



Transgender and Non-Binary Equality Policy

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POL144 - Transgender and Non-Binary Equality Policy

Version	Date	Comments
V1.0	19 June 2023	Approved by CRG

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Dissemination requirements	All Trust employees by intranet
Part of Trust's publication scheme	Yes

POL144 - Transgender and Non-Binary Equality Policy

The East of England Ambulance Service NHS Trust (the Trust) has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and fostering good relations between; people from different groups and people with protected characteristics.

All Trust policies can be provided in alternative formats if required. Please contact the Human Resources Department if you require an alternative format.

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1. Introduction

- 1.1 EEAST wants all our staff to feel included, and is committed to welcoming and supporting transgender and non-binary employees. This commitment means cultivating and providing a working environment where transgender and non-binary employees are respected, valued and are free from discrimination, harassment or victimisation based on gender identity.
- 1.2 This policy applies to all employees, including apprentices, fixed-term contract holders and employees on secondment to EEAST who hold a contract of employment with another organisation.
- 1.3 Trust volunteers should refer to the Volunteer Responder Policy.
- 1.4 Gender reassignment is 1 of the 9 protected characteristics under the Equality Act 2010. The legal definition applies to anyone who is proposing to undergo any form of gender transition, even without medical intervention.

2. Purpose

- 2.1 This policy outlines how we will support our trans and non-binary employees, including:
 - treating you, no matter what your gender identity, with fairness, dignity, confidentiality and respect,
 - supporting you in relation to your gender identity,
 - raising awareness of gender identity for all our employees.

3. Duties

- 3.1 Board and Senior Executive Team members have a responsibility to challenge and address discrimination within the workplace, whether among employees, patients or the public.

- 3.2 Your line manager should promote a culture of tolerance, compassion, and kindness.
- 3.3 HR and union representatives are responsible for providing advice and ensuring this policy remains up to date with current legislation.
- 3.4 Every employee is responsible for their own personal behaviour and should act in accordance with this policy and other relevant policies, e.g., Equality Diversity and Inclusion Policy, Dignity at Work Policy. This policy also applies to activities undertaken on or off site or any activity associated with their EEAST employment.

4. Definitions

- 4.1 Definitions and terminology regarding transgender and non-binary people are evolving. **Appendix A** provides guidance on some of the most commonly used terms.

Individuals will self-identify and how they choose to describe themselves should be respected by their managers and colleagues. Rather than assume, it is best to ask someone how they wish to be addressed.

- 4.2 Using inappropriate language, terminology or intentional misgendering can be intimidating and distressing, and undermines our core values. It also has the potential to breach the Equality Act 2010 and the Dignity at Work Policy.
- 4.3 Gender identity and sexual orientation are not interchangeable terms; transgender and non-binary people can be a spectrum of sexualities, including bisexual, gay, heterosexual or lesbian and so employees should not assume that a transgender or non-binary colleague has a particular sexual orientation.

5. Supporting Employees

- 5.1 We respect the right for you to choose whether to tell us about your trans or non-binary status, and it is your decision what you share, with whom and when.

- 5.2 If you tell us about your gender history or status (verbally or in writing), we will not disclose this to anyone unless there is a specific reason and then not without your written agreement.
- 5.3 Your gender history or status will not have a bearing on any employment decisions or access to benefits, except where permitted by law, e.g., if you have transitioned but do not have a Gender Recognition Certificate (GRC) you may be required to disclose your gender history for insurance and pension purposes. In these circumstances, EEAST will treat the information as sensitive data, and it will be handled in line with data protection legislation.
- 5.4 If any employee discloses that you are trans or non-binary without your permission, or you experience workplace harassment in relation to your gender identity, we will deal with this matter under the Dignity at Work and/or Disciplinary Policy.

6. Transitioning

- 6.1 We acknowledge that transitioning and the time it takes will be unique to you, it is not always a linear process and may involve social and/or medical transition.
- 6.2 We encourage you to talk to your line manager, trade union representative, HR representative, or LGBT+ Staff Support Network representative about the situation as early as you can, so they can give you the support you need. They will listen to any concerns you might have and handle the situation in a supportive and sensitive way.

