

Nottingham Trent University

Gender Reassignment: Guidance for Managers

Introduction

NTU recognises that there can be a difference between a person's physical or given gender and the gender they identify with.

This guidance is aimed at line managers and HR colleagues who are supporting staff considering transitioning from one gender to another, are in the process of transitioning or have transitioned. It may also be useful for transitioning staff in outlining the support they can expect to receive and their responsibilities in the process.

The University also recognises that some people do not identify with binary gender identities and/or may have a fluid gender identity. Information relating to the broader spectrum of gender identification can be found on the [Equality, Diversity and Inclusion website](#).

The decision to transition is not something a person takes lightly as it can be a difficult and complex time and the support of managers, colleagues and students is vital to minimise any avoidable negative experiences for the individual. Every person is different: some people will transition with ease, for others it will be more difficult, so it is crucial that each person is dealt with individually. This guide offers a framework for providing appropriate support for transition in the workplace.

Definition

'Trans' is a term that can usually be used without offence and includes transsexualism, intersex characteristics, non-binary gender identification and gender dysphoria. Information relating to these terms and the broader spectrum of gender identification can be found on the [Equality, Diversity and Inclusion website](#).

For the purposes of this guidance 'trans' is referring to:

1. People undergoing gender reassignment which includes surgery
2. People who identify as someone with the opposite gender from that assigned to them at birth – but who aren't undergoing medical treatment

People transitioning from one gender to the opposite gender are protected in law under the Equality Act 2010, from the point that they notify that they intend to transition. They do not need medical intervention in order to be protected.

A person transitioning to another gender may formalise this by applying to a Gender Recognition Panel. The Panel is a branch of the HM Courts and Tribunal Service and is made up of legal and medical members who assess whether the legal and medical criteria for legal gender recognition are met. Once the trans person has been through a defined process and has met certain requirements (this generally takes around 2-3 years) the Panel may issue them with a Gender Recognition Certificate (GRC). The registrar is then notified and will issue the individual with a new birth certificate in their affirmed gender and new name. These documents can then be used as formal identification.

Not all trans people choose to formalise the transition through a GRC. Some may never formally change their name or may just change their name by deed poll, but this means that some records, such as national insurance number, might not be changed.

NTU Support Process

Meeting and Agreeing Support

If a member of staff is intending to transition they should notify either their manager or HR, ideally in writing. This will be treated in confidence. As not all trans people will be under medical supervision no evidence of medical procedure, or further evidence of the intention to transition, should be requested. It is recommended that the manager involves HR as early as possible as HR will be able to provide support and guide the manager and member of staff concerned through the NTU process.

A meeting should be organised with the person in a private space with HR and/or the manager attending. The person may choose to be accompanied to the meeting by a colleague, friend or union rep.

The meeting is an opportunity to discuss the needs of the individual, support available and practical matters such as:-

- Support offered by the University.
- Whether any wider communication is required, and if so agreement on how this will be done, e.g. to colleagues.
- Whether there is a potential impact on work and how this might be accommodated.

It is not appropriate in the meeting, or at any time, to ask questions of a personal nature relating to the transition. Questions should be focussed on any potential impact on the member of staff carrying out their work and any relevant support required.

During the meeting the person should be reassured that the University will support them throughout the transition.

It may be helpful, in preparation for the meeting, for the manager/HR to consider the areas on which the transition may impact, and on other wider issues (see checklist at Appendix A).

It is important to ensure that the needs and wants of the individual are listened to rather than making assumptions, however, the checklist will help ensure all aspects are considered.

The Equality Challenge Unit provides further guidance

<http://www.ecu.ac.uk/publications/supporting-transitioning-guide>.

Appendix B provides some general guidance on how to ensure respect for trans people.

Agreeing a Support Plan

As part of the meeting, it may be helpful to develop a support plan. This will enable the manager, HR and the individual to support the process of transition in the workplace. When agreeing the plan medical evidence should not be requested, as trans people do not have to be under medical supervision in order to be protected by the law. It is also unlawful to ask a person for a Gender Recognition Certificate. The plan agreed should include:

