



Cheshire Academies Trust  
*Collaboration and Creativity*

A decorative graphic on the left side of the page consists of several interlocking gears of various colors (blue, green, orange, pink, grey) arranged in a cluster that tapers towards the top.

# EQUALITY, DIVERSITY AND TRANSGENDER POLICY

Next review date: Spring 2022

## **1. Introduction**

- 1.1 Cheshire Academies Trust is an inclusive employer and is committed to ensuring that its employees can experience a workplace without fear of discrimination, bullying and/or harassment on the grounds of being transgender, non-binary, intersex, undergoing any process of gender reassignment or because of their gender identity or expression. This policy refers to the above characteristics as 'transgender'
- 1.2 The purpose of this policy is to address the needs of and to ensure the safety of transgender employees.

## **2. Policy**

- 2.1 The policy is not prescriptive in nature and it is important to recognise that the needs of transgender workers will need to be considered on an individual basis.
- 2.2 Cheshire Academies Trust is committed to the development and promotion of a positive workplace culture that is free from harassment and bullying and aims to ensure that any allegation of harassment or bullying at work is taken seriously, is properly investigated and is dealt with appropriately. This policy particularly applies to harassment on the grounds of age, disability, gender re-assignment, identity or expression, marriage and civil partnership, pregnancy and maternity, race and ethnic origin, religion and belief, sex, sexual orientation, and any other personal characteristic.
- 2.3 Where an individual feels they have been bullied or harassed they should refer to the CAT Workplace Anti-Bullying and Harrassment Policy.

## **3. Aims/Principles**

- 3.1 To ensure that the Trust supports the needs of transgender employees.

## **4. Scope/Application**

- 4.1 The Transgender Policy will apply to all employees including students, volunteers, governors and trustees who are all referred to as employees throughout this policy.

## **5. Definitions**

- 5.1 Transgender refers to those who are transgender, non-binary, intersex or undergoing any process of gender reassignment.

## **6 The Law**

### **6.1 Equality Act 2010**

The Equality Act 2010 gives protection against less favourable treatment on grounds that an employee intends to undergo, is undergoing or has undergone gender reassignment. The act also protects employees against harassment and victimisation because they have complained of discrimination or supported someone to make a complaint or given evidence in relation to a complaint. The Trust acknowledges that the law does not go far enough to protect all trans people (for example trans people who are unable to undergo gender reassignment) and is committed to protecting all trans people from discrimination, bullying and harassment.

### **6.2 Gender Recognition Act 2004**

As of April 2005, individuals who have undergone gender reassignment are able to apply, under the Gender Recognition Act 2004, for a gender recognition certificate. Individuals with a gender recognition certificate are, for all purposes, of the acquired gender. Disclosure of information about the gender history of someone with a gender recognition certificate may be a criminal offence.

## **6.3 Data Protection Act 2018**

Information about gender reassignment and any information appertaining to an individual's gender history will be "sensitive data" for the purposes of the Data Protection Act 2018 and can be processed only for certain specified reasons set out in the Act. The Trust sets out how it processes personal data in its Workforce Privacy Notice.

## **7.0 Guidance for Employees**

### **7.1 Privacy and Confidentiality**

The Data Protection Act 2018 gives Transgender people the right to confidentiality about their status at work. Information relating to a person's transgender status cannot be recorded or passed to another person unless specific conditions are met. Any information disclosed should be restricted to those who need to know and should not be passed on unless absolutely necessary.

Employee records should reflect the name given by the individual on their appointment. Where an individual transitions during their employment once the process of gender reassignment has been completed, records about the transition process should be destroyed. It would be good practice to create a new personnel record, rather than amending old records, to ensure confidentiality. Any records that you need to keep that relate to the employee's previous gender, for example relevant qualifications in a previous name, should be kept confidential, with only specified staff having access to them.

An employee does not need a Gender Recognition Certificate to change name, pronoun, title or any records at work. An employee should always be addressed by the name and pronoun that they have requested. Failure to do so may constitute discrimination or harassment.