6.3 Develop an Action Plan

If you are transitioning and you have made your line manager aware, your line manager will agree an action plan with you, detailing all the steps that need to be taken before, during and after your transition.

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- 6.4 A Transitioning Action Plan (POL144-01) template is available on the intranet.
- 6.5 It is important that the plan is bespoke to you. Some of the key points to include are likely to be:
- whether you would benefit from an Occupational Health (OH) referral to assist with providing medical and other advice / support,
 - whether there is a need for a risk assessment, e.g., if you are undergoing surgery and may need to consider workplace adjustments on a temporary basis,
 - what is the expected point of change of personal details (such as name), when and how you will present at work in your new gender status (collaboratively agreed between you and your line manager, and a timeline developed),
 - what amendments will be required to records and systems,
 - who will need to be told (such as colleagues, managers, direct line reports) and how, when and what you are happy for them to be told, and who will tell them,
 - if you wear Trust uniform, whether there is a need for any change / items to be ordered,
 - whether you want your ID card updated with a new name and/or photo, and if so the process for ordering a new one,
 - use of facilities (see Section 7),
 - reassurance of confidentiality of personal information and providing information about the range of resources and support available, including online options and counselling.
- 6.6 The timescales, activity and communication will be driven and led by you, so you are free to delay, accelerate or change your action plan at any stage.
- 6.7 If you are transitioning and wish to be considered for temporary redeployment please discuss this with your line manager. Where available, temporary redeployment will be accommodated in line with the Redeployment Policy and Procedure and will be included on your action plan.

Your action plan should be reviewed regularly, and at least every 3 months. Your line manager will agree review dates with you and record these on the action plan.

7. Facilities

- 7.1 In order to foster an inclusive environment that accommodates all our employees' needs, as EEAST's buildings are refurbished we will be moving to separate lockable rooms which will be self-contained all-gender facilities, e.g., toilets, shower rooms, etc.
- 7.2 The self-contained all-gender facilities will not display male / female signs on the doors.

If the facilities where you work are gender specific, part of your action plan will be to agree at which point you change to using the facilities of your affirmed gender.

- 7.3 A transgender employee will be able to use the facilities that align with their affirmed gender identity. It is not appropriate or legal to ask the employee to use any other facilities, however, if they choose to use disabled / accessible facilities instead that is their choice.

8. Personal Data and Records

- 8.1 All your current records (electronic and paper) will be updated and will not refer to a previous name. Where other people in EEAST need to be aware of your transition to change a particular record, we will obtain your consent, and restrict the information to those who need to know.

Transgender people are not required to apply for a GRC and may choose not to for various reasons. Your manager should never ask you if you have a GRC and you do not need this to change your details on EEAST's employment records.

- 8.2 Where there is a need to retain documentation that shows your gender history, this information will be stored confidentially in line with the requirements of data protection legislation. Access to these will be restricted to individuals who need the details to perform their specific duties.

9. Further Support / Information

- 9.1 If you need support, please speak to your line manager, Trade Union representative, HR representative or LGBT+ Staff Support Network representative.
- 9.2 Remember we also have an Employee Assistance Programme (EAP) who can provide you with support. The EAP is free, independent and totally confidential; up to date contact details are published on the intranet.
- 9.3 See **Appendix B** for useful sources of information and advice.
- 9.4 See **Appendix C** for information on how to become a trans ally.

10. Policy Review

- 10.1 This policy will be reviewed on a two-yearly basis or amended in the light of new employment legislation and/or relevant case law.

APPENDIX A

Definitions

We have included some of the key words or terms that could be used. However, we know that how you want to be identified may be individual to you, and we recommend that you discuss this as part of your action plan so that this can be communicated as agreed.

Gender Neutral – refers to the absence of a specific gender. It can be used to describe facilities, people who don't subscribe to a specific gender, or pronouns like they / them / theirs.

Gender Binary - used to describe the societal belief of there being only two genders: male and female. The gender binary is contradicted both by the existence of intersex people and non-binary and gender fluid people.

Gender Incongruence – is characterised by a marked and persistent incongruence between an individual's experienced gender and the assigned sex, and is a diagnostic term in the ICD (*International Statistical Classification of Diseases and Related Health Problems*).

