Account Manager
- Our LGBTI Staff Network
- The Trades Union Oversight Group

The University Equality, Diversity and Inclusion Steering Group has overall responsibility for approval.

This document can be found from Keele Equality webpages. Alternative formats are available from [Hannah Barjat](#), extension 33339.

6. ANNEX A: Glossary of Terms

Definitions in this CoP are derived from [‘Trans staff and students in HE and college: improving experiences’ \(Advance-HE, 2016\)](#).

Gender – has a number of definitions, but in this context, refers to the cultural and social distinctions between men and women. It consists of three related aspects: (1) **society’s constructed gender roles**, norms and behaviours which are essentially based on the **sex assigned at birth**; (2) **gender identity**, which is a person’s internal perception of their identity and (3) **gender expression**, which is the way a person lives in society and interacts with others.

Some people have a gender identity that cannot be defined simply by the use of the terms woman or man and may wish to define their gender with one of a number of terms for example **non-binary**. In addition to how people perceive their gender there are also people whose biological sex, due to naturally occurring variations in human development, is not so simply defined as female or male. However, most will be assigned a binary sex at birth. These people might in some cases wish to define as **intersex** but many will identify strongly as female or male.

It should be noted that currently, for the purposes of UK law, sex is understood as binary (male or female) and legal sex is that recorded on an individual’s birth certificate. A trans person can, at the time of writing, only change their legal sex by obtaining a **Gender Recognition Certificate**.

Trans/transgender - are inclusive umbrella terms for people whose gender identity and or gender expression differs from the sex (male or female) they were assigned at birth. The term may include, but is not limited to, trans men and women, non-binary people and dual role people. Not all people that can be included in the term will associate with it. The terms trans should only be used as an adjective, for example, trans people, trans man or trans woman. However, a trans person may say ‘I am trans’. The term **transsexual** is also sometimes used but many find it outdated and are concerned that it may lead to confusion of gender with sexuality.

The terms **cis**, **cisgender** or **cissexual** may all be used to describe people who are not trans.

Transition - is the process of a person changing their social role in order to match their gender identity. Examples of transitioning might include, but are not limited to, (i) telling friends, family and colleagues, (ii) changing names, (iii) asking people to use different pronouns, and (iv) changing the way gender is expressed. For some people, this may involve medical assistance such as hormone therapy and surgery.

It should be noted that **vocabulary is evolving**. Further definitions can be found from Advance-HE, Stonewall’s glossary of terms and the Chartered Institute of Personnel and Development (CIPD).

6. ANNEX B: Action Plan Notes

The action plan is provided primarily as a resource to aid staff who are undergoing gender transition. New members of staff who define as non-binary or trans might also find it helpful. You (the staff member transitioning) may wish to complete the template (Annex C) with timelines and responsibilities together with your line manager. Human Resources are available to provide support should it be required.

The action plan should allow for changing circumstances and preferences.

1.1. Initial timeline

At your initial meeting you should agree a timeline for actions, taking into account any time required to make practical changes. You may wish first to consider whether there is a particular time when you would prefer to present in your affirmed gender at work and who should be responsible for different communications

1.2. Communicating the transition or declaration of gender identity

Discuss the method and content of the communication of your gender transition/ gender identity. Consider: who needs to know about your transition (and why), and when and who should inform them; what information needs to be communicated (e.g. names and pronouns).

Groups you may consider include:

- close colleagues and/or direct reports;
- other staff members;
- others (e.g. students, co-workers, grant funding bodies, others you are regularly in contact with).

Your manager will help to ensure that you are addressed by your chosen name and that your correct pronoun and prefix are used.

Additionally, you might like to consider how immediate work colleagues can support you.

1.3. Name and title changes

Amend anything that holds your previous name, title, photograph, or information that could reveal your previous identity.

Staff members can make some changes via Employee Self Service on KeelePeople including:

- (i) Preferred first names.
- (ii) The gender that we use for equality monitoring and action (male, female, other).
- (iii) Trans identity that we use for equality monitoring (i.e. whether or not your gender identity is the same as that assigned at birth)

You will need to contact HR to makes changes to:

- (iv) Your title (e.g. to swap to Mr, Ms, Mx etc.)

- (v) Your legal name or a new preferred surname.
- (vi) The sex data that is used for payroll purposes.

NB: If you only choose to make changes to your preferred name and gender marker data via KeelePeople Employee Self-Service, and have not otherwise contacted HR, HR and payroll will be unaware of any gender transition and your pay and employment records will remain in your former identity.

Few staff would now be affected by difference in UK state retirement age and, hence, state pension. However, in some instances, advice from Payroll might be required.