### **7.2 Transitioning at Work**

Any employee who decides to transition at work will be fully supported. All transitions will be different to the individual transitioning so their Principal (academy staff) / CEO (Principals and central Trust staff) will work with them to ensure that the appropriate support is in place. The following points are meant as a guide only.

### **7.3 Support whilst transitioning at work**

It is the employee's choice whether or not they decide to tell the Trust that they are transgender and whether or not they have chosen to transition at work. However, employees are encouraged to inform their Principal/CEO at the earliest opportunity to ensure that appropriate support can be put in place. The transition process should be led as much as possible by the individual transitioning as they will be able to communicate their needs and any support that they think would be beneficial to them.

If the employee does not feel able to discuss this with their Principal/CEO they should approach another senior member of staff they are comfortable confiding in. All HR records should be updated with the agreement of the individual.

### **7.4 Agreeing an action plan**

A plan should be created to support the Employee before, during and after their transition. This plan should be reviewed and regularly and should be flexible in nature.

The plan may include:

- The appropriate contacts for the employee to discuss their transition process.
- The confidentiality of the discussions and any notes and access to these.
- Any medical treatments and any appointments the employee is aware of.

- The support network that is available to the employee both inside and outside of work.
- If, when and how the employee will inform and involve their colleagues. When and where this may take place and what information will be provided.
- If, when and how the wider school community will be informed and how this will be managed.
- Whether the employee would like any adjustments made to their role such as a different work location/redeployment/phased return.
- Details on how the transition will affect any benefits such as their pension and who they can contact in respect of this.
- Arrangements for their first day back at work, when this is to be and any arrangements which need to be put in place.
- A list of the changes which will need to be made to the new identity such as ID card, IT systems, Pensions etc.

## **7.5 The employee's job**

The employee may wish to transfer at the point that they start presenting in the new gender to another job or location, if this can be facilitated. However, no transfer should be made against the wishes of the employee. Some employees will prefer to stay in the same environment.

Only in very limited cases, where a genuine occupational qualification applies to the job, will it be lawful to require the employee to move job, temporarily or permanently, or could it be lawful to dismiss the employee if no other work was available.

## **7.6 Time off**

Principals/CEO and the employee should discuss what time off is likely to be required and when, if known. The employee may require time off for medical or other treatment. Time off for these purposes should be treated no less favourably than time off for illness or other medical appointments.

Some employees may wish to take a period of leave before returning to work in their new gender. The Principal/CEO and employee will need to agree if this is possible.

## **7.8 Change of social gender**

The Principal/CEO and employee should discuss when they intend to start presenting in the new gender at work and how and when the people who need to know are to be informed, and agree who is to do this. It is good practice for the Principal/CEO to take responsibility for this, unless the employee would prefer to do so. There should also be a discussion as to what training is appropriate for work colleagues. Briefings should be completed before the employee begins to attend work in the new gender.

The Principal/CEO will manage the process to inform the wider school community, including children, so this can be done sensitively. They will agree with the employee that this is to be done and what is to be said, so that they can provide appropriate support.

Principal/CEO can inform others only with the employee's agreement, and should agree what is to be said about the employee, when and to whom, along with providing general information about gender reassignment and specific information about the employee to allow others to understand his or her needs. If the employee is taking a period of leave before returning to work in the new gender, this may be an appropriate time for the briefing to take place.

Work colleagues should be asked to refer to the transgender person by their new name and to use the appropriate pronouns. Principal/CEO should try to address quickly any concerns that other employees may have.

## **7.9 Uniform and Toilet Facilities**

If the employee wears a uniform at work, they should be given any appropriate new uniform early in the process in order to become comfortable with it.

If the employee is transitioning at work, consideration should be given to when the employee would like to use the facilities of the gender to which they are transitioning.

## **7.10 Insurance**

An employee who has undergone gender reassignment but does not have a gender recognition certificate may be required to disclose their gender history for insurance purposes. Principal/CEO must check with any insurance providers whether or not they need to be made aware of the transgender employee's status.

## **7.11 Records and confidentiality**

The employer and employee should discuss what changes will be required to records and systems. The employee should be informed of the steps that will be taken to maintain confidentiality.