

# Trans and non-binary policy

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PEOPLE DIRECTORATE

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## 1. Introduction

This policy outlines our commitment to ensuring that trans, non-binary and gender diverse people are treated with dignity and respect, and are not disadvantaged in the workplace.

The document sets out the steps we take to welcome and support trans and non-binary people to ensure that they feel they fully belong at Sue Ryder.

Our policy covers our workforce including employees, contractors, volunteers, temporary workers and candidates. It applies to all stages of the employment lifecycle.

## 2. Our Commitment

At Sue Ryder, we celebrate and value the diversity of our staff. We work to ensure that staff who identify as trans and non-binary are respected, valued and feel safe in the workplace.

Sue Ryder will support any member of staff who transitions. (Transitioning is a term used to describe the steps someone takes in order to live in the gender they identify as.)

We are committed to providing a working environment that is free from discrimination, harassment or victimisation on the basis of gender identity and gender expression. We will ensure that our recruitment, promotion and retention procedures do not treat people less favourably because they are trans or non-binary.

## 3. Legislation relating trans people

### ***Equality Act 2010***

Gender reassignment is one of the nine protected characteristics covered by the Equality Act 2010. The Act protects trans and non-binary people from discrimination, harassment and victimisation.

The Act protects anyone who is perceived to have the characteristic of gender reassignment. This could include gender non-conforming cis people (people who aren't trans). It also protects people who are associated with a trans person, such as their partner or a friend.

At Sue Ryder, we recognise that The Equality Act is limited as it does not provide clear protection against discrimination for non-binary people. This policy makes it clear that Sue Ryder's non-binary employees are seen, valid and will be supported in our workplace. (We will also use the terms gender identity and transitioning, rather than gender reassignment.)

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

The Gender Recognition Act 2004 allows someone to apply for a gender recognition certificate (GRC), which will give them legal recognition in their affirmed gender and enables them to obtain a new birth certificate.

To obtain a GRC, trans people are required to apply to a panel. They need a medical diagnosis of gender dysphoria and evidence that they have lived in their affirmed gender for

two or more years and intend to do so permanently. The process is immensely intrusive and dehumanising, and currently it's not possible for non-binary people to have their identity recognised through this process.

A trans person should never be asked if they have a GRC; to do so could be considered harassment.

## 4. Language and terminology

We recognise that terminology around gender identity is constantly evolving.

Everyone should always respect someone's gender identity and the language they use to describe themselves. If in doubt, you should ask and be led by the language someone uses to describe themselves.

The appendix to this policy provides a detailed glossary of terms. Here are three main terms we used throughout the policy:

**Trans** is used throughout this guide as an umbrella term describing the diverse range of people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

**Non-binary** is an umbrella term for people whose gender identity doesn't sit comfortably, or exclusively with the binaries of 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. (People with non-binary, gender fluid or gender variant identities, may or may not identify as trans.)

## 5. Recruitment

We wish to attract trans and non-binary candidates. Therefore, the recruitment process is designed to be inclusive for trans and non-binary applicants.

Job advertisements should make clear that opportunities are open to all applicants with the right experience. We have a EDI statement that makes explicit reference to not discriminating on gender identity and expression.

Hiring managers should not ask questions about an applicant's gender identity or history. If someone chooses to share that they are trans during the interview, they should be informed that we proactively support our trans and non-binary colleagues. They should be assured that sharing their identity will have no bearing on the outcome of the interview, will not be revealed outside the interview room or noted on the interview record.

If you don't have permission to share someone's trans identity, it's crucial not to. Even if you feel you are helping that person, sharing their identity without permission is a serious breach of the Data Protection Act.

## 6. On boarding

The requirement to provide proof of identity to confirm the right to work in the UK can be sensitive for trans and non-binary people whose identity document may be in their previous names or gender expression. We will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for the privacy of the candidate.

Where someone's documentation reveals their previous name or gender, this information will be kept confidential and stored securely with the permission of the person and in accordance with our data protection policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous names.

## 7. Names and Pronouns

We will always respect a colleague's pronouns.

We will take all necessary steps to ensure that someone's name and gender is respected and implemented within Sue Ryder. There is step-by-step guidance on name change in section 14.

