



Trans Inclusion Policy

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Distribution
Internal: All SCC Staff
External: Website/Councillors/Partners

1. Policy statement

1.1. The purpose of this policy is:

- 1.1.1. To maximise the inclusion of trans staff, and prospective staff, in all aspects of the Council
- 1.1.2. To give the best possible support to staff who transition at Salisbury City Council and ensure a positive experience of transition at work
- 1.1.3. To enable managers and colleagues to support staff effectively
- 1.1.4. To recognise and value the diversity of gender identity and gender expression

1.2. This policy is non-contractual and aimed as guidance.

2. Scope of policy

2.1. This policy applies to everyone who works at Salisbury City Council. The anticipated audiences are:

- 2.1.1. Managers (to enable them to support staff)
- 2.1.2. Trans staff (to enable them to see what they should expect and have confidence in the Council to support them)
- 2.1.3. Colleagues of trans staff (to enable them to see how trans staff should be treated and develop their understanding.

2.2. In this policy we have used the term 'trans' to mean anyone who feels that the sex they were assigned at birth, and the corresponding gender they were assumed to have, does not match or sit easily with their own sense of self.

2.3. We have chosen 'trans' because it is one of the broadest and most widely accepted words currently in use. However we recognise it is not a term everyone uses and we recognise and respect everyone's right to choose how they are described as individuals.

2.4. These terms may include, but are not limited to: trans, non-binary, gender fluid, man with a trans history, woman with a trans history, man or woman. We particularly note that some people who transition will regard themselves as men or women afterwards and no longer consider themselves trans.

2.5. We also acknowledge those who are exploring their gender identity and may describe themselves as gender questioning.

2.6. We recognise that not all of the terms used in this policy are familiar to everyone so there is a glossary in Appendix 3. If you would like further advice or support on the terms used then please do contact HR Manager.

3. Wider experiences

- 3.1. It is important to recognise that our experience of gender is not independent of other aspects of our lives. How we experience and/or express our gender is influenced by our ethnicity, ability, culture, faith, age and class, as well as many other factors.
- 3.2. People are not black and trans separately, or trans and disabled separately, rather they are a black trans person, or a trans disabled person and those combined experiences interact to create specific and sometimes highly challenging life circumstances.
- 3.3. Trans inclusion cannot be separated from all other forms of inclusion. There is no hierarchy of rights – it is a matter of support and access for all.
- 3.4. As set out under ‘Scope’ this document uses the term ‘trans’ in a broad and inclusive way. However, trans people are diverse and some groups of trans people experience issues and have needs that others may not. This is particularly the case for non-binary, gender fluid and gender questioning people. We will therefore use those more specific terms where necessary to highlight and address those issues and needs.
- 3.5. To support understanding there is some background information in Appendix 1 (About trans people) and Appendix 2 (About transitioning). These appendices should be read before continuing with the rest of the policy.

4. Language

- 4.1. We aim to use language that recognises the agency of trans people, validates their gender identity and empowers them. We therefore use the following terms and phrases:
 - 4.1.1. ‘Chosen name’, ‘chosen pronoun’ (or simply ‘name’ and ‘pronoun’)
We use ‘chosen’ rather than ‘preferred’ because the right of a person to have their pronoun(s) respected is not negotiable.
‘Preferred’ can imply it is OK to call a person something other than the name or pronoun(s) they have asked for.
Choosing your name is an empowering step for many trans people. It does not, however, imply that trans people ‘choose their gender’ or ‘choose to be trans’.
 - 4.1.2. ‘Prior to transition’
We use this instead of phrases such as ‘when the person was a woman’ or ‘before becoming a man’ as these phrases imply that the gender a person was assumed to have at birth was correct / valid. Such phrases also label the person with their assumed gender which may be upsetting.
 - 4.1.3. ‘Assigned at birth’ / ‘assumed at birth’
We use this phrasing to acknowledge that sex is assigned by others at our birth, and we are assumed to have a corresponding gender.

