

**Three Counties Academy Trust**



# Transitioning at Work Policy

## #HR46

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**Version history**

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## Common abbreviations and acronyms

<b>AA</b>	Admissions Authority	<b>GPA</b>	Government Procurement Arrangement
<b>AAI</b>	Adrenaline Auto-Injector (Epi Pen)	<b>HASH</b>	Herefordshire Association of Secondary Heads
<b>ACM</b>	Asbestos Containing Materials	<b>HBV</b>	Honour Based Violence
<b>AFH</b>	Academies Financial Handbook	<b>HR</b>	Human Resources
<b>AHT</b>	Assistant Headteacher	<b>H&amp;S</b>	Health and Safety
<b>AIR</b>	Attendance Intervention Reviews	<b>HoS</b>	Head of School
<b>APIs</b>	Application Programme Interfaces	<b>HSE</b>	Health and Safety Executive
<b>BAME</b>	Black, Asian and Minority Ethnic Backgrounds	<b>ICO</b>	Information Commissioners Office
<b>BCP</b>	Business Continuity Plan	<b>IHP</b>	Individual Healthcare Plan
<b>BFR</b>	Budget Forecast Return	<b>IRMS</b>	Information and Records Management Society
<b>CAMHS</b>	Child and Adolescent Mental Health Services	<b>IWF</b>	Internet Watch Foundation
<b>CEO</b>	Chief Executive Officer	<b>KCSIE</b>	Keeping Children Safe in Education
<b>CFO</b>	Chief Financial Officer	<b>KS1/2/3/4</b>	Key Stage 1/2/3/4
<b>CIF</b>	Condition Improvement Fund	<b>LAC</b>	Looked After Child
<b>CIN</b>	Child in Need	<b>LADO</b>	Local Authority Designated Officer
<b>CLA</b>	Children Looked After	<b>LGB</b>	Local Governing Body
<b>CMIE</b>	Child Missing in Education	<b>LLC</b>	Low-Level Concerns

<b>COO</b>	Chief Operating Officer	<b>LSA</b>	Learning Support Assistants
<b>COSHH</b>	Control and Substances Hazardous to Health	<b>MASH</b>	Multi-Agency Safeguarding Hub
<b>CP</b>	Child Protection	<b>MAT</b>	Multi-Academy Trust
<b>CPD</b>	Continuing Professional Development	<b>MFA</b>	Multi-Factor Authentication
<b>CSCS</b>	Children's Social Care Services	<b>MFL</b>	Modern Foreign Language
<b>CSE</b>	Child Sexual Exploitation	<b>NCSC's</b>	National Cyber Security Centres
<b>CTIRU</b>	Counter-Terrorism Internet Referral Unit	<b>NPQEL</b>	National Professional Qualification in Executive Leadership
<b>CWD</b>	Children with Disabilities	<b>PA</b>	Persistent Absence
<b>DBS</b>	Disclosure and Barring Service	<b>PAN</b>	Published Admission Number
<b>DDSL</b>	Deputy Designated Safeguarding Lead	<b>PECR</b>	Privacy and Electronic Communications Regulations
<b>DfE</b>	Department for Education	<b>PEP</b>	Personal Education Plan
<b>DHT</b>	Deputy Headteacher	<b>PEEP</b>	Personal Emergency Evacuation Plan
<b>DSE</b>	Display Screen Equipment	<b>PEx</b>	Permanent Exclusion
<b>DSL</b>	Designated Safeguarding Lead	<b>PLAC</b>	Previously Looked After Child
<b>DPO</b>	Data Protection Officer	<b>PP</b>	Pupil Premium
<b>EAL</b>	English as an Additional Language	<b>PSHE</b>	Personal, Social and Health Education
<b>ECT</b>	Early Career Teacher	<b>PSED</b>	Public Sector Equality Duty

<b>EHA</b>	Early Help Assessment	<b>PTFA</b>	Parent, Teacher and Friends Association
<b>EHCNA</b>	Education, Health and Care Needs Assessment	<b>RIDDOR</b>	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
<b>EHCP</b>	Education, Health and Care Plan	<b>RHE</b>	Relationships and Health Education
<b>EHE</b>	Elective Home Education	<b>RSHE</b>	Relationships, Sex and Health Education
<b>ELSA</b>	Emotional, Literacy and Support Assistant	<b>SALT</b>	Speech and Language Therapist
<b>ESFA</b>	Education and Skills Funding Agency	<b>SARC</b>	Sexual Assault Referral Centre
<b>EVC</b>	Educational Visit Coordinator	<b>SBM</b>	School Business Manager
<b>EWO</b>	Education Welfare and Safeguarding Support Officer	<b>SCCs</b>	Standard Contractual Clauses
<b>EYFS</b>	Early Years Foundation Stage	<b>SDQ</b>	Strengths and Difficulties Questionnaire
<b>FBV</b>	Fundamental British Values	<b>SEMH</b>	Social, Emotional, and Mental Health
<b>FGM</b>	Female Genital Mutilation	<b>SENCO</b>	Special Educational Needs Coordinator
<b>FOI</b>	Freedom of Information	<b>SEND</b>	Special Educational Needs and Disabilities
<b>FSM</b>	Free School Meals	<b>SLA's</b>	Service Level Agreements
<b>FTS</b>	Find a Tender Service	<b>STEM</b>	Science, Technology, Engineering and Maths
<b>GAG</b>	General Annual Grant	<b>TA</b>	Teaching Assistant
<b>GDPR</b>	General Data Protection Regulation	<b>TCAT</b>	Three Counties Academy Trust
<b>GIAS</b>	Get Information about Schools	<b>VSH</b>	Virtual School Headteacher