Repeatedly or purposefully addressing a trans person by their previous name and/or an inappropriate pronoun will be regarded as harassment and will be dealt with accordingly.

## 8. Toilets & Facilities

We give full support all employees', including trans, non-binary and gender non-confirming people, to use the facilities in line with their gender identity, and the facilities in which they feel most safe or comfortable to use.

In some cases, people may wish to use a single-occupancy toilet or an accessible toilet but no one should be pressured to do so.

Where possible, we will move from providing gender-specific toilets to gender-neutral toilets.

## 9. Dress Code

We give full support all employees', including trans, non-binary and gender non-confirming people, to wear clothes in line with their gender identity and/or expression.

If you wear a uniform as part of your role, you are entitled to wear the uniform that affirms your gender identity or the one you feel most comfortable with. We are happy to provide you with the uniform you feel most comfortable with.

If your role requires you to wear clothing to protect your health, safety or security or those of others, this must be adhered to at all times.

## 10. Confidentiality around trans identities

It's a person's decision whether or not to share their trans identity or trans history; we will respect their right to privacy. The right to privacy will apply regardless of whether or not someone has a Gender Recognition Certificate (GRC).

Where someone discloses information about their gender identity or history (verbally or in writing), this will be treated as confidential. If there is a specific reason to share someone's trans identity or history, for example, to ensure that person has appropriate support, you must get written consent from the person first.

Information relating to someone's gender identity or trans history will not be disclosed to a third party, for example when responding to a reference request, without the person's consent.

A person's gender identity will not have a bearing on any employment decisions or access to benefits, except where permitted by law. For example, a person who has transitioned but does not have a GRC may be required to disclose their gender history for insurance and pension purposes. In these circumstances, we will handle the information in-line with our data protection policy. Where pension and insurance providers request disclosure of a person's gender identity, we will ensure that this requirement has been checked with the underwriter and the requirement is made clear in any scheme information provided to our workforce. In such circumstances, the person's written consent will be obtained before disclosing their gender history and status.

## 11. Bullying & Harassment

We believe everyone should be treated with respect and dignity in the workplace. We adopt a zero-tolerance approach to harassment, bullying or victimisation on grounds of gender identity or expression; all complaints taken seriously and dealt with promptly. **Intentional** or **repeated behaviour** will result in action being taken under our disciplinary procedure.

Examples of harassment against gender diverse people include (not an exhaustive list):

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about trans and non-binary people;
- asking a trans person if they have a GRC;
- telling or sharing jokes and 'banter' about someone's gender identity, expression or gender diverse people generally;
- refusing to acknowledge someone's identity. This might result in not using the appropriate pronoun (for example, calling a trans woman "he") or deadnaming someone (calling the person by the name they used before they transitioned);
- refusing to believe that being a person of colour and being trans is compatible;

- refusing to believe that being a person of faith and being trans is compatible; for example, by perpetuating Islamophobic and transphobic tropes that a person can't be Muslim and trans.
- threatening behaviour or physical abuse;
- displaying or circulating offensive material relating to somebody's gender identity or gender expression, for example by email or via the internet;
- intrusive questioning about someone's gender identity or transition;
- excluding a trans or non-binary colleague from conversations or from social events;
- refusing to work with someone because they are trans;
- displaying or circulating transphobic images and literature;
- questioning someone's ability to 'pass' (see definition of passing in glossary);
- assuming a neurodiverse or disabled person doesn't understand their gender identity on the basis of their learning disability or disability.

It's important that our employees, especially managers and people advisors, are confident in understanding and accessing bullying and harassment processes and the procedure in place for handling complaints. If you want to report Bullying and Harassment, please speak to your local People Advisor.

## 12. Transitioning at Sue Ryder

Some individuals will want to change their gender expression - how they outwardly show their gender identity - during their transition. This is known as 'transitioning'. We recognise that every transition is unique but will likely involve changes to the clothes that they wear, changing names and physical appearance. When someone is transitioning, we will be supportive.

'Coming out' is often used to describe when an individual shares their decision to transition and wishes to express themselves in their affirmed gender. Coming out is part of someone's transition.

