

TITLE	TRANS, INTERSEX AND NON-BINARY INCLUSION POLICY
Version	1
1. Background	<p>Under the Equality Act 2010, all people have the right to freedom from discrimination on the basis of gender reassignment.</p> <p>Family Action is committed to encouraging diversity, promoting equal opportunities, and providing fair treatment in all that we do. We strive for a working environment that is inclusive, free from discrimination and where everyone is treated with dignity and respect.</p> <p>All members of our community should be able to thrive and have a positive experience, free from discrimination, harassment, victimisation or another unlawful act against them relating to their gender identity, gender expression or trans status. This includes:</p> <ul style="list-style-type: none"> • Employees as part of our workforce • Trustees as part of our governance framework • Volunteers placed alongside our employees • Service users accessing the services we provide
2. Objectives	<ol style="list-style-type: none"> 1. To enable Family Action to be an employer and service provider which is fully inclusive of trans, intersex and non-binary people, successfully carries out its duties towards people from these groups, and takes a zero-tolerance approach to transphobia. 2. To provide trans, intersex and non-binary employees with a safe, robust and individual-led process for transitioning at work. 3. To ensure that employees, Trustees and volunteers at Family Action understand their responsibilities to support the inclusion of trans, intersex and non-binary people. 4. To ensure that our processes are fit-for-purpose and inclusive of trans, intersex and non-binary people.
3. Scope	<p>This policy affects everybody at Family Action (including employees, volunteers, service users, trustees, consultants and agency workers) but should be read and understood by employees, volunteers and trustees.</p>
4. Policy	<p>4.1. Relevant Definitions</p> <p>The following are definitions relating to trans, intersex and non-binary identities.</p>

When reading this policy, individuals should be mindful that language relating to people's experience of being trans, intersex and/or non-binary can change very quickly, and that ultimately they should be led by the language used by a trans, intersex or non-binary person in outlining their own experience.

A full list of definitions can be found in Appendix A of this policy.

Trans: An umbrella term to describe 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 transgender, transsexual, gender-queer, gender-fluid, non-binary, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

Intersex: A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may be male, female, non-binary or may identify in another way.

Non-Binary: An umbrella term for people whose gender identity doesn't sit comfortably 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.

Transitioning: The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

Cis / cis-gender: Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

Transphobia: The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

All definitions are from the [TransActual glossary](#).

4.2. Legal Protections for Trans, Intersex and Non-Binary People

Gender Recognition Act 2004

The UK Gender Recognition Act enables people aged over 18 to gain full legal recognition for the gender in which they live. Applications are considered by the Gender Recognition Panel. Once a person receives a Gender Recognition Certificate, they are legally of that gender for every purpose and have all the rights and responsibilities associated with that gender.

Employment rights do not depend on whether a person has a Gender Recognition Certificate. Employers should never ask for a person's Gender Recognition Certificate. To make an application for a Gender Recognition Certificate, a person needs to show they have been living – and working – in that gender for at least two years, therefore holding a Gender Recognition Certificate can never be seen as a pre-requisite of any processes associated with transitioning at work.

The Gender Recognition Act gives anyone applying for or holding a Gender Recognition Certificate particular privacy rights. It is a criminal offence to pass on information acquired 'in the course of official duties' about someone's gender identity, without the consent of the individual affected.

Equality Act 2010

The Equality Act 2010 protects against discrimination on the grounds of gender reassignment in employment and service delivery. It bans direct and indirect discrimination, harassment and victimisation. For definitions of the different types of discrimination, harassment and victimisation, refer to [Family Action's EDI Policy](#).

The Act makes clear that it is not necessary for people to have any medical diagnosis or treatment to gain this protection; it is a personal process of moving away from the gender assigned at birth to the correct gender.

People discriminated against because they are wrongly perceived to be trans or non-binary, or who are discriminated against because of their association with trans, intersex and non-binary people or issues, are also protected.

While intersex people are not directly protected by the Equality Act 2010 under gender reassignment, intersex people can be protected under sex discrimination where they are incorrectly assumed to be of a particular gender as a result of their intersex condition, and discriminated against as a result of this assumption.

4.3. Responsibilities of Employees and Volunteers

All employees and volunteers at Family Action are responsible for familiarising themselves with this policy and any associated guidance. All employees and volunteers have a responsibility to:

- Treat trans, intersex and non-binary people with dignity and respect, listening to how people from these groups wish to be referred to and putting this into practice.
- Encourage others to treat trans, intersex and non-binary people with dignity and respect.
- Engage in any learning opportunities provided through Family Action, which are intended to raise awareness about the experiences of trans, intersex and non-binary people.
- Engage in any learning opportunities provided through Family Action, which are intended to raise awareness about transphobia, discrimination or microaggressions against trans, intersex and non-binary people, and to not perpetuate these behaviours and be mindful of their own behaviours which might constitute discrimination or microaggressions against trans, intersex and non-binary people.
- Challenge transphobia and discrimination against trans, intersex and non-binary people where this is witnessed, and to report such instances to their line manager or supervisor.