5. Support and best practice

- 5.1. This section sets out what is expected of Salisbury City Council's managers if a staff member shares with you the information that they are trans.
- 5.2. The situation may be new to you as a manager. However, it's important to remember that as a professional manager you have the skills to work with and support people experiencing a range of different life circumstances, of which you don't necessarily have personal experience. You can be supportive and kind without understanding every detail.
- 5.3. Equally Salisbury City Council wants you to feel supported yourself. If you have any questions, contact HR Manager.

6. If Someone Tells You They Are Trans

- 6.1. In many instances a person will tell you they are trans because they are planning to transition. Much of the following section is about supporting that process.
- 6.2. However, it's also possible that someone who transitioned in the past may tell you that they are trans / have a trans history. This could be for a number of reasons, including that:
 - 6.2.1. They are experiencing difficulties that they want your support to address
 - 6.2.2. They are worried about something and want to talk it through with you
 - 6.2.3. They feel 'obliged' to
 - 6.2.4. They are open and positive about their history and want to be visible
- 6.3. Whatever the circumstance, the following approach is a good place to start:
 - 6.3.1. Recognise you might be the first person they have told and your reaction is important
 - 6.3.2. Thank them for sharing the information
 - 6.3.3. Confirm what they share is confidential – however there may be situations where we have to break confidentiality – this would be if a person was at risk as a result of sharing this information. We would liaise with our Designated Safeguarding Officer to discuss this.
 - 6.3.4. Listen
 - 6.3.5. Make a statement of support
 - 6.3.6. Don't assume anything – from the pronouns someone might want, to the gender identity they might have, to the transition they might / might not want, to the gender expression they might use. Everyone is individual, every experience is different
- 6.4. Centralise the individual – ask what would they like from you as their manager, what support they need (at the moment); recognise they may not yet have thought that through, or may just want you to be aware for now and do nothing
- 6.5. Recognise the trans person may not 'have all the answers' – they may be gender questioning and exploring; they may know they are, for example, a

trans man, but may not know what steps they want to take (if any) or when they might want to take them – and that's OK

- 6.6. Make sure they are aware of this policy along with a zero tolerance to any discrimination.
- 6.7. It may be useful to explore if they have shared with anyone else and/or whether they have support in their life generally, and be able to link them to local peer support as and when they wish
- 6.8. Make sure they know they can come to you at any time
- 6.9. A checklist in Appendix 5 may help with some practical areas to consider.

7. Supporting Transition

- 7.1. If someone wishes to make a transition e.g. change name and/or pronoun and/or title and/or gender markers and/or ensure others know about their gender identity / expression / questioning, it's useful to make some simple plans.
 - 7.2. This is likely to include:
 - 7.2.1. Support arrangements
 - 7.2.2. Dates / timeframes
 - 7.2.3. Communication plans
 - 7.3. Plans to update documentation and records (unfortunately SCC current payroll software only accepts markers 'm' and 'f'. We have asked this to be changed. If this is not able to be changed then gender markers would be a consideration if new software is purchased for payroll).
 - 7.4. Plans for any associated leave

8. Establishing Support

- 8.1. Ensure people are aware of, and able to access, relevant support.
- 8.2. As well as internal support from their manager, HR Manager some organisations offering support can be found in Appendix 4.
- 8.3. Some people might welcome regular check-ins; others might prefer to approach the relevant person on an ad hoc basis as and when they need. Ask what their preference is.
- 8.4. Ensure people know who to contact if they experience any issues or difficulties at work. In Salisbury City Council the main contacts is HR Manager/City Clerk.

9. Dates and Timeframes

- 9.1. Sometimes people already have a clear idea of when they want to tell people and/or make changes. Others may not have thought that through and may welcome exploratory conversations.
- 9.2. There may also be circumstances where a person just wants you to know what is going on for them, but does not (yet) wish to make any changes or announcements.

9.3. Timeframes should be led by the staff member and not be influenced by what may be convenient for the organisation. Under no circumstances should a staff member be made to feel pressurised to bring forward, or to delay, any announcement or change.