The decision to transition cannot be underestimated. And at Sue Ryder we want to make sure people have the confidence, support, and feel comfortable and safe enough to take this decision. We acknowledge that the transition process and the time it takes will be unique for each person. We will not make assumptions about the person transitioning or what they need but will instead work with that person to ensure that they have the support that is right for them.

There are many experiences throughout our careers where we may need some flexibility from our workplace because of a significant life event. Transitioning is one of them. We recognise that this is a period of change for colleagues wishing to transition. We are here to make sure

that this change happens as smoothly as possible, and that trans colleagues continue to feel like valued members of staff.

### 13. First steps in your workplace transition

If you want to transition or would like to change how you express your gender at work, you'll be given a key contact to help you through the process. If you feel comfortable with the key contact being your manager, book in an initial meeting with them. If you'd prefer to have a chat with someone from the People team before speaking to your line manager, or would like to have them present when you do, please contact your local People Advisor.

The key contact will work with you to develop a confidential action plan to help your workplace transition. It is important to develop a plan that is bespoke and tailored to the person transitioning needs. Some of the key issues to address are likely to include:

- Support during a transition
- Communication
- Changing employee records
- Confidentiality
- Time off for transition related appointments
- Bullying and harassment
- Ongoing support of an employee who is transitioning

Transitioning is a process that takes time, and, to help both parties, regular review meetings will be arranged to manage the process. This will ensure that the right support is in place, and enable the plan to be amended as things change.

Effective support for someone who is transitioning requires conversation, agreed action and respect.

### 14. Changing name and gender on systems

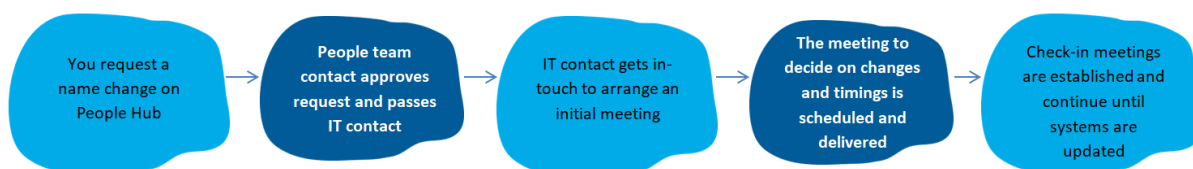
Someone transitioning will be treated the same as other people wishing to update their details. If you are changing your name as part of your transition, the first step is to issue a request on PeopleHub via My Dashboard. On PeopleHub, choose Change Title and Name, complete the details and then submit.

Your request will be passed onto a dedicated person in the people team who will approve the request and arrange for a dedicated person in the IT team to support you in marking the changes. The contact in IT will reach out directly to set up a meeting with you. In that meeting they will discuss with you what needs to change and how this will work. This will include names, titles and other personal identifiers such as photographs on our systems. We recommend including your line manager in that meeting.

You'll agree on a date for the changes to be made, and arrange a follow-up meeting to ensure everything's in place. It's important that you issue your request in advance of the date you wish to make the changes so that there is time for all systems to be updated.



Both the contacts in the People team and the IT team will treat your request as a confidential process.



If you need to get an up-dated DBS check, the DBS has a Sensitive Applications Team who can be contacted by the applicant on [sensitive@dbs.gov.uk](mailto:sensitive@dbs.gov.uk) (0333 106 1452). This will ensure that when the check is submitted via U-Check it can be processed separately.

Some gender records we will be unable to change, such as insurance or pension, and this will be explained in your meeting with IT. If you have legally changed your gender we will need to update HMRC and provide an updated birth certificate. Guidance is provided through the links in the additional information section.

## 15. Transitioning confidentiality

All records that include details of the person's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them (in which case the person will be made aware of this and told why). Where other people in the organisation need to be aware of the person's transition, we will obtain the person's consent.

Where there is a need to retain documentation, this information will be stored confidentially in line with the requirements of data protection legislation. The information will be held electronically in a password protected secure environment that can be accessed only with the consent of the person concerned. Only named Systems Administrators will be allowed to access this information and those people will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action.