Employees and volunteers who identifies as trans, intersex, non-binary and/or another minority gender identity, should follow the processes within this policy in order to access support or, for employees, to gain support in transitioning at work.

There are dedicated points of contact who can offer advice or support to individuals who are unsure of how this policy applies to them. These are outlined in point 4.7. of this policy.

4.4. Responsibilities of Managers and Volunteer Supervisors

All managers, senior managers and volunteer supervisors are responsible for familiarising themselves with the content of this policy and any accompanying guidance or training.

The specific responsibilities of managers and volunteer supervisors under this policy are to:

- Provide guidance and support to employees or volunteers who have questions relating to this policy or intend to undertake any of the processes outlined within this policy.
- Undertake any processes outlined in this policy to support an employee to transition at work, or to support the inclusion of a trans, intersex and/or non-binary employee or volunteer, in a timely and reasonable manner.
- Accept an employee or volunteer's gender identity and expression as they describe this, or as they ask you to

describe this, and not to project your own experience or understanding on to the experience of that individual.

- Not ask a trans, intersex and/or non-binary employee or volunteer for a Gender Recognition Certificate.
- Work to create an inclusive team environment which is supportive of trans, intersex and non-binary people, and encourage and support other managers to do the same.
- Identify any training or support needs within your team or area of responsibility to support an employee or volunteer to transition or support the overall inclusion of trans, intersex and non-binary people.
- Uphold the strictest confidentiality with regards to an employee or volunteers gender identity or transition, not disclosing information to any other party without the consent and understanding of the employee or volunteer, and with due regard and consideration to Family Action's relevant Safeguarding policies.
- Seek advice and guidance from Human Resources and the EDI Manager in implementing this policy, as required.

4.5. Inclusion of Trans, Intersex and Non-Binary People

Family Action will work to ensure that its processes are inclusive of, and not discriminatory towards, trans, intersex and non-binary people. This includes:

- Avoiding the use of unnecessarily gendered language.
- Providing managers and employees with opportunities to learn about the experiences of trans, intersex and non-binary people.
- Ensuring that confidentiality is maintained with regards to an individuals' gender identity, expression or history.

Use of Facilities

At Family Action Head Office, all toilet facilities are gender-neutral and so can be used by anyone. In offices where this is not the case, a trans, intersex and/or non-binary employee, volunteer, service user or visitor should be able to use the facilities which they choose to use and which most closely align with their gender identity.

Similarly, any other gendered facilities should also be accessible to a trans, intersex and/or non-binary employee, volunteer, service user or visitor in a way which reflects their gender identity. This would include, where relevant, changing facilities, or uniform protocols.

Trans, intersex and non-binary people should not be required to use accessible facilities as an alternative to other gendered or gender-neutral facilities, unless they would choose to do so themselves.

Recruitment

Prospective employees will not be asked questions as part of a recruitment and selection process which relate to their gender identity or expression, other than through optional equality monitoring questions which will be anonymous and not related to individual applications. The exception to this may be in instances where there is a genuine occupational requirement for an employee to be of a specified gender in order to undertake a role, and this has been disclosed as part of the job advert.

Where a recruiting manager, or another employee involved in the recruitment process, becomes aware of an individual's trans identity or history, they must keep this information confidential unless they have the explicit consent of the individual to share this.

An employee joining Family Action has no obligation to disclose whether or not they have transitioned or whether they have a trans identity or history unless they should choose to.

Provision of Services to Service Users

Services must ensure that they provide equal opportunities for access and inclusion in their services to trans, intersex and non-binary service users.

Managers are responsible for ensuring that steps are taken to support trans, intersex and non-binary service users to feel included, and that service users from these communities are not discriminated against. This may include through the following:

- Ensuring that all employees and volunteers within their service have read the Trans, Intersex and Non-Binary Inclusion Policy.
- Commissioning training or an awareness-raising workshop or activity to improve knowledge of trans, intersex and non-binary matters within the team.
- Committing as a team to the use of gender-neutral language and the sharing of personal pronouns.
- Ensuring, where possible, that gender-neutral facilities are available on site.
- Where possible, specifically consulting with trans, intersex and non-binary service users, or actively including service users from these communities in co-production activities.
- To draw on the expertise of organisations working directly with and advocating for trans, intersex and non-binary people in the design and delivery of services and functions.

Maintaining of Records

Any records or references to the name, image or gender marker of the employee prior to their transition must be deleted. If these are required to be kept, in line with Family Action policy, these should be

stored securely and with access restricted to staff who have an operational need to be able to access such information, or who have written consent from the employee to be able to see this information.

