

TRANSGENDER PROTOCOL

2017 - 2020

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Burton & South Derbyshire College's commitment to Equality and Diversity means that this protocol has been screened in relation to the use of gender neutral language, jargon free plain English, recognition of the needs of disabled people, promotion of the positive duty in relation to race and disability and avoidance of stereotypes. This document is available in alternative formats on request.

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1. Purpose

These guidelines detail the commitment and provisions made by the College to ensure transgender equality in line with legal duties and best practice.

Through its Equality and Diversity policies and procedures the College seeks to ensure that everyone is treated with equal dignity and respect regardless of their gender identity or gender reassignment.

The College acknowledges its responsibility to ensure that transgender people's needs are met and that they feel supported and safe in the College.

2. Legislation

- Gender Recognition Act 2004
- Equality Act 2006 and Gender Equality Duty
- The Equality Act 2010

3. Background

A Transgender person feels that their external appearance (sex) does not match up with the way they feel internally about their gender identity. A Female to Male (FtoM) person will have been assigned a female sex at birth yet identifies their gender as male; a Male to Female (MtoF) person will have been assigned as male at birth yet identify their gender as female.

The word transgender is sometimes used interchangeably with terms such as transsexual or gender-variant but usually has a narrower meaning and different connotations than gender variant, including non-identification with the gender assigned at birth.

Children and learners who experience issues with their gender development or are gender non-conforming may or may not be transsexual, as some will not retain their gender variance following puberty because this can be fluid. Gender variant people may also use terms such as non-binary, genderqueer or genderfluid to identify themselves.

Gender Dysphoria (or Gender Identity Disorder) is a clinical condition that can present from as early as age two and can only be diagnosed by a medical and/or psychiatric expert. A person diagnosed with Gender Dysphoria may require treatment (e.g. hormone blockers) to ameliorate the symptoms associated with being Transgender. A Transgender person can live their life without being or needing to be diagnosed as having Gender Dysphoria. Diagnosis and treatment for young people is currently only possible through a specialist team from the Tavistock and Portman clinic in London (the Tavistock hold regular satellite clinics in Exeter and Leeds). It must be understood that some people with Gender Dysphoria or those who identify as Non Binary or Gender Variant may not want any treatment. Some may choose to be known by a gender neutral name or to wear different clothes. However, most or all young trans people (and their families) will need some support or information as they grow up and develop.

4. Equality

In line with the Equality (Gender Equality Duty) Act 2006 and the Equality Act 2010 the College will take positive steps to combat unlawful discrimination and harassment on grounds of gender reassignment and will promote equality of opportunity between men and women including transsexual men and women.

5. Harassment and Bullying

In law, harassment is defined as unwanted conduct which has the purpose or effect of:

- violating dignity or
- creating an intimidating, hostile, degrading, humiliating or offensive environment

These are disciplinary offences and will be dealt with under the appropriate disciplinary procedure. The College undertakes to raise transgender awareness of staff and learners through training and information updates.

Harassment and bullying will not be tolerated from staff, learners or visitors to the College. It is the responsibility of all members of the College community to challenge transphobic behaviour or language.

6. Disclosure of Gender History

There is no legal requirement for a transperson to disclose their gender history. Any references for former staff or learners who have transitioned should not include a person's former name or gender and should use the appropriate pronouns for their current gender.

7. Gender Transition Process

When a person begins gender transition they need to change identification documentation and start living the 'real life experience' of their acquired gender.

Once a Learner or member of staff informs the College they will be transitioning, the first step for the College will be to confirm support and agree an action plan. This will be undertaken sensitively and should include:

- How the information will be managed and by whom
- The start date of living full time in the new role
- When to use any single sex facilities (it is up to the person when they will feel comfortable using facilities appropriate to their new gender. Although some people may initially use accessible toilets for example, it is not appropriate to expect them to use these indefinitely).
- The process for changes to records/documentation
- The expected timescale of any medical/surgical procedures
- A strategy, should there be any media interest
- Agree how others will be told when necessary (e.g. when working with people through the process of transition)

The meeting to arrange this support and the actions should always include a Safeguarding Officer.