9.4. Dates and timeframes may need to remain flexible to meet the changing circumstances of the staff member.

10. Communication / Sharing Information:

10.1. If the trans individual wants others to use a different name / pronoun etc, it's necessary to communicate this to the rest of the workforce. As a manager you should:

10.1.1. Ask how the person would like that to happen

10.1.2. Identify who needs to be told (e.g. clients, colleagues), what they will be told, when and how, and who will do the telling

10.1.3. Ensure you have the person's consent before anyone is told

10.1.4. Identify how any (appropriate) queries will be fielded

11. Updating Documentation / Records / ID / Contact Details

11.1. Refer to Appendix 5 which gives details of areas where information may need to be updated and considered.

11.2. As long as HMRC are aware that a person is trans, gender fluid or non-binary, any difference between the legal gender marker HMRC hold and the 'lived' gender marker that Salisbury City Council holds and transmits to HMRC as part of their submissions will not be queried.

11.3. As HMRC only accepts binary gender codes (M/F), gender fluid and non-binary people will be asked to select one or the other for HMRC purposes. The code they select need not be the one assigned at birth, but can be the one they feel most closely aligned to, or an arbitrary choice if neither is a better fit than the other. This binary data will be kept confidential.

12. Medical Leave

12.1. If there is a need for time off due to medical reasons, the sickness absence policy will be applied. However the manager should consider any specific requests for time off and where necessary discuss with HR Manager. This may include time off to attend appointments, some of these appointments may involve long journeys.

13. Confidentiality

13.1. All staff have a right to expect confidentiality on personal matters (except in certain safeguarding and criminal justice situations).

13.2. We recognise that 'outing' a person as trans can make their life unsafe and we take breaches of confidentiality seriously.

13.3. A person's trans status / history is no-one else's to share without the person's explicit consent. Salisbury City Council will never assume that a person is happy to share the information they are trans / a person of trans

history. In particular we will not assume that if they have shared in some situations / places, they have shared (or are happy to share) in others.

14. Toilets

- 14.1. Salisbury City Council assumes everyone chooses the facilities that are the best option for them out of the options available. It is not appropriate to question people about their choice of facility based on their appearance.
- 14.2. We recognise that gender neutral toilet provision is essential for non-binary people and is an option that others, both trans and cis may need or choose.

15. Staff safety

- 15.1. Salisbury City Council considers the safety of its staff paramount. The principles embedded in this policy recognise that trans staff may face safety issues that others do not, or may be at heightened risk especially when travelling after dark or as lone workers. We will consider this when completing our general workplace risk assessments.

16. Dress code/Uniform

- 16.1. There are explicitly no gendered expectations about dress. If your role requires a uniform we will speak to you about this.

17. Recruitment

- 17.1. We will take active steps to ensure that trans applicants know they will be welcome. We recognise that a person may sometimes struggle to provide references, ID etc in their current name and we will talk to you about what we need and how we can achieve this.

Appendix 1 About trans people

1.1. People who feel that the sex they were assigned at birth, and the corresponding gender they were assumed to have, does not match or sit easily with their own sense of gender (their gender identity) may use the term 'trans' to describe themselves.

1.2. This includes people with a very wide range of different experiences, such as:

1.2.1. People assigned male at birth who recognise themselves to be women (sometimes called trans women);

1.2.2. People assigned female at birth who recognise themselves to be men (sometimes called trans men)

1.2.3. People who do not recognise themselves as either men or women (sometimes called non-binary people)

1.2.4. People who may experience / express different genders at different times (sometimes called gender fluid people).

1.3. Nowadays we are starting to recognise that sex and gender are a lot more complex than most of us have been brought up to believe. In particular:

1.3.1. Sex (what we tend to think of as our physical and biological make-up) and gender identity (what we tend to think of as our inner sense of self as, for example, a man or woman) are both on a spectrum and don't neatly divide into just two categories of male and female.

1.3.2. We also know that sex does not automatically determine gender identity (being born with what are understood as 'male' sex characteristics doesn't always mean a person is a boy / man). Sex and gender don't always align in the way we expect.

1.4. It's really important to know these two things, as they are crucial to understanding trans people and treating them fairly and inclusively. Most of the difficulties and barriers trans people encounter are rooted in misunderstandings of these two points.

