
Trans and Non-Binary Policy

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Approvals (if required)

Date Employment Committee gave authorisation for changes (where necessary)

Change History

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BRACKNELL FOREST COUNCIL TRANS AND NON-BINARY POLICY

1 INTRODUCTION

The Council is committed to creating and sustaining a positive and supportive working environment for all staff, where staff are equally valued and treated respectfully. The Council are also committed to equality of opportunity for trans people throughout recruitment and employment, including supporting trans employees through any transitioning process. We value diversity and have a culture where discrimination will not be tolerated.

Trans is an inclusive term for all those whose gender expression falls outside the gender norms. There is a directory of terms in Appendix A.

2 EQUALITY

At Bracknell Forest Council we are committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our customers, creating conditions where each employee feels respected, can perform at their best, are treated as individuals and celebrated for their uniqueness.

The Council - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

3 PURPOSE

Bracknell Forest Council has a duty as an employer to take reasonable care of employees and provide a safe and healthy working environment. The Council is committed to raising employees' awareness of the LGBTQ+ (lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and many other terms (such as non-binary and pansexual) communities and by making this policy widely available to all employees, it will fully support and encourage employees to be themselves to reach their full potential.

It is important to read this policy in conjunction with the Equality and Dignity at Work policy.

4 PRINCIPLES

- The Council recognises that that protection under the Equality Act 2010 is extended to trans individuals from the moment they indicate their intention to transition.
- The Gender Recognition Act 2004 enables transgender people to achieve legal recognition in their acquired gender and change their recorded sex on their birth certificate. This is done through applying for a Gender Recognition Certificate.
- All transgender people are entitled to the same dignity and respect, regardless of whether or not they have been able to take any legal or medical steps.
- Gender identity, gender expression, and trans status will not exclude staff from employment or promotion or cause staff to be redeployed against their wishes.

5 SCOPE

This policy applies to all employees of Bracknell Forest Council, with the exception of school based staff

6 SUPPORT FOR EMPLOYEES

6.1 Supporting all employees in the workplace

The Council will work with all employees to promote understanding and respect towards transgender colleagues, residents and service users.

There are three [e-learning packages](#) available to assist with awareness of Trans and non-binary matters

- Trans and Non-Binary (manager version).
- Trans and Non-Binary in practice (team version).
- Trans Awareness.

All staff are encouraged to undertake the e-learning packages.

6.2 Supporting employees who wish to conform to their gender identity – name changes

The Council will be supportive of people who wish to conform to their Gender identity (see Appendix A for terms). Requests to change name or gender on email and how they are referred to, will be handled promptly.

It is the right of the employee to choose how they wish to be known (he/she/they) and other staff should respect their wishes. The employee should choose whether they wish to be open about their gender identity, trans status or trans history.

The ICT records/email address and security pass/ID pass can be amended as soon as the employee chooses to disclose that they wish to be known by a different name.

Once an employee tells us they have legally changed their gender, in line with the principles of the Gender Recognition Act 2004, BFC will update payroll records with changes to the new gender, and any changes to their title and name. We are restricted from changing legal documents, such as the payroll/iWorks@BFC records, until a Gender Recognition Certificate has been obtained.

Additionally, employees may choose to change their title, for example to Mx as opposed to Mr/Mrs/Miss. Similarly, employees may choose not to have a prefix attached to their records.

More details about the legal process can be found here [What to do if an employee changes gender - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/what-to-do-if-an-employee-changes-gender)

6.3 Potential Redeployment

In certain situations, it may be necessary to look at temporary redeployment for the period of a transition, or more permanent redeployment if the situation requires it. Situations may include the employee requesting redeployment or they may no longer be able to undertake their current role. Any potential redeployment would be highlighted during conversations with the manager and employee.

Wherever possible the Council will support such a request in line with the Council's normal redeployment processes. If redeployment is necessary, the employee will be invited to a personal interview with an HR Advisor to discuss the redeployment process. The employee may be accompanied by a Trade Union representative and the manager at this meeting. The individual's skills, experience and abilities will be explored, and discussions will take place around which types of posts may be suitable or unsuitable.

The transitioning employee has an equal responsibility to play a proactive role in the search for redeployment, and HR will ensure they have access to view all job vacancies across the Council.

Where a post is identified as potentially suitable, the employee should submit an application for the post, making it clear that they are in a redeployment situation. The HR Adviser must be informed that the application has been submitted and will be responsible for ensuring that the recruiting manager is aware of the Council's policy on redeployment, which states that, if the individual appears on paper to meet the essential requirements of the person specification, the manager must shortlist them for interview to investigate their suitability for the post. The manager must give careful consideration to the suitability of the potential redeployee, and then make an appropriate selection decision.

There may be the option of a 28 day trial period to ensure that the employee and the manager are satisfied that the employee is capable of carrying out the new role. Further information about this can be provided by HR where appropriate.

The Council cannot employ an individual indefinitely whilst seeking redeployment opportunities. Therefore, the redeployment process will operate for a limited time only, normally up to three months. If no suitable alternative post is found within this timeframe, then further discussion will take place.

6.4 Dress Code

The Council has no gender assumptions around staff dress code at work and will support staff in their choice of dress in connection with their gender identity or expression. Staff are encouraged to dress however they are most comfortable at work, provided their attire is suitable for their role and gives a positive image of the service they provide.

