



Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

GENDER IDENTITY STAFF POLICY

This is a Trust-Wide Policy
which applies to all the schools within the Trust

Date of Policy Approval:

**June 2018
(Transitioning at
work)
November 2021
review & update**

Owner of Policy:

**Director of HR &
Strategy**

Authorised By:

Executive Team

Policy Review Date

January 2024

Distribution:

**All Staff and
governors**

GENDER IDENTITY

Bright Futures Educational Trust's (the Trust) Strategy underpins all aspects of this policy and the way in which it will be applied. These elements are:

- Our vision, the best **for** everyone and the best **from** everyone;
- Two of our values; **Community**: We work together for a common purpose acknowledging our diversity as strength and **Integrity**: We do the right things for the right reasons;
- Two of our commitments: Equality, Diversity and Inclusion and **Supportive, challenging and fair**

Bright Futures Educational Trust (the Trust) is committed to the inclusion of any staff who are intending to transition their gender; are in the process of; have transitioned; identify as non-binary or identify themselves as intersex*

We will create a safe environment where these employees are supported, included, treated with dignity and respect and can express their gender identity freely and positively. Bright Futures recognises the benefits and experiences that all employees can bring to the workforce. We also understand that every person's circumstance is unique.

What is this Policy for?

The aim of this policy is to outline how Bright Futures supports its employees intending to transition, are transitioning, have transitioned and who identify themselves as non-binary or intersex*.

Who is this policy for?

This policy is relevant to all members of staff as well as those who intend to transition and identify themselves as non-binary or intersex*. All employees and governors and academy trustees have a responsibility to comply and support this policy. All employees should report any breaches of policy that they witness, whether by colleagues, or other third parties, to their line manager immediately.

Policy Definitions and Standards

*Definitions

Transitioning

For the purposes of this policy the term trans will be used throughout. Trans is an umbrella term to describe a range of people whose gender identities are not the same as the sex they were assigned at birth.

Gender dysphoria is a clinical term for when someone experiences a mismatch between their sex and their gender identity. Discomfort and distress can come from hiding their identity, prejudice and discrimination, and/or not being supported.

Transitioning describes the steps a trans person may take to live in the gender they identify with. Every person's transition is unique and will involve different things. There is a lot of focus on medical transitions, but not all trans people want or can access hormone therapy and surgeries. Transition may involve purely social aspects such as telling friends, family and colleagues, dressing differently, and changing names, pronouns and/or official documents. There is no 'right' or 'wrong' way to transition. A person's transition is private and individual, so it is inappropriate to ask questions about trans people's bodies.

Non-binary

This is a term used to describe people who identify with a gender that is different from their assigned gender, although some non-binary people do not consider themselves transgender. It is a term used to describe someone who does not identify with a binary gender, they may be neither man nor woman, both man and woman, or take another approach to gender entirely

Inter-sex

'intersex' is a naturally occurring variation of human development and there are a number of intersex variations – in some cases the appearance at birth is neither clearly male nor female

Legislation

Trans, non-binary and intersex employees may be protected by two key pieces of legislation:

- Equality Act 2010:
 - Outlaws discrimination related to the protected characteristic of Gender Reassignment. If an employee identifies that they have gender dysphoria and the condition has a substantial and long-term adverse impact on their ability to carry out day-to-day activities, they may also be protected under the provisions in the Equality Act 2010 relating to the protected characteristic of disability
 - Sex, or gender is a protected characteristic under the Equality Act. The Act prohibits direct, indirect, victimisation or harassment as a result of sex/gender.
- Gender Recognition Act 2004: Allows trans people to obtain a Gender Recognition Certificate and have the correct gender marker on their birth certificate.

In addition to these two pieces of legislation, the Human Rights Act 1998 and the General Data Protection Regulation (Data Protection Act 1998) are also relevant to trans, inter-sex and non-binary employees.

Transition or gender identity care plan

There is no requirement for an employee to tell their employer or colleagues about their intention to transition, identify by a different gender, or identify as intersex or non-binary; or for the employer or colleagues to ask questions about a person's trans status or history. It is unlawful to disclose an employee's trans history or status without their explicit consent.

Any employee who decides to disclose their intention to transition, identify by a different gender, or identify as non-binary; should inform their line manager, HR colleague or a senior member of staff and agree a main point of contact who will help manage the transition from the organisation's perspective. Employees are encouraged to discuss their plan with their union and/or support network.

A Care Plan will be put in place so both parties can confirm the detail and timing of key dates and actions before, during and after the employee's transition, or identity change. This process will be led by the employee and no action will be taken without their explicit prior consent.

