



New College Durham

Procedure for

**Procedure for Supporting
Transgendered Students and Staff**

Reviewed and Approved by Vice Principal Team

March 2016

Next Review Date: March 2019

New College Durham is committed to Equality and promoting the welfare of children and adults. The College expects all staff, students and volunteers to share this commitment. This Procedure serves to demonstrate the College's commitment to providing equality of opportunity to everyone with whom it works. It should be read in conjunction the Equality Policy and the Safeguarding Policy along with all other associated College Policies and Procedures.

New College Durham welcomes people from a wide range of backgrounds and experiences and believes that they can enhance the development of the College. All individuals will be treated equally on the basis of individual merit and without prejudice.

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Procedure for Supporting Transgender Students and Staff

1. Equality and Diversity Assessment

We will consider any request for this policy to be made available in an alternative format.

We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, disability, age, religion, sexual orientation or human rights.

We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility or fairness of the policy.

To make suggestions or to seek further information please contact the Safeguarding Support Officer:

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2. Consultation

The following key representatives were consulted in reviewing this Procedure:

- Safeguarding Support Officer
- Designated Safeguarding Lead with Equality for Learners Responsibility
- Learner Development Co-ordinator
- New College Durham Students, including:
 - Students' Union President
 - LGBT Representative:

Equality Impact Assessed: April 2016

3. Scope and Purpose

This procedure applies to all employees of the New College Durham. The College aims to provide a conducive learning and working environment which actively promotes inclusion, equality of opportunity and freedom from discrimination for any staff member or learner, including those whom may be considered as exhibiting any of the Protected Characteristics.

The Equality Act 2010 outlines that the College has a duty to:

- foster good relations between people who have protected characteristics and those who do not;
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; and
- advance equality of opportunity between people who share protected characteristics and those who do not.

Under the Equality Act 2010, Gender Reassignment is a Protected Characteristic. It is, therefore, unlawful to discriminate against any member of staff or student, either directly or indirectly on the grounds of Gender Reassignment when (s)he is accessing education or employment. The legislation protects a person who intends to undergo the transition from the *moment they decide to start the process*.

Key Definitions and Concepts

Gender Reassignment /Transitioning

The Sex Discrimination (Gender Reassignment) Regulations 1999 extended the Sex Discrimination Act to make it unlawful to discriminate on the grounds of gender reassignment. Gender reassignment is defined in the regulations as:

“ ... a process which is undertaken under medical supervision for the purposes of reassigning a person’s sex by changing physiological or other characteristics of sex and includes any part of such process”.

Therefore, an individual does *not* need to have undergone any specific treatment or surgery to be protected by law, it is the process that matters.

Privacy

The Gender Reassignment Act (2004) safeguards the privacy of transsexuals by prohibiting the disclosure of information acquired in an official capacity relating to an application for a Gender Recognition Certificate.

Gender Recognition Certificate (GRC)

A full GRC shows that a person has satisfied the criteria for legal recognition in the acquired gender. A full GRC also gives the holder a right to apply for a new birth certificate stating the new acquired gender.

4. Responsibilities

New College Durham

Clear information and guidance will be made available to staff and students informing them of New College Durham's procedure for supporting transition. Such information should clearly convey a message of affirmation and support.

Staff will make reference to other policies and procedures when considering a support plan, eg Safeguarding, Health and Safety, Equality and Diversity. It is acknowledged that some students may require a Risk and Vulnerability Plan (RVP); in such cases this will be discussed with one of the College's Designated Safeguarding Leads (DSL).

Transitioning Student or Staff Member

If transitioning student or member of staff wishes her/his individual needs to be met, it is essential that the College is made aware of such preference as soon as possible. The College aims to provide first class support for transgender students and staff and the early provision of information from those about to commence the process will allow an appropriate and timely support process to be put in place.

5. Recording of Personal Data

Newly enrolling students in the process of gender transition are asked to inform the College prior to enrolment if they wish the College to be notified. Staff enrolling new students will need to pay particular attention to the needs of students who are transitioning between one gender and another. Essential documentation required including evidence of identity and any discussions surrounding this may require to be undertaken in a private and confidential environment.