Criminal Record Checks and Disclosure and Barring Service (DBS)

Trans, intersex and non-binary employees and volunteers are able to use a dedicated process when applying for a DBS check, or where they need to update their DBS record following transitioning. Employees can contact the Sensitive Applications team as outlined on the [government website](#).

Qualifications and Professional Registrations

Hiring managers and Human Resources should accept certificates and evidence of qualifications and professional registrations where the name or gender marker do not align with the current name and gender marker of the new or prospective employee, providing that the individual can demonstrate through evidence that they are the individual that the qualification or registration is attributed to.

Where a record of a qualification or professional registration is required to be kept on-file by Family Action, and does not align with the current name and gender-marker of the employee, this should be stored confidentially with access restricted to employees who have written consent from the employee in order to access this information. This should usually include the Head of HR.

Providing References

When providing a reference on behalf of an employee, Family Action and its managers must not make reference to any paid or unpaid leave taken by the employee as part of their transition.

When providing a reference, Family Action must only make reference to the name and gender identity of the employee after they completed their transition, or where the employee transitioned after their time at Family Action, must follow the lead of the employee in the name and gender marker which are referenced.

4.6. Ensuring this Policy is Upheld

It is the responsibility of all employees of Family Action to ensure that this policy is upheld.

4.7. Points of Contact

Employees should discuss any issues or concerns with their line manager or a more senior manager in their area. Volunteers should contact their supervisor.

The EDI Manager is a designated point of contact and can offer guidance and support to trans, intersex and/or non-binary people at

	<p>Family Action, and to managers supporting trans, intersex and/or non-binary individuals. You can contact the EDI Manager by emailing equality.diversity@family-action.org.uk.</p> <p>4.8. Non-Compliance with this Policy</p> <p>Family Action will not tolerate any behaviour which breaches this policy, including transphobia, discrimination or microaggressions against trans, intersex and non-binary people (such as intentionally misgendering an individual) and will regard any breaches of this policy as misconduct.</p> <p>The harassment, bullying or victimisation of trans, intersex and/or non-binary people, will be treated as a serious offence and also as a breach of the EDI Policy and the Anti-Harassment, Bullying, Sexual Harassment and Victimisation Policy. This may be considered to be gross misconduct and may lead to disciplinary action.</p>
5. Timescales	With immediate effect.
6.Supporting Appendices	<p>Appendix A – Useful Definitions</p> <p>Appendix B – Transitioning at Work Guidance</p> <p>Appendix C – Template Transitioning at Work Action Plan</p>
7. Linked Policies	<p>Equality, Diversity and Inclusion Policy</p> <p>Anti-Harassment, Bullying, Sexual Harassment and Victimisation Policy</p> <p>Employee Code of Conduct</p>
8. Legislation	<p>Equality Act 2010</p> <p>Gender Recognition Act 2004</p>
9. Policy Lead	Equality, Diversity and Inclusion Manager
10. Approval at EG	June 2021
11. Review Date	June 2024 (excluding any changes to relevant legislation)
12. Effective Date	July 2021

Appendix A – Useful Definitions (adopted from [TransActual](#))

Term:	Definition:
Ally	A trans ally is a cis person that supports members of the trans community.
Cis / Cis-gender	Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.
Deadnaming	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	Gender is often used interchangeably with sex in UK law. It is a person's actual, internal sense of whether they are a man, a woman, non-binary, agender or something else. Assumptions about a person's gender are often made on the basis of a person's primary sex characteristics.
Gender Dysphoria	Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned at birth.
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, non-binary, agender or something else. Gender identity may or may not correspond to the sex someone was assigned at birth.
Gender Reassignment	Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice. The term is controversial and some trans people feel it is outdated and should be reviewed.
Gender Recognition Certificate	This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply for one in the UK. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents.
Intersex	A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may be male, female, non-binary or may identify in another way.

Non-Binary	An umbrella term for people whose gender identity doesn't sit comfortably 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.
Person with a trans history	Someone who is male or female or a man or woman, but who was assigned a different 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.
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'. Many trans people's sex and gender align with each other but differ to the sex and gender they were assigned at birth. For example, a trans man might have been assigned female at birth and raised as if he was a girl but then later come out as a trans man and seek recognition as male on his medical records and identity documents.
Trans	An umbrella term to describe 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 transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.
Trans man / Transgender man	A term used to describe someone who is assigned female at birth but identifies and lives as a man. This is sometimes shortened to trans man, or FTM, an abbreviation for female-to-male. The use of the space between trans and man demonstrates an acknowledgement that trans men are men.
Trans woman / Transgender woman	A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This is sometimes shortened to trans woman, or MTF, an abbreviation for male-to-female. The use of the space between trans and man demonstrates an acknowledgement that trans women are women.
Transitioning	The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.
Transphobia	The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

Appendix B – Transitioning at Work Guidance

The process of transitioning is unique to each individual and no two experiences of transitioning will be the same. Therefore managers and Human Resources should be led by the individual employee in determining the speed, steps to, and focus of their transition.