Gender Dysphoria - this is a medical diagnosis that describes a feeling of discomfort or distress experienced by trans people because there is a mismatch between the sex they were assigned at birth and their gender identity.

Gender Identity – refers to a person's sense of self as a man, woman, non-binary, or other sense of gender. This does not always correspond with the biological sex they are assigned at birth.

Gender fluid – means that a person is flexible regarding the gender with which they identify. Their gender identity or expression is not fixed and may encompass one gender, multiple genders, or no gender. Their gender identity and expression may also change over time. People who are gender fluid are non-binary, but not all non-binary people are gender fluid.

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Gender reassignment – is when a person is transitioning from one binary gender to another. The Equality Act 2010 defines the protected characteristic of gender reassignment as where a person has proposed, started, or completed a process to change from one gender to another.

Gender Recognition Certificate - the Gender Recognition Act (2004) allows transgender people to apply for a gender recognition certificate (GRC), which will give them legal recognition in their acquired gender and enables them to obtain a new birth certificate. This gives them recognition of their gender identity in law for all purposes, including marriage.

The Act safeguards the privacy of an individual with a GRC by defining information relating to the gender recognition process as 'protected information' and, except 'in specific circumstances' (e.g., for the purpose of preventing or investigating crime), it is a criminal offence to disclose such information without the individual's consent.

Mis-gendering – when you refer to someone using a word, especially a pronoun or a form of address, that does not correctly reflect the gender with which they identify.

Non-binary – someone who does not identify with either the male or female gender. They may be neither man nor woman, both man and woman, or take another approach to gender entirely.

Cisgender – refers to non-trans people – those whose gender aligns with the sex they were assigned at birth.

Transgender (or trans) – a broad, inclusive term referring to anyone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth, including people who are non-binary or otherwise gender non-conforming.

Deadnaming — calling a trans or non-binary person by the name they were given at birth when they have since changed their name. It can be harmful whether it is intentional or not.

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Transition — transition is a term used to describe when someone changes the gender they were previously known as. This may include hormones and medical procedures, or it may not. Many trans people do not undergo medical intervention but do come out to others and change their name and pronouns.

Mx. – is a gender-neutral honorific title (pronounced 'mix' or 'miks'), similar to Mr. for men and Ms. for women. It is used to refer to someone without making any assumptions about their preferred pronoun and is available as a title on EEAST's electronic staff record (ESR) system.

APPENDIX B

Useful sources of information and advice

www.ambulancelgbt.org was created with the purpose of bringing together all NHS Ambulance Service LGBT+ staff networks, providing support to LGBT+ staff, and promoting equity across the UK.

www.theasc.org.uk/crisis Immediate and ongoing suicide and mental health care for UK ambulance staff, with a dedicated telephone line **0300 373 0898** available 24-hours a day, seven days a week.

<https://stonewall.org.uk/> stand for LGBTQ+ people everywhere, and imagine a world where all LGBTQ+ people are free to be themselves and can live their lives to the full.

www.depend.org.uk Offer free, confidential advice, information and support to family members, spouses, partners and friends of trans people in the UK.

www.transunite.co.uk is a resource for people in the UK searching for support in the transgender community, with a directory which connects to an established network of trans support.

www.beaumontsociety.org.uk National 24 hour helpline and other support for trans people, their partners and families.

<http://genderedintelligence.co.uk/> Gendered Intelligence is a registered charity that works to increase understandings of gender diversity and improve the lives of trans people.

<https://lgbt.foundation> is a national charity delivering advice, support and information services to the LGBT+ communities.

www.gires.org.uk Gender Identity Research and Education Society provides information for trans people, their families and the professionals who care for them.

<https://bristolmind.org.uk/help-and-support/mindline-transplus/> MindLine Trans+ is a national service open to callers nationwide. It is a confidential emotional, mental health support helpline.

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www.mind.org.uk – supports minds by offering help through information, advice, local services and bringing together a network of individuals and communities who care about mental health.