Where a uniform is provided, the employee should be given a choice of preferred style.

6.5 Bathroom facilities

Staff can use the facilities (such as toilets) they feel most comfortable using. The Council will work to provide appropriate facilities for trans staff, including gender-neutral facilities. Employees who are confirming to their gender identity will not be expected to use disabled/accessible facilities as an alternative.

6.6 Time off and Staff Support

Staff undergoing medical treatment related to their trans status, gender identity, or gender expression, will receive support from managers to meet their needs during this period, in line with the [managing attendance policy](#) and in line with the guidance on [hospital appointments](#).

Staff are reminded of the Vivup staff support scheme which is available for all employees [Staff counselling service \(sharepoint.com\)](#).

Additionally, the Council has Equality Allies who can offer workplace support. [Equality allies \(sharepoint.com\)](#)

6.7 Dealing with individual cases

There is an understanding that each person's journey is different, and no two employees will have the same experience. Managers should therefore discuss and support each employee in line with their individual circumstances.

Discussion should include:

- How best to support the employee.
- How they wish to be known moving forward.
- Outlining a plan in terms of communicating the changes to colleagues, other employees and stakeholders.
- Outlining a plan in terms of notes and records held in their previous name – this should be communicated to HR when the employee is comfortable.
- How to access Staff Counselling and Equality Allies.

6.8 Support for employees with a family member who wishes to confirm their gender identity

If an employee is supporting a family member who is transitioning, they may need to take time off to attend appointments and treatment or give assistance following surgical procedures. Some of these may be at short notice and may involve travelling a long distance. Where possible, Managers should be as flexible as possible to accommodate this, however they will also need to consider the needs of the service and whether there is sufficient cover within the team.

Any time off work should be taken as flexitime/TOIL or annual leave. If none of these options are available, then an unpaid leave request in line with the policy will be considered.

7 ROLES AND RESPONSIBILITIES

In line with the guidance above, the following clarifies different roles and responsibilities:

Employee Responsibilities:

- Engage with managers and HR about their personal situation and around the logistics of transitioning in the workplace (where appropriate) at the earliest opportunity.
- Agree with the manager the timescales for communication with colleagues/other parties.
- Report any instances of harassment, victimisation or discrimination towards them.
- If the role involves professional registration, agree with the manager who will check whether the registration body has any specific, confidential processes for gender transition or declaration of non-binary.

Manager Responsibilities:

- Maintain confidentiality at all times.
- Ensure that colleagues are informed about the employee's situation in a manner that best suits the employee.
- Outlining a plan in terms of notes and records held in their previous name – this should be communicated to HR when the person is comfortable.
- If the role involves professional registration, agree with the employee who will check whether the registration body has any specific, confidential processes for gender transition or declaration of non-binary.
- Supporting the employee as appropriate.
- Encouraging colleagues to do the e-learning packages.
- Thoroughly investigate any instances of harassment, victimisation or discrimination.

Human Resources/Payroll

- Maintain confidentiality at all times.
- Provide support and guidance to the manager and employee as necessary. Provide trans equality training as a general part of the equality and diversity training programme.
- When asked to provide a reference, HR should liaise with the employee and

ICT/Facilities

- Maintain confidentiality at all times.
- React quickly when asked to change names, titles, emails on all systems
- Issue updated ID badge

8 RECRUITMENT

Gender, except for Genuine Occupational Requirements, is not relevant to the majority of roles at the Council and therefore is not relevant to selection. Shortlisting for a vacancy is anonymous, with managers only provided with the applicants' name and contact details in preparation for interviewing.

There is no obligation for a transgender or non-binary person to disclose their personal situation as a condition of employment. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing Managers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

8.1 References

Where a reference request is received for an existing employee who has transitioned, the Council will respond using the employee's requested name and gender. However, should there be occasions, if the person has not legally changed their name or gender, where the Council will need to provide details in the legal name this should be done as sensitively as possible and in liaison with the member of staff.

When the Council requests a reference, it should be made using the prospective employee's name and gender identity made during their application. The Council should not mention previous names or gender identity, unless specifically asked to do so by the person.

APPENDIX A – USEFUL TERMS

We acknowledge that language can evolve quickly especially around trans/non-binary issues.

Trans/Transgender	A broad term that can be used to describe people whose gender identity is different from the gender they were thought to be when they were born. “Trans” is often used as shorthand for transgender.
Sex	Is often used in a medical or scientific context. Sex is a label — male or female — that people are assigned by a doctor at birth based on the appearance of the genitals they are born with. It doesn’t define who someone is, or what their gender identity might turn out to be.
Gender Identity	Is an internal knowledge of gender – for example, someone’s knowledge that they are a man, a woman, or another gender.
Gender Expression	Is how a person presents their gender on the outside. That might include behavior, clothing, hairstyle, voice or body characteristics. Everyone has a gender identity, including cisgender – or non-transgender – people.
Cisgender	If someone’s gender identity matches the gender they were assigned at birth.
Non-binary	Is 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.
Trans sexual	Someone who 'proposes to undergo, is undergoing or has undergone gender reassignment'.
Inter sex	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.

Source:

[Supporting trans employees in the workplace | Acas](#)

[Understanding Transgender People: The Basics | National Center for Transgender Equality \(transequality.org\)](#)