## **Statement of intent**

Three Counties Academy Trust (TCAT) is committed to promoting an inclusive environment for all our members of staff and will not tolerate any discrimination or harassment on the basis of sex, sexual orientation, gender identity or gender expression.

This policy outlines the guidelines for addressing the needs and issues that may arise across our Trust when a transgender member of staff transitions during their term of employment. It aims to ensure staff who are considering, undergoing or have undergone medical intervention are fully supported throughout the process. The policy also supports transgender, non-binary and gender fluid staff who are not considering medical intervention.

The school will always respect the personal decision of staff members as to how they personally identify.

**\* This policy uses trans\* to refer to the various identities within the gender identity spectrum.**

**NB. Where the term “parent” or “parents” is used this includes those who act as carers or have parental responsibility.**

## 1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance and good practice including, but not limited to, the following:

- Equality Act 2010
- The Human Rights Act 1998
- The Gender Recognition Act 2004

Where legislation has been passed or updated during the shelf life of this policy, we will always apply the latest version available irrespective of the version quoted here.

This policy operates in conjunction with the following policies:

- Behaviour Policy
- Data Protection Policy (FI20)
- Equality Information and Objectives Policy (GN7)
- Staff Equality, Equity, Diversity, and Inclusion Policy (GN20)
- Staff Bullying and Harassment Policy (HR18)
- LGBTQ+ Policy (SG18)

Central TCAT policies have the policy number identified, e.g. "SG1". Where no policy number is identified this indicates the policy is a school specific policy available from an individual TCAT school's website.

## 2. Definitions

For the purpose of this policy:

**"Gender dysphoria"** is defined as the clinical diagnosis for the sense of unease a person experiences when their gender identity differs from their biological sex. This can lead to a number of issues such as depression and anxiety and have a harmful impact on daily life.

**“Gender identity”** is defined as a person’s innate sense of their own gender, whether male, female or something else on the spectrum of gender, which may or may not correspond to the sex assigned at birth.

**“Transgender”** is defined as an individual whose gender expression or identity is different from that traditionally associated with the sex they were assigned at birth. An individual may choose to express their trans\* identity through a number of means, such as behaviour, clothing, hairstyles, activities, voices and mannerisms.

**“Transition”** is defined as the process and steps an individual takes in order to live in the gender they identify as. This does not always involve a medical procedure, but a ‘social transition’ whereby an individual begins to live with their preferred gender identity. Some individuals choose to continue working while transitioning; therefore, it is vital that they are supported throughout the process.

**“Transphobia”** is defined as an irrational fear, hatred or abuse of trans\* individuals which is based on actual or perceived gender identity. Any individual who is described as being transphobic may deliberately and directly harass or disrespect someone who is trans\*, e.g. by purposely using incorrect pronouns. Transphobic incidents are often emotionally harmful and will be dealt with as seriously as other bullying incidents. All transphobic incidents will be centred on supporting the victim and managing any future transphobic behaviour.

NB. The term **transsexual** is widely considered outdated and may cause offence; however, some individuals may still choose to identify as such. The school will respect an individual’s preference, but staff members will be aware they should avoid using the term.

### **3. Pronouns**

TCAT will promote the respectful use of pronouns by all members of the TCAT community when referring to another individual and will not tolerate any intentional harassment on the basis of a person’s preferred pronouns.

If a member of staff is unsure on what pronouns another individual uses, they will be encouraged to ask them, use gender neutral pronouns or refer to them by their name only until they are sure.

Staff members will not be discouraged from including pronouns in their email signatures to help create a more trans-inclusive environment at work, and avoid gendered introductions, e.g. ‘Dear Sir/Madam’.

The deliberate and repeated incorrect use of a staff member’s pronouns will be managed in line with the Behaviour Policy if the offence is by a pupil, and the Disciplinary Policy and Procedures if the offence is by a member of staff or volunteer.