Care will be taken to ensure that any search of the organisation's records by others will not inadvertently reveal someone's gender history.

## 16. Employment

If you are transitioning you may wish to be redeployed on a temporary or permanent basis. You may, for example, be in a role that requires particular tasks that will be difficult to undertake if undergoing a particular type of treatment (for example, hormone therapy that causes fatigue). Requests to be redeployed will be considered and, where possible, we will seek to accommodate someone's wishes.

A manager should not put pressure on someone transitioning to change jobs or make assumptions about their capability or wishes.

## 17. Time off due to transitioning

Paid leave may be given in order to attend transition-related appointments and treatment. Transition-related absences will not be counted in relation to absence monitoring and should be recorded as Special Leave on PeopleHub. They will not impact upon any employment decisions, such as promotion opportunities, performance management or redundancy processes.

We acknowledge that sometimes short notice is given for transition-related appointments but as much notice as possible should be given to your manager.

Under The Equality Act, a person who takes time-off work for gender reassignment must not be treated less favourably in respect of employment decisions, for example by being denied access to training or promotion opportunities.

## 18. Communicating someone's transition

When someone transitions while working for us, we will work together with the person to agree who will be told and by whom, and when and how this will happen. The person transitioning is in the driving seat of the timings and communication plans and it's okay to change the timings or plans at any point in the journey. The most important consideration is that the person feels safe in the workplace.

You may wish to tell colleagues about your transition or you may prefer for this to be done by someone else on your behalf. We will encourage you to do what is best for you. If you are transitioning you're entitled to privacy and we will protect you from intrusive enquiries.

Where someone has a public or client-facing role, we will discuss with them what third parties need to know and how this should be handled.

## 19. Training on trans and non-binary identities

Information on trans and non-binary equality is an integral part of our equality-awareness training for all our people. Training will help our workforce to understand what is and is not acceptable behaviour and to differentiate myth from reality, thereby minimising the potential for conflict arising from misunderstandings.

Discrimination on grounds of gender identity will be included in training moving forward, for example, induction, recruitment and selection, performance management and service user care training.

## 20. Monitoring

We will gather and analyse information relating to the diversity of the workforce. Equality monitoring enables us to identify under-representation and where there are barriers to inclusion. This helps inform priorities for action and provides a baseline for measuring progress. Gender identity is included among other personal characteristics.

## 21. Where to learn more

- Resource; [100 ways to be a trans ally](#)
- Resources; [The truth about trans](#)
- Podcast; '[Call Me Mother](#)' by Shon Faye called
- Book; '[The Transgender Issue](#)' by Shon Faye called
- Book; '[Life isn't Binary](#)' by Alex Iantaffi and Meg-John Barker.
- Documentary; '[Disclosure](#)' on Netflix.

## 22. Signposting

- [Gendered Intelligence](#) offers support for families and young trans people.
- [Stonewall](#) stand for lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people everywhere.
- [Mermaids](#) help gender-diverse kids, young people and their families.
- [LGBT+ Switchboard](#) for confidential telephone and instant chat support on LGBT+ issues.
- [Employee Assistance Programme](#). It's free advice and counselling free online or over the phone.
- [Sue Ryder networks](#). Particularly the LGBTQ+ and Women and Non-binary networks. If you feel like you'd prefer to speak directly to someone you can reach out to the LGBTQ+ network chair.
- [Our people advisors](#). All of our people advisors have been trained on delivering and supporting this policy.
- [What to do if an employee changes gender - GOV.UK](#)
- [Tell HMRC about a change to your personal details - GOV.UK](#)

## 23. Associated Policies/Procedures

These are available on Rydernet.

- Diversity, Equality & Inclusion Policy
- Bullying & Harassment Policy
- Whistleblowing Policy
- Data Protection

### Feedback on this policy

If you have any feedback on this policy, including feedback on how accessible and inclusive the policy is, we'd love to hear it. Please speak to Billy Cole (Diversity and Inclusion Manager).