1.5. Being trans is simply a part of the ordinary diversity of life experiences, roughly as common globally as having red hair, affecting around 1 in 100 people. It is not a mental illness. However, trans people can feel an enormous social pressure to behave in a way that they do not wish to, and this can cause discomfort and distress.

1.6. Some trans people will know from as early as they can remember that they are not the gender other people assumed they would be. Others may question their gender for a period of time before coming to an understanding of who they are. Sometimes a person may experience a process of development and change in their gender identity. People who come to realise they are trans, can do so at any age.

1.7. It's also important to know that gender identity (e.g. being a man, woman, non-binary person) and sexual orientation (e.g. being lesbian, gay, bisexual,

heterosexual, pansexual) are different things. Trans people may have any sexual orientation, just like anyone else.

Appendix 2 About Transition

- 2.1. Some trans people transition. Transitioning means changing gender expression (cultural gender cues) and/or how you interact with the world (e.g. the documentation you have and the gendered spaces you use) to better align with your gender identity (sense of self). This can refer to social, medical and/or legal changes.
- 2.2. Some trans people change social aspects such as their name, title (Mr, Ms etc), pronoun (he, she, they etc), clothes, hair style, speech and/or body language, and/or any other features of their presentation.
- 2.3. Some trans people undergo medical intervention such as taking hormones and/or having surgery.
- 2.4. Some trans people use a piece of law called the Gender Recognition Act to change their legal gender.
- 2.5. Trans people may use some or all of these things in combination.
- 2.6. Whether, how and at what pace a trans person transitions is individual to them and is affected by their own particular experiences and life circumstances.
- 2.7. The extent and nature of different transitions does not make some people 'more trans' or more 'genuine' or 'serious' than others. In particular everyone's gender, whether trans or not, is equally valid, real and worthy of respect.
- 2.8. However, it should be recognised that trans people who blend in with others of their gender, experience privileges that those who are perceived as trans often do not. These include being able to use public toilets safely and being correctly gendered by others verbally.
- 2.9. There is plenty more to learn about trans people and the diversity of their lives and experiences. Resources and organisations that can help you are listed in Appendix 4.

Appendix 3 Glossary of terms

We have attempted to provide a glossary of terms that is respectful to all. However language can change over time. If any term or explanation below should be reviewed then please contact HR Manager to discuss further.

Ally	(noun) a person who supports and stands up for the rights of marginalised people
Cis gender	Cisgender (sometimes cissexual, or shortened to cis) describes a person whose gender identity is the same as their sex assigned at birth
Gender expression	The way in which a person expresses their gender identity, typically through their appearance, dress, and behaviour.
Gender Fluid	Gender-fluid people are people whose gender changes over time. A gender-fluid person might identify as a woman one day and a man the next. When they realize their gender identity has changed, they might or might not change their gender expression — how they dress and present themselves, for example — and their pronouns.
Gender identity	A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.
Gender questioning	A term used to describe those who are in a process of discovery and exploration about their sexual orientation, gender identity, gender expression, or a combination thereof.
Intersectionality	The idea that identities are influenced and shaped by race, class, ethnicity, sexuality/sexual orientation, gender/gender identity, physical disability, national origin, etc., as well as by the interconnection of all of those characteristics.
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 identify as male, female or non-binary.
Non Binary	Non-binary is used to describe people who feel their gender cannot be defined within the margins of gender binary. Instead, they understand their gender in a way that goes beyond simply identifying as either a man or woman. Some non-binary people may feel comfortable within trans communities and find this is a safe space to be with others who don't identify as cis, but this isn't

	always the case.
Sex	<p>Sex and gender are terms that are often used interchangeably but they are in fact two different concepts, even though for many people their sex and gender are the same.</p> <p>Sex and gender are both generally referred to in two distinct categories: male and female or man and woman.</p> <p>However, there are naturally occurring instances of variations in sex characteristics (sometimes known as intersex). This is where people are born with hormones, chromosomes, anatomy or other characteristics that are neither exclusively male nor female. They are usually assigned a sex (male or female) by their family or doctor at birth as birth certificates require the sex of the child – either male or female. Individuals with variations in sex characteristics might identify as male, female, or intersex, and they may consider themselves to be a man, a woman, or to have a non-binary identity.</p>
Trans	denoting or relating to a person whose sense of personal identity and gender does not correspond with their birth sex.
Transition	<p>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.</p> <p>Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.</p>