## 4. Roles and responsibilities

The Trust Board will:

- Evaluate and review the success of support available to trans\* staff members
- Monitor any feedback received from trans\* staff members and make improvements, where possible, to support their needs
- Evaluate and review this policy to ensure it is non-discriminatory

The Executive Headteacher/CEO will:

- Provide consistent support to trans\* staff members prior to, during, and after their transition
- Hold regular meetings with trans\* staff members to discuss the successes and weaknesses of the support in place and relay feedback to the Trust Board
- Respect all staff members' rights to privacy and never disclose a person's trans\* status to other members of staff, pupils or third parties, without permission
- Ensure TCAT has adopted secure controls over sensitive personal data and that all data is accurate, secure and processed fairly and lawfully in line with the UK GDPR and TCAT's Data Protection Policy
- Ensure that consent is obtained from the staff member in question before any of their personal data is amended
- Organise and conduct regular trans\* awareness training sessions as required, to ensure all members of staff are aware of their responsibility to support a trans\* colleague
- Ensure that line managers are provided with additional advice on how to support trans\* staff and how to handle any issues, e.g. transphobic incidents
- Keep a record of all reported transphobic bullying incidents and work to put measures in place that will prevent these from reoccurring
- Review and amend this policy, where applicable, taking into account new legislation and government guidance and previously reported incidents, in order to improve procedures and support for trans\* staff

Line managers will:

- Undertake training as directed by the Executive Headteacher/CEO and their Headteacher/Head of School regarding inclusion
- Have regard for this policy and any additional advice provided by TCAT or their school on supporting trans\* staff
- Ensure that the individual does not suffer detriment, bullying or harassment as a result of transitioning or their gender identity

Staff members will:

- Be able to identify the harassment of colleagues, know who to report it to and understand the consequences of harassing a colleague
- If they wish, attend any additional trans\* awareness training sessions, over and above that provided to meet TCAT's statutory obligations in respect of equality and diversity training to ensure they understand the transitioning process and how to support their colleague
- Ensure that all pupils understand TCAT's zero-tolerance for transphobic bullying or harassment

## **5. Notifying TCAT**

Upon a decision to transition, the individual in question should notify the Executive Headteacher/CEO and request a meeting to discuss the next steps.

This initial meeting will consider the following:

- The expected start, length and end of the individual's transition
- Time off that may be required for medical appointments or procedures, if applicable
- Whether the individual wishes to inform colleagues and, if applicable, pupils and the wider TCAT community
- Establishing a plan for how and when such information will be disclosed
- How TCAT intends to handle any potential discriminatory, harassing or hostile actions towards the individual

TCAT will respect the preference of the individual in all matters concerning how their transition is handled and will seek to accommodate all requests where reasonably practicable.

Wherever possible, the individual will provide a notice period for the date they wish to begin their transition, to ensure any necessary accommodations can be implemented.

## **6. Disclosure**

The decision of who to tell, and when and how to tell them, belongs to the individual who is transitioning; no other member of staff, regardless of their position, has the right to inform colleagues, pupils or third parties of an individual's choice to transition.

Trans\* staff members will be able to decide whether they inform colleagues themselves, or whether they wish for the Executive Headteacher/CEO, or another senior member of staff, to disclose their decision to colleagues.

Trans\* individuals have the right to decide not to disclose their transitions; however, they will be informed that notifying colleagues with whom they work closely, and pupils (if applicable), will help with a smoother transition.

If the individual chooses to do so, colleagues will be informed either in person, or in writing.

If the individual does not wish to inform all staff of their transition, information will be provided to chosen colleagues only, to ensure they understand the need to use their colleague's new name and pronouns and share facilities.

The Executive Headteacher/CEO will ensure consistent support is provided to trans\* individuals throughout this process.

The individual will be invited to weekly meetings with their line manager or identified member of senior staff to discuss their transition, how they are feeling, any issues encountered and any additional measures TCAT or their school can take to support them.

## **7. Practical arrangements**

### **Training and CPD**

Training for staff will be provided as required, which will:

- Ensure all staff are aware of how to identify, challenge and prevent transphobic bullying and language
- Ensure all staff are aware of how to develop and maintain an active commitment to inclusivity
- Include training on LGBTQ+ inclusivity within the workplace and trans\* issues and perspectives in an inclusive curriculum
- Ensure all staff are aware of how to interact respectfully with trans\* people and understand TCAT's policy on confidentiality and harassment
- Ensure all staff are aware of their responsibilities and how they can support trans\* colleagues
- Ensure that each TCAT school is aware of, and where appropriate, celebrates, Transgender Day of Remembrance (20 November), Transgender Day of Visibility (31 March), LGBTQ+ History Month (February), International Day Against Homophobia, Transphobia and Biphobia (17 May)

### **Use of toilets and changing facilities**

Clear arrangements will be made around the use of toilets and changing facilities – these will be discussed during the initial notification meeting and reiterated back to the Trust Board and Local Governing Body.