The current system of recording personal data requires a student or staff member to choose a gender identity of male or female. New College Durham acknowledges that some students or staff may identify as neither male nor female and prefer to choose "other" or "prefer not to say".

6. Supporting Transitioning Staff and Students

New College Durham recognises that transitioning students/staff may use a variety of routes to declare their intentions to the College. For example:

- students can talk with staff from Student Progression;
- the student can speak directly with their Personal Tutor or Curriculum Manager;
- staff can speak directly to their line manager or to Human Resources.

It is important that the College identifies an appropriate competent person to manage these procedures and offer direct support.

Once a student or staff member has informed the College of her/his intention to transition in writing to an identified person:

- following notification from a student, a representative from Student Progression will meet with the transitioning student to discuss learning and/or personal support needs;
- following notification from a staff member, a representative from Human Resources will meet with the transitioning staff member to discuss their personal support needs.

The key purpose of these meetings is to establish a dialogue between the College and the transitioning person about her/his needs and what support (s)he would value. It also offers an opportunity to identify any specific issues which may need to be addressed. Such a meeting should be held in a safe, private and comfortable environment, where the person can express her/his concerns and needs.

During the meeting it will be necessary to agree a Support Plan which takes into account the transitioning process and what the College can do to support this. Whilst the plan will be confidential, it will be necessary to share this information; it is at this meeting where one should have agreement about whom is permitted to access such information.

The Support Plan should, where possible, identify a time-line for any particular stages in the transitioning process as well as the issues and support needs arising from specific stages eg, time off for appointments. Whilst every transitioning person's journey is unique it is helpful to discuss the process. These discussions should include:

- the date when the person intends to live in their acquired gender (commencing their real life experience):
 - during the early stages of transition, the person may choose not to permanently present in their acquired or preferred gender; (s)he may or may not engage in a variety of hormonal and

surgical interventions and transition may not be completed for several years.

- The date when the person intends to change her/his name and personal details:
 - how would the student or staff member like people to refer to them – name and title?
- In the case of a student:
 - does (s)he wish to continue with her/his programme of study does New College Durham need to look at alternative arrangements?
 - do any of the facilities provided by New College Durham give rise to possible cause for concern (eg, access to washrooms, etc);
 - are there any particular areas for concern about the programme itself eg, educational visits?
- The transitioning student or staff member should be made aware of how to report any negative treatment that (s)he have received from other students or staff.

7. Amending Personal Records

New College Durham can change certain information on the student's or member of staff's personal details record at the appropriate time without requiring any documentation except an official notification letter from the student or member of staff. Records should not be changed without the express permission of the student or staff member. The information includes:

- Pronouns (he/she/Mr/Mrs/Gender Neutral)
- Name
- Gender (male/female/Not Known/Not Applicable)

Information about the changes should not be shared with anyone who does not need to know, but can be shared with specific individuals with the express consent of the student or member of staff.

From that point the student or member of staff must be referred to using their chosen name and gender pronoun.

- As a legal document, existing and new notification of performance certificates can only be issued in a new name where a student or member of staff provides the following:
 - A statutory declaration of name change (Deed Poll or Statutory Deceleration).
 - A suitably revised birth certificate
 - Driving Licence
 - Passport

8. Human Resource Issues

In most cases the gender of an employee is of no relevance to their ability to do their job. New College Durham is committed to the employment, development and promotion of all regardless of any of the protected characteristics and as such it is committed to ensuring that prospective employees are not discriminated against in the recruitment and selection process.

It should not be expected that applicants and interviewees for employment would necessarily wish to disclose their Trans status. Many may have experienced prejudice and harassment as a result of disclosure; it is not a question that should be asked at interview, as it is not a relevant criterion for selection.