## Appendix A: glossary

- **Acquired gender:** Used in the Gender Recognition Act 2004 to describe a person's gender after transitioning. As this is a legal term, but good practice is to use 'affirmed' gender which is what we do throughout this document.
- **Assigned gender:** The gender assigned to someone at birth, based on their physical characteristics.
- **Cisgender (or Cis):** The term describes someone whose gender identity matches the sex that they were assigned at birth. Having a specific word means that our language is not only specific, but it prevents language 'othering' or positioning trans people as different or abnormal. By being able to differentiate between trans and cis people, we can talk about the experiences we have that differ, and the many more experiences we have that are similar.
- **Cisnormative:** An assumption that gender is a binary concept and that being cisgender is the norm.
- **Coming out:** When a person first tells someone/others about their orientation and/or gender identity.
- **Crossdresser:** Someone who chooses to wear clothes not conventionally associated with their assigned gender. "Crossdresser" is now used in preference to the term "transvestite", which is considered to be outdated and can cause offence. Cross dressers are generally comfortable with their assigned gender and do not intend to transition.
- **Dead naming:** Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.
- **Gender:** Describes how an individual presents themselves and this may be as a woman, as a man, as having no gender, or as having a non-binary gender. Gender is increasingly recognised as being on a spectrum and not a binary concept.
- **Gender dysphoria:** A recognised medical condition where the individual experiences severe discomfort and anxiety because their gender identity does not align with their biological sex.
- **Gender expression:** How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.
- **Gender identity:** A person's innate sense of their own gender, whether male, female or something else, which may or may not correspond to the sex assigned at birth.

- **Intersex:** An intersex person is born with ambiguous genitalia and/or sex chromosomal variations that do not fit within the typical definitions of female or male. An intersex person may self-identify as a man or a woman or neither.
- **LGBT+:** Lesbian, gay, bisexual, and gender diverse are a commonly used acronym. The "plus" denotes inclusion of other identities such as intersex or asexual. The acronym is often expanded to LGBTQI with "Q" standing for Queer (or questioning) and "I" for intersex.
- **Misgendering:** You misgender someone when you refer to them using a word, especially a form of address, which does not correctly reflect the gender with which they identify.
- **Natal gender (or natal man/natal woman):** Used as an alternative by some people to Cisgender (or Cis).
- **Non-binary:** An umbrella term for people whose gender identity doesn't sit comfortably or exclusively with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. Some gender diverse people will identify as non-binary but many do not. Some non-binary people identify as trans, and some do not.
- **Passing:** If someone is regarded, at a glance, to be a cisgender man or cisgender woman. Cisgender refers to someone whose gender identity matches the sex they were 'assigned' at birth. This might include physical gender cues (hair or clothing) and/or behaviour which is historically or culturally associated with a particular gender.
- **Person with a trans history:** Someone who identifies as male or female, but was assigned the opposite sex at birth. This is increasingly used by people to acknowledge a trans past.
- **Pronoun:** Words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.
- **Queer:** Queer is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBT community (racism, sizeism, ableism etc). Although some LGBT people view the word as a slur, it was reclaimed in the late 80s by the queer community who have embraced it.
- **Questioning:** The process of exploring your own sexual orientation and/or gender identity.
- **Outing:** When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

- **Sex:** Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.
- **Sexual orientation:** Sexual orientation is a person's sexual attraction to other people, or lack thereof. Along with romantic orientation, this forms a person's orientation identity. Gender identity and sexual orientation are not interchangeable concepts. It's important to not assume that trans and non-binary colleagues have a particular sexual orientation.
- **Trans man:** Used to describe a person who was assigned as female at birth but has a male gender identity and transitions to live as a man.
- **Trans woman:** Used to describe a person who was assigned as male at birth but has a female gender identity and transitions to live as a woman.
- **Trans:** An umbrella term describing the diverse range of people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.
- **Transitioning:** The steps taken by individuals to live in the gender with which they identify. These steps can be social, psychological, and legal and may sometimes involve medical procedures. Each person's experience of transitioning is unique to them. Transition is not about the individual "becoming" as it is about them "gender affirming".
- **Transsexual:** This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender. You should only use this term to describe someone when you know they use the term to describe themselves.
- **Transphobia:** A fear of or a dislike of gender diverse people. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.