Where possible, the Trust Board will review changing and toilet facilities to determine whether adaptations can be made to accommodate all staff members.

TCAT will aim to ensure the availability of gender neutral or unisex toilet and changing facilities for staff – this is to support non-binary members of staff and staff who do not wish to express their gender identity at work, and it is not expected that trans\* people use gender neutral or unisex facilities unless it is their preference, however should they decide not to do so then they must use the provided single sex toilet and changing facilities, and TCAT only permits these to be used as determined by gender at birth.

### **Documents and filing**

During or following an individual's transition, all records on TCAT's systems will be changed to reflect new names and pronouns.

Where the trans\* individual chooses to disclose their status, a date will be agreed, upon which their gender will be changed on all personnel records.

Records and data will not be changed without the permission of the staff member in question.

Documents that cannot be altered or replaced, will be stored securely in sealed envelopes, marked confidential and kept separately from the files of other staff.

As full transition is not always instantaneous, TCAT will update photographic identification, wherever requested by the member of staff or where deemed necessary to do so by the Headteacher/Head of School or DSL to maintain safeguarding provisions.

## **8. Medical treatment**

The Equality Act 2010 permits individuals undergoing medical treatment or procedures as part of their gender identity to time off from work.

The Executive Headteacher/CEO and the individual in question will discuss, in advance, the estimated amount of time away from work that will be required.

Timescales may alter; therefore, flexibility will be allowed.

TCAT will use a flexible approach to implementing temporary adjustments to help those returning to work having undergone medical intervention as part of their gender identity.

## **9. Gender recognition certificates**

Under the Gender Recognition Act 2004, Gender Recognition Certificates (GRC) are issued to allow the holder to be legally recognised in his or hers gender for all purposes.

When a trans\* individual receives a GRC, they have the right to request that all references to their former name and gender are removed from TCAT records. Files held on paper will be replaced with new records.

TCAT recognises that not all trans\* individuals will transition with the objective of changing their physiology or legal gender and will treat all trans\* staff with the same dignity and respect whether or not they have a GRC – this includes requests to change their details on any TCAT systems.

## **10. Recruitment**

Applicants are not expected to disclose their trans\* status prior to, or during, an interview.

An applicant's choice to refuse to declare their gender will never be a reason to not consider or offer employment.

Where DBS checks are necessary, TCAT will inform applicants that the confidential checking process will not require them to disclose their previous identity to their employer.

Where a member of staff is providing a reference for someone moving to a new job, the referee will use the name which is currently used by the trans\* individual, not their former name.

## 11. Transphobia and bullying incidents

All staff members and pupils will understand that transphobic language and bullying will not be tolerated. Trans\* members of staff will be asked to inform their line manager, or another senior member of staff they feel comfortable with, of any incidents they experience.

TCAT will ensure all staff are aware of what constitutes transphobia, including the following common examples:

- Misgendering, e.g. purposefully ignoring an individual's preferred pronouns and referring to an individual in a manner that is not in line with their gender identity
- Deadnaming, i.e. calling the individual by their birth name or asking what their 'real' name is
- Asking personal and invasive questions relating to the person's gender identity or medical treatment
- Unwelcome comments about an individual's appearance in relation to their gender identity, including speculation about an individual's gender identity
- Outing an individual, i.e. sharing their gender identity or history without the individual's permission
- Claiming there is a conflict between trans\* people's human's rights and those of any other group, e.g. counterposing women's rights to the rights of trans\* people

Should an incident occur between staff, it will be dealt with following the procedures in our Staff Bullying and Harassment Policy; TCAT has the power to discipline staff members that engage in actions related to transphobia or bullying.

Should an incident involving a pupil occur, it will be dealt with following the procedures in that school's Behaviour Policy.

Where a parent is involved and, for example, does not wish their child to interact with a trans\* member of staff, a meeting between the Executive Headteacher/CEO and parent will be organised, in which the issues are discussed.

Where abuse occurs online, steps will be taken to determine the source and perpetrator, and relevant disciplinary action will be taken once this information is confirmed. The police will be involved where necessary.

All incidents will be formally recorded.

## Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher/CEO in collaboration with the Board appointed Trustee, the Trust Board and Executive and Senior Leadership.

Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to Executive Leaders, the TCAT Central Team and to Headteachers/Heads of School, who, in turn, will alert school-based staff.

The next scheduled review date for this policy is 12<sup>th</sup> March 2029.

Signed by:

\_\_\_\_\_ Executive Headteacher/CEO

Date: \_\_\_\_\_

\_\_\_\_\_ Board appointed Trustee

Date: \_\_\_\_\_