- When and how others will be informed, if appropriate, for example colleagues/students/external work contacts and if this will be done by the individual or someone on their behalf. There may be wider implications and it may be appropriate to consider whether training or briefing colleagues and/or students will be of benefit and who would be responsible for this.
- Whether there is a need for any changes to their role/duties and whether these can be accommodated. e.g. if they have had surgery they may not be able to carry out lifting for a period of time. It may be that redeployment is requested, for example, if the individual is in a customer facing role and undergoing hormone treatment, they may feel uncomfortable whilst their appearance is changing and consideration may be given as to whether a change of duties for a period of time could be accommodated.
- It may be helpful to know more about the individual's transitioning plan e.g. the start of any real life experience (a specified period of time in which a person lives full time in the gender with which they identify), scheduled medical appointments etc. This will need to be handled sensitively and flexibly as the individual may not have firm dates and/or these may change depending on how they experience the transition.
- If the individual requires to take time off whilst transitioning for associated medical appointments, surgery, counselling etc make them aware of the relevant NTU policies regarding paid/un-paid/discretionary leave entitlements.
- Any additional support required by the individual.

The date on which the person will change their gender and name within the University should be agreed. From this date HR will change the personnel record, including CHRIS record. These changes will cascade through to a number of other dependent systems, for example, payroll, email, and smart cards. The individual will be responsible for ensuring other key parties are informed of the changes, a number of these are listed at Appendix A.

Pension providers may require specific ID for changes to be made legal. Forms of legal proof of a name change can include:

- Statutory declaration of name change
- Deed Poll certificate
- Birth certificate (re- issued once the person has their GRC)

The individual is responsible for ensuring HM Revenue & Customs are informed of changes. They will change gender and name details, but the individual will generally retain the same National Insurance number. If a GRC is issued HMRC will be notified of this automatically and changes made. Private pension firms will require legal evidence of gender as well as name change, and staff may be asked to provide a new birth certificate and, if appropriate, a statutory declaration of name change.

If the staff member has NTU flexible benefits packages, for example, travel cards, the NTU Payroll team will manage the associated changes with the supplier on behalf of the individual, e.g. cancelling the travel card and ordering a new card in the individual's new name.

It is recommended that the support plan is reviewed periodically with the staff member particularly as, in the early stages of transition, a trans person may not permanently present in their preferred gender, as they may not feel able to do so until, for example, hormone therapy starts to alter their body; or they may fear discrimination. It can take several years to transition fully to their new gender, and during this time the trans person may experience extensive physical changes. Transition will not be instantaneous, so it may be necessary to update photographic identification throughout this period. This is supported by NTU Card Services.

The support plan should be confidential, and discussion should take place to agree where copies should be kept and who has access, this will usually be in HR. A check list at Appendix A shows the various elements to consider when drawing up the support plan.

Managing the reactions of colleagues and students

A member of staff who is transitioning may face a broad range of challenges in their work environment. As people transition, the process may present challenges for other staff and students. It is therefore important to support the transitioning person by discussing how best to inform people and how to deal with possible reactions.

The trans person may want to tell their colleagues/students/external work contacts about their impending transition individually. However, they may prefer their line manager or HR to arrange a meeting with their colleagues/students where matters can be discussed in a positive environment. It is the choice of the individual and any communications must be handled sensitively and confidentially.

If the communication is via a meeting the individual should be free to choose whether they talk about their transition themselves, or whether they would prefer someone to do this on their behalf. It should be emphasised, ideally by management, from the agreed date the person will have changed gender and should be addressed by their new name and using the appropriate pronoun. The content of any meeting or communication should be discussed in full with the trans person in advance.

It is important that a senior member of staff within the staff member's department or School, is seen to be supportive. There should be an opportunity for members of staff to ask questions, either of the person hosting the meeting or, if they are comfortable, the person concerned. It may be helpful to direct colleagues to information and resources about gender identity. See below for useful links to such resources.

Informal guidelines on how to demonstrate respect for people who are transitioning may be helpful for a trans person's colleagues and can be found at Appendix B.

The University is firmly committed to sustaining an inclusive, safe and positive working environment characterised by respect and dignity, and free from unlawful discrimination, harassment and bullying. This commitment is outlined in its Dignity and Respect Policy and promoted through 'Respect at NTU: Give it. Get it. Expect it'. If a trans person experiences behaviours that they feel contravene NTU's expectations they should speak to their manager, HR or contact the confidential [NTU Dignity and Respect Contacts service](#).

If the individual encounters a less supportive environment whilst on University business the University would support them as appropriate and according to the specific situation and the wishes of the person.