Other records that may need changing include:

- Keele card (IT following name & title changes on KeelePeople);
- IT accounts - accounts / email address / online phone book (IT following name & title changes on KeelePeople);
- IT document systems e.g. properties authorship (IT will advise on document properties);
- Human Resource paper records and historic data records (HR);
- Departmental administrative records – staff lists / contacts / organograms (Manager)
- For academic staff: programme and module lists / prospectuses / handbooks (Manager);
- Individual website profiles / meet the team profiles (Manager);
- Membership of Keele and external University groups / lists / committees;
- Informal and formal networking / social groups / societies / sports clubs;
- Professional memberships;
- Driver's licence;
- Bank account details (for consistency with HR records)
- Other forms of insurance (e.g. for fieldwork)
- Name badges (Manager)
- Door plate (Manager)
- Business cards (Manager)
- Voicemail;
- Company photos (Manager / Staff member); and
- Standard communications with service users (Manager/Staff member)

Changing names on publications may be important for some staff members; this will need to be checked with publishers.

Changing names on degree certificates depends upon the awarding body. Keele will make retrospective changes to names on degree certificates that Keele has issued (see Student Transgender Policy). There is separate guidance for Human Resource administrators in accepting degree certificates issued under different names.

1.4. Overseas Staff and Travel

(i) Overseas staff:

- need to inform UK Visas and Immigration of your change in personal circumstances.

- are encouraged to discuss any issues relating to your home country with your line manager and Human Resources, if required

(ii) Keele staff working / attending conferences / field work abroad should seek information on work-related international travel and discuss any concerns with your line manager.

1.5. Uniform and Dress Codes

If appropriate, you and your manager should discuss uniform and dress code. Managers will work with you to ensure you are supplied with uniforms that you are comfortable wearing. Managers will be aware that more than one uniform may be required, for example, where both male and female uniforms are required, and they will discuss, with you, any time required for order and delivery of uniforms.

1.6. Use of toilet / changing room facilities

You and your manager should discuss any practical concerns such as use of toilet or changing rooms. You should be reassured that you can use the facilities which you feel are the most appropriate and that gender neutral toilets, showers and changing areas are available on campus, should you wish to use them. See more information from:

<https://www.keele.ac.uk/equalitydiversity/equalityareas/genderreassignment/>

1.7. Absence

You will need to communicate any existing medical appointments, so that your manager can arrange cover, if required, and you will need to agree with your manager how future appointment times or expected longer periods of absence will be communicated.

Associated points:

- Human Resources do not automatically schedule communications about staff absence i.e. they will not recommend referral to the Department of Occupational Health, unless this is requested by you or your manager.
- Time off for medical appointments should be treated as any other medical appointment.
- Any extended time off for surgery and other medical interventions would be treated as sickness absence.
- Time off to make other, non-medical, arrangements related to your gender transition should be discussed in light of our flexible working policy.
- To help your manager plan for absences you should discuss in advance how much time off might be required for treatment. Your manager should allow for flexibility, as with any other type of treatment.

1.8. Training on transgender staff issues

If a need is identified, training of colleagues should be discussed and agreed with Human Resources.

1.9. Bullying, Harassment and Victimisation

Your manager should ensure that you are aware of the University's Dignity and Respect policy and associated procedure to deal with bullying, harassment and victimisation.

1.10. Confidentiality

You should agree who has access to the draft plan which your manager should circulate, on a confidential basis, to you and other any people present at the meeting for review and correction as appropriate. You must give written agreement e.g. in the form of an email to the final version of the action plan for it to be implemented. NB Staff have mandatory training relating to the Data protection act 2018 / EU General Data Protection Regulations, which protect personal data.

1.11. Ongoing Support

You should agree with your manager the frequency and timing of any future meetings should they be required.

Your manager should remind you that help is available from the (i) Staff Counselling and Occupational Health Services and (ii) Human Resources, in particular, through the Equality and Diversity Team, should you wish to access further advice.

You and your manager should ensure that the action plan is implemented to time and that you have an appropriate support system in place should any issues arise during the course of your transition.

ANNEX C: Action Plan Template Form

Template for Action Plan: to be resized appropriately⁴		
Action	Person Responsible	Completion date
(1) <u>Initial timeline</u>		
(2) <u>Communicating the transition</u>		
(3) <u>Name and title change</u> <i>See list in notes including any payroll and pension queries</i>		
(4) <u>Role Specific Changes (Genuine Occupational Requirements)</u>		
(5) <u>Overseas Staff and Travel</u>		
(6) <u>Dress codes</u>		
(7) <u>Use of toilet / changing room facilities</u>		
8) <u>Absence</u>		
(9) <u>Training on transgender staff issues</u>		
(10) <u>Bullying and Harassment</u>		
(11) <u>Confidentiality</u>		
(12) <u>Ongoing support</u>		

⁴ A Word version is available from HR.

7. DOCUMENT CONTROL INFORMATION

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