APPENDIX C

How to be a Trans Ally

Educate yourself and listen - Take the time to learn about trans issues. Visit the National Ambulance LGBT+ Network www.ambulancelgbt.org, and other websites included at Appendix B. Get involved in some of the events hosted by the LGBT+ Staff Network.

Don't make assumptions - Everyone is different. Don't make any assumptions about a trans person's medical history, romantic relationships, or feelings about their own life.

Stand Up - Understand what trans-specific bullying and harassment looks like. If you believe you are witnessing discrimination or the victimisation of someone based on their affirmed gender make it your duty to report and challenge this.

Keep it confidential - It takes a lot for someone to tell you they are trans or non-binary. Respect that by keeping what they tell you a secret. Remember, they might be out in some groups but not all.

Pronouns matter - Introduce yourself, using your affirmed pronoun. Use the person's affirmed name and pronouns. If you are not sure what pronouns to use, just ask politely and privately. As long as you do it with the best intentions, people will not mind. If you get it wrong, apologise, correct yourself and move on. Add your own pronouns to your email signature and social media profiles (She/Her, He/Him, They/Them, etc).

Keep it appropriate - Ask appropriate questions. Be guided by the individual going through a transition process.

APPENDIX D

Equality Impact Assessment

EIA Cover Sheet		
Name of process/policy	Transgender and Non-Binary Equality Policy	
Is the process new or existing? If existing, state policy reference number	New (POL144)	
Person responsible for process/policy	HR	
Directorate and department/section	People Services	
Name of assessment lead or EIA assessment team members	Head of HR Policy, Risk Management & Projects	
Has consultation taken place? Was consultation internal or external? (please state):	Internal consultation in partnership with management and staff side.	
The assessment is being made on:	Guidelines	<input type="checkbox"/>
	Written policy involving staff and patients	<input checked="" type="checkbox"/>
	Strategy	<input type="checkbox"/>
	Changes in practice	<input type="checkbox"/>
	Department changes	<input type="checkbox"/>
	Project plan	<input type="checkbox"/>
	Action plan	<input type="checkbox"/>
	Other (please state) Training programme.	

Equality Analysis																						
<p>What is the aim of the policy/procedure/practice/event? This policy aims to support our transgender and non-binary employees, including during or after transitioning.</p> <p>It also encourages all employees to work within the principles of the policy, and report and challenge any witnessed gender-based discrimination or victimisation.</p>																						
<p>Who does the policy/procedure/practice/event impact on?</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">Race</td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 30%;">Religion/belief</td> <td style="width: 5%; text-align: center;"><input type="checkbox"/></td> <td style="width: 20%;">Marriage/Civil Partnership</td> <td style="width: 20%; text-align: center;">×</td> </tr> <tr> <td>Sex</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Disability</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Sexual orientation</td> <td style="text-align: center;">×</td> </tr> <tr> <td>Age</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Gender re-assignment</td> <td style="text-align: center;">×</td> <td>Pregnancy/maternity</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>					Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	×	Sex	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	×	Age	<input type="checkbox"/>	Gender re-assignment	×	Pregnancy/maternity	<input type="checkbox"/>
Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	×																	
Sex	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	×																	
Age	<input type="checkbox"/>	Gender re-assignment	×	Pregnancy/maternity	<input type="checkbox"/>																	
<p>Who is responsible for monitoring the policy/procedure/practice/event? HR</p>																						
<p>What information is currently available on the impact of this policy/procedure/practice/event?</p> <p>Equality, Diversity and Inclusion Policy Positive feedback from LGBT+ staff network Mx is an available title on ESR and could be monitored for any increase following the introduction of this policy.</p>																						
<p>Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? No</p>																						
<p>Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes If yes please provide evidence/examples:</p>																						

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Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Sex	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input checked="" type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input checked="" type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>

Please provide evidence:
This policy is designed to have a positive impact on the protected characteristic of gender re-assignment, and also on sexual orientation. It has been produced in consultation with the LGBT+ staff network and staffside.

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so please provide evidence/examples:

Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Sex	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>

Please provide evidence:
At present no negative impact has been identified.

Action Plan/Plans - SMART
 Specific
 Measurable
 Achievable
 Relevant
 Time Limited

Evaluation Monitoring Plan/how will this be monitored?

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Who

How

By

Reported to