Appendix 4 Resources and Organisations

Organisation	Website	Brief details of what they do
Gendered Intelligence	www.genderedintelligence.co.uk	<p>GI is a registered charity that works to increase understandings of gender diversity and improve the lives of trans people.</p> <p>They work throughout the UK, offering a broad spectrum of non-judgmental, practical services to the public, private and not-for-profit sectors, including: staff training, speakers and panellists for events and conferences, and wide-ranging consultancy.</p> <p>They also provide services for trans and gender questioning people, especially young people, and those who support them.</p>
LGBT Foundation	https://lgbt.foundation/	LGBT Foundation is a national charity delivering advice, support and information services to lesbian, gay, bisexual and trans (LGBT) communities
Mermaids	https://mermaidsuk.org.uk/	Helping gender diverse kids, young people and their families
All About Trans	https://allabouttrans.org.uk/about/support-organisations/	Website with links to organisations supporting trans people
Stonewall	https://www.stonewall.org.uk/	General information and advice

Appendix 5 – Transitioning at work checklist

What Needs Updating?

Updating ID

This may involve:

New ID / name badges - which may be in more than one name / gender for gender fluid people

New photo(s) – you may need to make provision to take new photos off site / in private, prior to a social transition date

Updated security clearances

Updating internal records, data and contact details

This may involve:

HR records

Payroll***

HMRC / DWP*

Pension records

Insurances, and other benefits e.g. PMI, EAS

Previous general HR documents e.g. appraisal notes

Copies of recruitment documentation including right to work

Phone list(s)

Email address(es) / pronouns in footers

Computer logins / IDs

Business cards

Any local IT files e.g. Excel work schedules, project plans**

General hard copy prints e.g. meeting minutes

Online work-related profiles such as LinkedIn

Website e.g. any profiles, email addresses, bylines for articles / blogs etc

Downloadable publications e.g. authored documents, newsletters

Hard copy publications e.g. leaflets, hard copy newsletters

Images – in the office, in publications, on the website

Professional memberships and subscriptions

Awards, commendations, certificates and trophies

*Note: HMRC do not update the gender on their files unless someone has a GRC (Gender Recognition Certificate). However, as long as HMRC is informed, either by the employer or the individual, that someone is changing their gender expression, data transmitted to HMRC that contains a gender coding that does not match the gender code they hold should not cause a problem or query. Unfortunately for non-binary people, HMRC currently only accept M or F gender markers, so the person will have to select one or the other for HMRC purposes.

The situation with DWP is understood to be similar.

*** currently SCC payroll software only accepts markers m or f. We have approached them to ask that this is reviewed. Gender markers would be considered if new payroll software is purchased in the future.

**It may be helpful to run a global IT search on the person's pre-transition name to ensure all relevant files are picked up. This in turn will help you identify any documents that may exist in hard copy.

Updating external records, data and contact details

This may involve:

- Information that clients may hold e.g. contact details

- Information that suppliers may hold,

- Information that colleagues / peers may hold e.g. names in their work smart phones

Managing records that cannot be changed

Your organisation will also need to consider which of its old records (e.g. copy of right to work) cannot be redacted / updated / destroyed, how they will be kept safe and confidential, and who has access. This should be made transparent.

There may also need to be a discussion about any public documents that cannot be withdrawn, for example old hard copy newsletters that have had wide distribution; published hard copy books; articles distributed via the internet that will have been downloaded; and how any situations arising are managed.

