Table of Contents

SECTION 1 VERSION CONTROL .................................................................2
SECTION 2 BACKGROUND .........................................................................2
SECTION 3 AIMS / OBJECTIVES ..............................................................2
SECTION 4 DETAILS .................................................................................2
   4.1 Legislative background .................................................................3
   4.2 Terminology .....................................................................................3
   4.3 Media Interest ..................................................................................5
   4.4 Recruitment and selection ..............................................................5
   4.5 The Discussion ...............................................................................5
   4.6 Keeping Records ............................................................................6
   4.7 Requirement for Time Off From Work: Absence and Sickness ..........7
   4.8 Harassment and Bullying ...............................................................8
   4.9 Understanding the Transition for Other Individuals .........................8
   4.10 Pensions .......................................................................................8
   4.11 Useful Contact Details ..................................................................9
SECTION 5 LEGISLATIVE COMPLIANCE ...............................................10

SECTION 1 VERSION CONTROL

<table>
<thead>
<tr>
<th>Version No.</th>
<th>Date</th>
<th>Post Holder/Author</th>
<th>Post</th>
<th>Reason for Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2 BACKGROUND

Nottinghamshire Police is wholly committed to employing a diverse workforce that is fully representative of the community it serves. All individuals working for Nottinghamshire Police have the right to be treated fairly, equitably and with dignity and respect.

It is Nottinghamshire Police’s aim to create an inclusive organisation where people are enabled to meet their full potential and are treated as individuals. The force is committed to ensuring that transgender people are treated with respect and dignity and that it does not discriminate unlawfully.

SECTION 3 AIMS / OBJECTIVES

The aim of this guide is to provide information to allow managers, practitioners, police officers and police staff to understand and value our diverse workforce and community. Nottinghamshire Police is committed to providing support and help to any police officer, police staff member or special constable that identifies themselves as transsexual or transgender, and may be intending to undergo, are undergoing or have undertaken gender reassignment.

SECTION 4 DETAILS

NOT PROTECTIVELY MARKED
4.1 Legislative background
The Gender Recognition Act (2004) protects a trans person who intends to undergo, is undergoing or has undergone gender reassignment from the moment they decide to start the process. They must not be treated less favourably and this includes being absent from work while undergoing gender reassignment.

The Gender Recognition Act (2004) also makes it an offence for any person to inappropriately disclose information which they have acquired in an official capacity about an individual's application for a Gender Recognition Certificate.

The Human Rights Act 1998 gives further legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights. They affect the rights people have in everyday life.

The Equality Act (2010) has made it unlawful to discriminate against people, either directly or indirectly on grounds of sex or marital or family or gender identity in access to employment, training, working conditions, treatment at work, promotion or dismissal.

The Equality Act 2010 protects employees from discrimination in the following areas:

- **direct discrimination**: treating someone less favourably than other employees because of their gender reassignment, whether actual or perceived, or because they associate with someone who intends to undergo, is undergoing or has undergone gender reassignment.

- **indirect discrimination**: can occur where there is a policy, practice or procedure that applies to all workers, but particularly disadvantages people who intend to undergo, are undergoing or have undergone gender reassignment. An example might be a policy or procedure that forces individuals to disclose their gender reassignment. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim.

- **harassment**: when unwanted conduct related to gender reassignment has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading or humiliating environment.

- **victimisation**: unfair treatment of an employee who has made or supported a complaint about gender reassignment discrimination.

4.2 Terminology
Transgenderism has had many different meanings over time. Currently, it is used as an inclusive term to describe all those whose gender expressions falls outside of the typical gender norms.1 Terminology is many and varied and can change as preferred terms emerge. Therefore it is helpful to be aware of the terminology but be open to it changing over time. One piece of good advice is to ask the person, as this indicates that you are aware of inappropriate labels and want to address the person and situation appropriately.

Below are definitions which will provide a basic understanding.

**Gender Identity**
Gender identity is a person's perception and experience of gender and gender role and the way in which a person lives in a community and interacts with others based on their gender identity.

**Gender dysphoria**

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1 www.gires.org.uk
A person with gender dysphoria may feel that they have a gender identity that is different from their assigned sex.

**Transsexual person**
A transsexual person is someone who experiences a profound and long-term conflict between their physical or assigned sex and their mental gender. It is not connected to a person’s sexual orientation. The individual may wish to change their physical sex through hormonal and/or surgical reconstruction or to live in the gender role that conforms to their gender identity.

**Transvestite**
This is the clinical name for a cross dresser. A transvestite is a person who occasionally or regularly dresses in the clothes of the opposite gender to their birth gender. They do not wish to live permanently as the opposite gender.

**Transgender person**
A person with gender dysphoria who feels consistent and overwhelming desire to live their life in the gender that is opposite to that assigned to them at birth.

**Gender reassignment/transitioning**
Gender reassignment is a process that is undertaken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex, and includes any part of such a process.

Gender reassignment or transition includes some or all of the following cultural, legal and medical adjustments: Telling family, friends and work colleagues, changing names and/or sex on legal documents, living in the other gender for at least two years, hormone therapy and surgery.