The care plan is a commitment from Bright Futures to support the employee at all stages of their change, act in their best interests and in accordance with their wishes. The drafting of the care plan can be led by the employee, with their agreed main point of contact and a trade union representative present, if the employee requests their attendance. The plan is a completely confidential document and access is restricted to named persons approved by the employee and with their permission. The care plan will be reviewed at each significant stage of the employee's change or more frequently if necessary. All actions will be taken in consultation with the employee.

Privacy

Bright Futures supports employees in making decisions about if, who, when and how they share information about their trans/gender status, history or gender identity and recognises employees' rights to discuss their gender identity and transition openly if they choose to do so or keep that information private. It is important to know that it is unlawful to disclose an employee's trans/gender history or status without their explicit consent.

Management, HR staff and colleagues must not disclose any information that may reveal an employee's trans/gender status or intention to transition. Any breaches of confidentiality and or data privacy, regarding an employee's trans status or history will be treated in a serious manner and dealt with under the bullying and harassment policy and disciplinary procedure.

Should colleagues and the school community learn of or be informed about an employees' intention to transition, Bright Futures is committed to supporting the individual in managing this situation.

Names/pronouns

Pronouns are the words we use which can depend on a person's gender. Pronouns used correctly are one of the easiest ways to show respect for someone's identity. Some people use 'he' and 'she', while some prefer gender-neutral pronouns like 'they'. You can ask 'what are your pronouns?'

Employees will be addressed by the name and pronouns that correspond to their gender identity and that they have requested to be used at all times.

Intentionally and persistently misgendering or using colleagues' previous names would amount to harassment and will not be tolerated. Breaches of this policy will be treated in a serious manner and dealt with under the bullying and harassment policy and disciplinary procedure.

Records

Any employee wishing to change their pronouns, name or gender does not need a Gender Recognition Certificate or an updated birth certificate to do so. Upon request of the employee Bright Futures shall update all records, including archived records with the employee's new details. Any name badges, signs, photographs or email addresses will be updated as soon as practicable.

Where archival records cannot be updated or replaced, or cannot be updated without a Gender Recognition Certificate, which includes pensions and insurance, these records will be kept separate from the records of other staff and will only be accessed by named persons approved by the employee and with their permission.

Facilities

Employees do not require a Gender Recognition Certificate or to have undergone any medical procedures to use facilities that correspond with their gender identity. Where single sex facilities are available, employees can use those which correspond with their gender identity without fear of bullying or harassment. Trans employees will never be asked to use accessible or unisex facilities exclusively unless they are preferred by the employee. If possible, gender neutral facilities will be made available for employees who prefer to use unisex facilities.

Dress code and work wear

Bright Futures fully supports employees who wish to change their gender presentation. Employees have the right to follow any dress code that is consistent with their gender identity. Where an employee is required to wear uniform, employees can wear the uniform that corresponds with their gender identity. Bright Futures will ensure that the employee has access to a new uniform well in advance of their intended transition. If possible gender-neutral uniforms should be made available and the organisation's dress code should not prescribe specific dress code for men and women.

Time off/absences

Bright Futures appreciates that every person's transition/gender identity is unique, can involve many different aspects and that time off work will vary according to the needs of the individual. Any sickness absence, following the usual certification requirements, associated with an employee's transition will be treated in the same way as other sickness absence with the same sick pay and leave entitlements. Time off related to the employee's transition will not be used against employees when considering them for promotion or pay progression.

Employees intending to transition should give as much notice as possible when requiring time off related to their transition, however Bright Futures understands that waiting times for appointments may delay timescales and this is out of the control of the employee. Individuals may need to take leave at short notice to attend additional appointments and, wherever possible, the Trust will be flexible.

Occupational health/employee assistance programmes

Employees who intend to transition will be offered the opportunity to be referred to Occupational Health for advice and support. Occupational Health is able to offer support and counselling for employees who may be experiencing emotional distress during before or after their transition or gender identification. Bright Futures will ensure that health and safety planning includes regular risk assessments for trans employees such as providing a stress assessment for an individual trans member. Employees are able to discuss any requirements or adjustments they may need with their line manager, HR staff or main point of contact.

Harassment

Harassment from any member of staff or the school/college community because of an employee's gender identity or trans status will not be tolerated. All employees should be alert to and report any form of harassment to their line manager and not allow it to escalate. Harassment of transgender employees will be treated in a serious manner and dealt with under the bullying and harassment policy and disciplinary procedure.

Grievances

Any employee who believes that they have a complaint should report it as soon as possible. The issue will be investigated in a timely manner and, where necessary, action will be taken under the relevant policy and procedures.

Training

Bright Futures will provide regular awareness training to all members of staff as part of our commitment to eradicating the stigmatisation of transgender communities in the workplace. This will be part of our annual training refresher.

Further Information

Bright Futures' Dignity and Respect at Work Policy