8. Absence from Work or Study

No one is obliged to undergo surgery to obtain legal recognition of their preferred gender. However, where gender reassignment is undertaken under medical supervision, absence from work or study will be treated equally with time off for sickness. Legal protection from unlawful discrimination starts from the moment a person indicates their intention to start the gender reassignment process.

9. Gender Identity

If a staff member or learner wishes to be known as a different name or gender the College will do all it can to support the learner in this.

9.1 Identification within College

At the request of a Safeguarding Officer a learner's identification lanyard may be altered to reflect their chosen name (known as) and an updated photo taken and used if necessary.

Where requested, a Safeguarding Officer may also request that staff refer to the learner by their chosen name (known as) and/or request that the MIS team update ProMonitor to reflect the learners chosen name (known as).

9.2 Course Funding

The UK Government requires that for funding purposes the learner's biological sex (male or female) and legal name be recorded on all Education Funding Agency (EFA) or Skills Funding Agency (SFA) funding claims.

This information will be taken from the learner's birth certificate and or passport at time of application and or enrolment.

In order to affect a change to this the College would require a medical practitioner's letter stating that the learner has undergone gender confirmation surgery (sometimes called sexual reassignment surgery) together with proof of their name change (e.g. a statutory declaration or deed poll).

9.3 Advanced Learner Loans

Advanced Learner Loans would need to be applied for in the learner's legal name unless the learner has a proof of their name change (e.g. a statutory declaration or deed poll) which would need to be submitted in support of the application.

9.4 Examination Certificates

All examination certificates will be issued in the learner's legal name.

In order to affect a change to this the College would require a medical practitioner's letter stating that the learner has undergone gender confirmation surgery (sometimes called sexual reassignment surgery) together with proof of their name change (e.g. a statutory declaration or deed poll).

10. Pension Entitlement

Pension entitlements relate to a person's legal gender and these changes only when a person obtains a Gender Recognition Certificate (GRC).

Under the Gender Recognition Act 2004, people who are at least 18 years of age are eligible to formally apply for a GRC if they have a) changed their name; b) been living full time in their acquired gender for over 2 years; c) have been diagnosed with gender dysphoria. However, the College recognises that not all trans people will have or want a GRC and that people have no obligation to disclose whether they do have a GRC.

Section 2 of the Gender Recognition Act 2004, gives people applying for or in receipt of a GRC extended privacy rights; knowledge about a person's gender recognition is 'protected information'. If any member of staff or Board of Governors acquires such knowledge in the course of their official duties they must not pass the information on without the written consent of the trans person. Doing so would be a criminal offence and may lead to prosecution.

Appendix of Terms

Transgender people – a term for those who cross the conventional boundaries of gender. This can range from clothing to surgery. Transgender people may not identify as one gender or another but rather androgynous or living in more than one gender role.

Transsexual people – a term for those who have a deep conviction that their gender identity does not match their appearance or anatomy. This is known as body dysphoria and may lead to a permanent change from the gender they were assigned at birth. This process is known as gender reassignment or transitioning.

Gender dysphoria – Gender dysphoria is a condition where a person feels that they are trapped within a body of the wrong sex. The condition is also sometimes known as: gender identity disorder, gender incongruence, or transgenderism. People who have long-lasting, extreme cases of gender dysphoria are known as transsexuals.

Gender reassignment/transition – this refers to everything involved when someone changes the gender they were assigned with at birth. It may include surgical procedures and changing state documentation.

Transvestite/cross dressing people – most people who cross dress for emotional or erotic satisfaction are happy with their birth gender and do not wish to alter their physical characteristics.

Sexual orientation – a change of gender rarely has anything to do with a person's sexual orientation. Trans people, like all people, can be lesbian, gay, bisexual, asexual or heterosexual.