Family Action understands that a transition process is inherently personal and private to that individual. As such, Family Action will not ask for any information which is not necessary in order to complete a process to support an employee to transition at work.

Transitioning at work may involve some, or all, of the following steps:

- The employee officially changes their name (including on systems, their email address, etc.).
- The employee updates their gender marker on Human Resources records.
- The employee shares their name and how they would like to be referred to with their immediate team and, depending on the wishes of the employee, colleagues from the wider organisation.
- The employee works with their manager to identify immediate and ongoing support for them in their role.
- The employee and their manager discuss and seek to agree to periods of absence (such as for medical reasons relating to the transition process) which are a part of the employee's transition, in line with relevant policies on Leave which Family Action has in place and with support from Human Resources.

Managers should be supportive of the employee in planning their workplace transition. Managers and the employee should, where helpful, develop and agree an action plan of the steps to be taken, who is responsible for each step and the ideal timeline for delivering the action plan. A template action plan which may support this process is included as an appendix to the Trans, Intersex and Non-Binary Inclusion Policy.

Human Resources and the EDI Manager can offer support to managers and employees with the action-planning process.

Although the processes and actions referred to throughout this guidance refer to employees, they may also be applicable to volunteers who disclose to their supervisor that they are intending to, are already, or have recently transitioned.

Support Available at Family Action

Before, during or after the transition process, employees may find the following modes of support to be helpful:

- [Employee Assistance Programme](#)
- Occupational Health
- LGBTQIA+ Equality Network

Human Resources can offer advice on accessing any of the above support functions.

Updating Records

An employee can request for their name to be changed on their employee record by contacting the Human Resources team. In the first instance, the employee should contact the Human Resources Business Partner for their team.

HR can support an employee to update the following:

- Their name and gender marker on the HR system
- Their name as it appears in their employee email address
- Their name and picture on their staff card

Any records or references to the name, image or gender marker of the employee prior to their transition must be deleted. If these are required to be kept, in line with Family Action policy, these should be stored securely and with access restricted to staff who have an operational need to be able to access such information, or who have written consent from the employee to be able to see this information.

Updating and Informing Colleagues

There is no requirement to disclose any intimate details of a person's gender identity, trans history or transition, and managers should be led by the trans, intersex and/or non-binary employee in identifying:

- Who they wish to inform about their transition
- How much information they wish to share about their transition
- How they wish to share any information about their transition
- When they wish to share any information on their transition

The trans, intersex and/or non-binary employee should be supported to lead discussions about their needs and expectations in relation to updating colleagues regarding their transition, where they have had a presence in Family Action while presenting in another gender, using another name, etc. The focus should be on how the employee wishes to be referred to moving forwards.

Where an individual has transitioned prior to joining Family Action, it is less likely for it to be necessary for such a communication to take place, although employees may still wish to share information relating to their gender identity when being introduced to colleagues.

Employees can also work with their manager and Human Resources to agree a set of principles for how they wish to approach their transition at work, for example, considerations around whether the employee is happy to answer questions from colleagues, or whether they would like to share any guidance or resources.

Absence Planning and Management

As part of the process of transitioning, a trans, intersex and/or non-binary employee may require periods of leave to support their transition, including potential medical treatments and recovery time.

Employees requiring time off from work to support their transition should communicate their needs to their manager in writing as soon as is feasibly possible, and ideally, should make their manager aware of the possibility of these requirements when completing their Transitioning at Work Action Plan.

Managers should be flexible and supportive of the employee, and should support the employee to consider all options available to them in order to be able to meet their needs.

This could include considering flexible working as outlined in Family Action's [Flexible Working Policy](#).

In line with Family Action's Leave Policy, employees are entitled to 4 half-days of paid leave per annum in order to attend appointments in relation to their transition. Where additional time is required, this should be discussed between the employee, their line manager and Human Resources.

Managers must not use any paid or unpaid leave taken as part of an employee's transition, as justification for any negative review or actions taken against the employee within the annual appraisal or any other capacity or performance management processes at Family Action.

Confidentiality

Absolute confidentiality must be maintained with regards to an employee's transition and information on their transition should only be shared, where absolutely necessary, with the written consent of the employee.

Any documents or records should be updated to reflect the name and gender marker of the employee following their transition. Where a document is required to retain the name or gender marker of the employee prior to their transition, this should be stored securely with access restricted to colleagues who would need access to this, or who have the consent of the employee (e.g. their line manager, director and the Head of HR).