It should be recognised and managed sensitively, that for some people, the 2 year ‘real life experience’ can highlight that the person is not able to live full time in their new gender role and it may be necessary to return to their former gender role at some point either permanently or just while the person reassesses the situation.

**Cross Dressing**
Is the wearing of clothing and accoutrements commonly associated with the opposite sex.

**Outing**
This refers to a situation where a person without agreement of someone who identifies as transsexual, informs another person of that fact. This could be considered a gross misconduct disciplinary offence, as it could have serious implications for the person. This is considered harassment and may result in disciplinary action being instigated. It should also be recognised that ‘outing’ an individual could be considered a hate crime and therefore recorded and investigated accordingly.

**Gender Recognition Certificate (GRC)**
The Gender Recognition Act (2004) allows people who have lived in their preferred gender for at least two years to apply for a Gender Recognition Certificate (GRC), and if in possession of a UK birth certificate; a new birth certificate. A person granted a GRC will assume all the legal entitlements of a person of the same sex at birth.
4.3 Media Interest
Instances of gender reassignment in Nottinghamshire Police could attract both local and national media attention. It would be appropriate, when discussing the agreement, that the communication department prepare a press statement which can be issued if/when necessary.

If an individual begins to be harassed by local or national media, the force should consider the best way to support the individual. This must be fully discussed and agreed with the individual before any action is taken.

4.4 Recruitment and selection
Individuals being interviewed for a position with Nottinghamshire Police are under no obligation to disclose their gender status. It is not a question that should be asked.

Again, there is no obligation for a transgender person to disclose their status as a condition of employment.

References. Should Nottinghamshire Police receive a request for a reference for a transsexual person; a reference should be provided without overtly or covertly implying that a person has had a change of gender.

Certificates. If it is necessary to retain certificates of professional status or qualifications, it is appropriate to discuss with the individual how to keep these on file. It may be appropriate for the document copies to be in a sealed envelope in the personnel file so that they are retained but not open to be viewed.

Vetting and medical checks. This is another area in which it is critical that confidentiality is maintained by the force. It is probable that whilst carrying out vetting it will lead to disclosure of transgender status. This information should be restricted to only those people working for Nottinghamshire Police that need to know and confidentiality must be maintained.

Genuine Occupational Requirement (GOR)
“It may be lawful for you as an employer to treat people differently when recruiting. In very limited circumstances, if you can show that someone with a particular protected characteristic (on grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion/belief, sex or sexual orientation) is central to a particular job, then you can insist that only someone who has that particular protected characteristic is suitable for the job. This would be a genuine ‘occupational requirement’ (GOR). There is no definitive list of situations where a GOR will exist. It is therefore always best to take legal advice before advertising the job if you believe that there is a GOR.”

If there is a belief that a GOR exists, then this must be discussed with the HR Department prior to an advertisement being issued. If a GOR does exist, then this must be reviewed each time that particular role becomes vacant, as it is possible that circumstances can change over time.

4.5 The Discussion
There are references to the discussion and agreement in this guide and the policy and procedure. When an individual approaches their manager regarding their intention to undergo gender reassignment, it can be daunting if it is not an area of managing people

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2 www.bis.gov.uk
that you have encountered before. Nottinghamshire Police are fully committed to ensuring that all individuals are treated equitably and with dignity and respect. Therefore the first thought must be to treat the conversation as confidential and treat the individual with dignity and respect. The Transgender policy, procedure and this management guide are designed to provide information on supporting the individual and understanding how to manage the situation. The HR Department should also be contacted to provide additional help and support.

When conducting this discussion, it should not be intrusive but listening and understanding. The points to clarify and agree would not be managed in that first conversation. The points to cover at a subsequent discussion, although in no particular order, should include some or all of the following:

- **Timescales.** It is useful to have an understanding of timescales if the individual is going to undergo surgery. There is no set time, so some flexibility is required. If it is known when it will commence can help appreciate the length of time that may be required.
- **Support.** Understanding what support is required from the force will help manage this successfully.
- **Telling others.** There is a section on this in the guide, it should be discussed who will inform others, how this will be done and when it will be appropriate. The discussion also needs to agree if the individual wishes to do this themselves or the force to do this on their behalf. Confidentiality is important and therefore only those who need to know should be told. Agree who would be the people who need to know.
- **Performance.** Is it anticipated that performance may be affected or would a move to another area of the force be helpful? Practical and realistic assessments should be discussed as to how this can be managed successfully for both the individual and the force.
- **Facilities.** This could be a delicate conversation, but one that is necessary to understand how to support the individual. The discussion should be on what facilities should be used and when it is appropriate to commence the use of single sex facilities.
- **Unsupportive colleagues.** It is possible that some colleagues will not react in a positive manner and it should be discussed as to how this should be managed from the individual’s perspective and from the force.
- **Dress/Uniform.** The discussion on dress and uniform will allow some flexibility. It must be noted that there is a requirement for the individual to wear appropriate clothing suitable to the professional policing environment.