There is no obligation for a transsexual person to disclose their status as a condition of employment. Should (s)he choose to disclose, this is not a reason

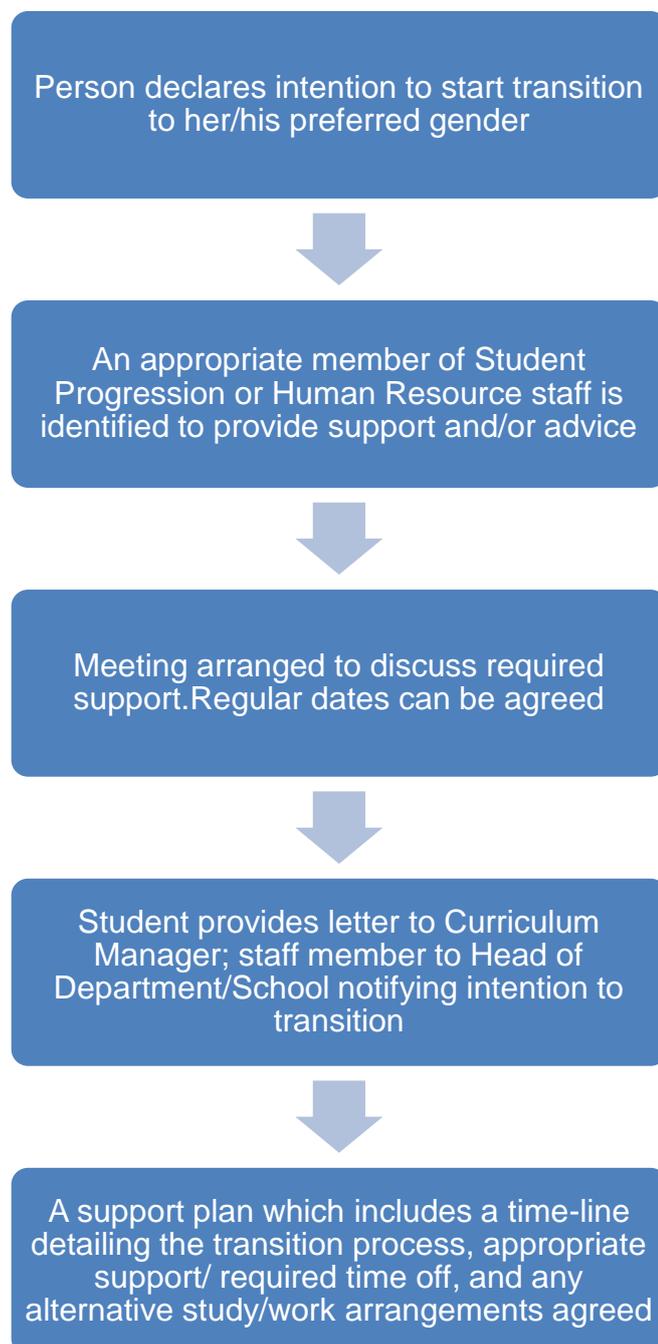
for not offering employment. Conversely, non-disclosure or subsequent disclosure should not be grounds for dismissal.

Any forms and documentation which may be provided during the interview and resulting procedures will be considered confidential; they will not be accessible to anyone outside of the HR department and the individual themselves.

Appendix: Student/Staff Gender Identity Flowchart

It is Important to note that Trans students and members of staff have varying approaches to their transition. Some may want to change their entire record and obtain a Gender Recognition Certificate. Others, may not wish to do so. New College Durham will respect and support individuals choices and wishes.

If someone does not wish to change her/his record, certain actions below will not apply; the flowchart serves as a guide only; all cases will be treated individually.



Continued ...

Any staff needs identified, training programme implemented



Staff working with transitioning person must ensure familiarity with related policies and procedures (Data Protection, Safeguarding, Bullying and Harassment, Equality)



Personal records should not be changed without expressed permission, and will include preferred gender pronoun or statement "I prefer not to say"



A Gender Recognition Certificate, revised Birth Certificate, or Statutory Declaration must be provided prior to issuing any certificates stating new gender identity