Checklist

	Action/Process	Who	When
ID			
New ID / name badge(s)			
New photo(s)			
Internal records, data and contact details			
PeopleHR (gender is not a mandatory field)			
Payroll			
HMRC / DWP*			
Pension records			
Previous general HR documents e.g. appraisal notes			
Copies of recruitment documentation including right to work			
Phone list(s)			
Email address(es) / pronouns in footers			
Computer logins / IDs			
Business cards (if issued)			
General hard copy prints e.g. meeting minutes			
Website e.g. any profiles, email addresses,			
Hard copy publications e.g. leaflets, hard copy newsletters			
Images – in the office, in publications, on the website			
Professional memberships and subscriptions			
External records, data and contact details			
Information that service users may hold e.g. contact details			
Information that colleagues / peers may hold e.g. names in their smart phones			

Appendix 6 The Law

Trans people are supported and protected by three main laws:

- Equality Act 2010
- Data Protection Act 2018 (GDPR 2018)
- Gender Recognition Act 2004

The broad aim of these laws is to maximise the inclusion of trans people, prevent discrimination, harassment and victimisation, and protect privacy / confidentiality.

These laws underpin Salisbury City Councils approach to trans inclusion.

Key summary points about each are set out below.

Please note that whilst it is useful to know which laws apply and broadly what they say, current UK laws are not a statement of best practice, nor are they wholly clear. They don't cover every circumstance we may encounter. Our practical guidance, informed by our values, establishes the standards of inclusive practice we expect all those working for Salisbury City Council to adhere to. We have included links and references for further support and advice if a situation is unclear.

Equality Act 2010 – Key points

- This law makes discrimination against, harassment of and victimisation of trans people unlawful.
- It works by highlighting 9 'protected characteristics' in respect of which these things are unlawful
- One of the 9 characteristics is 'gender reassignment' which in loose terms equates to 'being trans'. More specifically: "a person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex".
- "Gender reassignment" is a self-identified characteristic – there is no need for anyone else to 'confirm' someone is trans
- There is no need for the person to have had, or to want, any medical intervention – social transition is sufficient
- There is no need for the trans person to have started any kind of transition (social, medical or legal).
- It protects people of all ages

In addition:

- The law protects those who are discriminated against or harassed because someone thinks they are trans, even if they are not (Discrimination by Perception)
- The law protects those who are discriminated against or harassed because they are associated with someone who is trans, such as a colleague or friend (Discrimination by Association)

Data Protection Act 2018 (enacts GDPR 2018 in the UK) – Key points

This law protects privacy generally; it is not specific to trans people

The information that someone is trans / has a trans history should be treated as Special Category data and that data managed accordingly

Gender Recognition Act 2004 – Key points

- This law enables some trans people to make a legal change of gender by applying for a Gender Recognition Certificate (GRC)
- It enables the issue of a new birth certificate and confers the right to marry / enter into a civil partnership, be registered with HMRC and to be registered with DWP in that gender (note that these three things are basically all it affects in a typical work environment - there is no need for someone to have a GRC to be treated in accordance with their gender identity in everyday life)
- A person is under no obligation to disclose that they have a GRC, and it is inappropriate to ask whether someone has one, or to ask to see it
- This law provides increased privacy to those with a GRC; it is often unlawful to disclose someone's trans history without their consent if you have come by that information in a professional capacity (e.g. as manager / employee, client / supplier, co-colleagues).
- There is no essential requirement for any medical intervention
- There are a number of barriers to access, including: contact with the medical profession is required to 'confirm' someone is trans; a person has to make a legal declaration of permanence; they must have lived in accordance with their gender identity for 2+ years; they must be 18+; there are costs involved; the person must submit 'evidence' to a panel that they never meet which then judges whether their gender identity merits recognition.
- This law was progressive when it was brought in, but is now regarded as dated. Other countries enable self-declaration of gender in similar ways to self-declaring a change of name – e.g. Ireland, Argentina, Denmark, Iceland and Malta. Despite the results of a government consultation published in Oct 2020 showing the population is in favour of a self-declaration model, the government has decided not to make any appreciable changes to the current arrangements.

Other laws

Criminal law

Transphobic abuse and violence constitute hate crimes / hate incidents and as with other crimes, should be reported to the police.

Common law

Cases can be brought under common law for misuse of private information, or breach of confidence.

This Appendix does not give full detail of the law; if you need to know more, contact HR Manager.