The above list may not cover everything, it is an opportunity to have a discussion which covers any issues and concerns the individual may have. Overall the discussion should allow the individual to feel supported by the force and that the transition will be managed in a sensitive, confidential and appropriate manner.

**4.6 Keeping Records**

All Nottinghamshire Police documents should reflect the acquired gender of the person. This includes telephone directories, intranet directories, door plates and employment details. It may be that some documents which are provided by the individuals carry the
status of the individuals prior to gender reassignment, once a person has obtained a GRC, these must be replaced with new details.

4.7 Requirement for Time Off From Work: Absence and Sickness
There is no specific time frame for gender reassignment; it could take months or years. Nottinghamshire Police will take a flexible approach to managing absence in the same way as it would to a colleague recovering from a serious illness or serious accident.

You must not treat a transsexual person working for Nottinghamshire Police worse if they are absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than you would treat them:
- if they were absent because they were ill
- If they were absent for any other reason, and it is unreasonable to treat them worse.

This includes not treating the person worse when you make a decision about what time off they should have.

Regulation 28 and contractual sickness must be adhered to.

Any reasonable absence because of the effects of treatment for gender reassignment should not normally be taken into account for the purposes of formal action for unsatisfactory attendance. Careful account should be taken of the requirements imposed by the clinicians treating the individual, the distances travelled to appointments, plus the differences that can occur between different people recovering from surgery. Discuss with the individual concerned how they might make the best use of paid leave entitlement as part of the process.
Long term absence
If an individual is absent from work due to sickness for a long period of time, the support mechanisms and management practices within the Attendance Management Policy should be applied.

4.8 Harassment and Bullying
Everyone working within Nottinghamshire Police should be treated with dignity and respect. Bullying and harassment of any kind are not welcome in the workplace and will not be tolerated. There is a separate policy which should be referred to for further details on harassment and bullying.

4.9 Understanding the Transition for Other Individuals
Other workers may have genuine concerns and it is important to discuss these with them and resolve any issues promptly. As stated earlier the transsexual person should be addressed by the gender in which they live. The use of pronouns appropriate to the new gender role should also be used.

It is still a possibility that colleagues may demonstrate a lack of understanding towards the individual. It is good practice to discuss this in advance and find out how the individual would like this to be managed. It must be recognised that colleagues may get mixed up and make an error in addressing the transsexual person. Allowances should be made for genuine errors; however incidents of disrespecting the individual, harassment, misconduct, bullying or victimisation should not be tolerated and should be dealt with in accordance with the misconduct policy/procedures. It is always best to discuss these situations with a HR Advisor.

4.10 Pensions
State Pension
A transsexual person who receives a full GRC will be treated according to their acquired gender for state pension purposes. Transsexual people who do not obtain a full GRC retain their state pension rights in accordance with the sex that is recorded on their birth certificate. Information on pension and other benefits can be found at www.direct.gov.uk

Local Government Pension Scheme (LGPS) – Police Staff
The LGPS is administered by Nottinghamshire County Council. The pension administrator can be contacted;
Email: lgpensions@nottscc.gov.uk
Telephone: 0115 846 3333

Police Pension – Police Officers
There is no action required.

Other Occupational Pensions
It is suggested the pension provider be contacted for details.

Pension Survivor Benefits
This depends on whether the individual is in a relationship such as marriage/civil partnership. It must be noted that regardless of gender, married partners and civil partners have legal rights to certain degrees of provision. The pension administrator should be contacted by the individuals so as to ascertain how the survivor benefits are managed in this case.
4.11 Useful Contact Details

The Gender Trust is a support centre for individuals, their families and employers with questions concerning gender identity.
Website: www.gendertrust.org.uk
Email: info@gendertrust.org.uk
Post: Gender Trust
Community Base
113 Queens Road
Brighton BN1 3XG
Telephone: 01273 234024 (admin)

The Beaumont Society provides help and support for the transgendered community.
Website: www.beaumontsociety.org.uk
Email: enquiries@beaumontsociety.org.uk
Post: 27 Old Gloucester Road
London. WC1N 3XX
Telephone: 01582 412220

Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. The Equality and Human Rights Commission help lines providers.
Website: www.equalityhumanrights.com
Email: info@equalityhumanrights.com
Telephone: 0845 6046610

The Gender Identity Research and Education Society provides information for trans people, their families and the professionals who care for them.
Website: www.gires.org.uk
Post: The Gender Identity Research and Education Society
Melverley, The Warren
Ashstead
Surrey
KT21 2SP
Telephone: 01372 801554

The National Trans Police Association exists primarily to provide support to serving and retired police officers, police staff and special constables with any gender identity issue.
Website: www.ntpa.org.uk
Telephone: 07799-885-440
Email: Genenq@ntpa.org.uk for general enquires
Membership@ntpa.org.uk for membership enquires

The Association of Chief Police Officers produced a document which may be helpful. The Gender Recognition Act 2004. This can be found at:
www.met.police.uk/dcf/files/gender_recog.pdf
SECTION 5  LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.