Sources of Help and Other Resources

[NTU HR Policies and procedures](#)

[Equality Diversity and Inclusion website](#)

[NTU LGBT+ Staff Network](#)

[GIRES – Transgender Awareness e-learning module](#)

[a:gender – support network](#)

[genderedintelligence – understanding gender diversity](#)

[The Gender Trust](#)

[cliniQ – inclusive trans sexual health and wellbeing](#)

[LGBT Consortium](#)

Appendix A: supporting a staff member during transition.

It is recommended that the following are raised with the individual to ensure they are fully aware of all considerations. *It is their responsibility in most cases to notify the relevant people involved i.e. CPLD for training certificates, HR for CHRIS records, the gym for membership etc.*

Transition plan: What is the likely plan for transition? Consider, for example:

- The date for name/gender change
- Use of facilities (toilets, changing rooms) – make the individual aware that they can use the facilities of their choice – we do not need to know which they intend to use.
- Change of records.

Name: Which identification cards/name badges will need to be changed?

Consider, for example:

- University smart card – this will be triggered when the HR data on CHRIS is updated but the individual would need to go to Card Services for new photo/card.
- NUS Extra card
- Trade union membership badge
- Professional/learned body membership cards
- Fitness centre/gym membership card

Documents: Which documents and materials need to be replaced or altered?

This will depend upon whether records need to be changed retrospectively (e.g. if the person has a GRC/new birth certificate) or forwards from the date agreed. Consider, for example:

- Online records, academic biographies, publications
- All staff records and databases, CHRIS, finance records
- Occupational health records
- Volunteering and mentoring records
- Committee minutes and records, for example, boards of study or academic boards (If GRC held)
- Certificates, for example, training attendance
- Payroll (and banking details)
- Pension, death in service and dependents' benefits
- Insurance policies

Process Should the following people be informed? If so how?

- Course teams
- Students and colleagues

If the staff member is, or will be, undergoing surgery, do they know when this will be?

If the staff member requires time off for surgery and recovery, what support or adjustments are needed?

Appendix B: Trans respect guidelines for staff

The following informal guidelines on how to treat people who are transitioning may be helpful for a trans person's colleagues.

- Listen to the person, and ask how they want to be treated and referred to.
- Think of the person as being the gender that they want you to think of them as.
- Use the name and pronoun that the person asks you to. If you aren't sure what the right pronoun is, ask diplomatically. If you make a mistake with pronouns, apologise, correct yourself and move on.
- Respect people's privacy. Do not ask what their 'real' or 'birth' name is. **It is unlawful and may be considered harassment.**
- **You must not tell others about a person's trans status without explicit prior permission from the trans person – it is illegal.** If documents have to be kept that have the person's old name and gender on them, they need to be retained in a confidential manner. If they are informal records it is recommended they are destroyed.
- Once a person has a GRC/new birth certificate all of their previous details need to be either retrospectively changed (e.g. all personnel records) or destroyed.
- Respect people's boundaries. If you feel it is appropriate or necessary to ask a personal question, first ask if it is ok to do so. Personal questions involving anything to do with one's sex life, anatomy (not just genitalia) and relationship status – past, present or future - **would not be considered acceptable.** As part of the discussions to develop a support plan it may be necessary to ask whether the person intends any form of medical intervention, but this type of personal question should only be asked if necessary to support the individual in the workplace.

Appendix C: The transition process in a higher education setting

The chart below provides a possible overview of aspects that could be involved in a transition process but each individual's situation will vary depending on a range of factors, including whether or not a person opts for medical procedures, and whether they are receiving medical assistance privately or on the NHS.

The person informs their institution that they want to transition to their preferred gender
At the person's request and from an agreed date, the institution updates its records to reflect any name and gender change
The person's electronic staff record is amended to reflect the new gender and name. Any paper records and documents revealing their former name and gender must be held confidentially (for example, paper HR and payroll records)
If they choose to have medical treatment they may commence hormone therapy, and after at least 12 months living as the new gender, the person may undergo genital surgery
After two years of living as their new gender, whether or not they have undergone surgery, the person may apply for a gender recognition certificate. If they meet the requirements they may be awarded a GRC and are issued with a new birth certificate by the registrar.
If the person has a GRC/new birth certificate then all documents and references to the person's previous name and gender must be changed retrospectively and any reference to their previous gender and name removed from all records.
If the person is a staff member who is a member of the institution's pension scheme, they must send their new birth certificate to the pensions team to ensure their gender is changed on pension records