

# Gender Reassignment: Support in the Workplace

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Version Control Sheet			
This must be completed and form part of the document appendices each time the document is updated and approved			
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Consultation / Acknowledgements with Stakeholders		
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Staff Side	JNCC	
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Lewis Turner	Lancashire LGBT	04/02/2020
Anthony West	Horizon Blackpool	04/02/2020

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## 1 Introduction / Purpose

The aim of this procedure is to ensure that no current or prospective members of staff are subject to discrimination or victimisation as a result of the gender in which they present themselves and communicate Blackpool Teaching Hospitals NHS Foundation Trust's commitment to the promotion of equality. The procedure seeks to ensure that the provision for Transgender (see section 10 definitions) people is responsive to individual needs; is free from prejudice and challenges the discrimination individuals may experience. The procedure will provide a framework for managers and clinical staff to support staff who identify with a gender other than that assigned at birth.

Blackpool Teaching Hospitals NHS Foundation Trust (the Trust) values diversity and is committed to creating equality for all through a positive working environment where all staff are treated with dignity and respect. The Trust wants to enable all staff to fulfil their personal potential; this includes recognising and supporting a person's self-identity as male or female.

The Trust recognises that Transgender staff may experience discrimination and wants to make it clear that it does not tolerate discrimination directly or indirectly against any person including Trans people.

## 2 General Principles / Target Audience

This procedure applies to all those working in the Trust, in whatever capacity. This includes:

- Permanent and temporary staff.
- Staff employed on a contractual basis.
- Volunteers, external members of committees or visitors undertaking work for, in partnership with or on behalf of the Trust.
- People on work placement with the Trust.
- People not employed by the Trust attending Trust training or development courses whether on or off site.
- People on secondment to or from the Trust.
- Office holders such as Governors and non-executive directors.

Failure to follow the requirements of the procedure may result in formal investigation and lead to relevant action being taken as considered appropriate.

This may include formal action in line with the Trust's disciplinary procedures for Trust employees; and other action in relation to other workers, which may result in the termination of an assignment, placement, secondment or honorary arrangement.

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### 3 Definitions and Abbreviations

Bi-gendered	One who has a significant gender identity that encompasses both genders male and female Some may feel that one side or the other is stronger, but both sides are there.
Cross-dresser	A term for people who dress in clothing traditionally or stereotypically worn by the other sex, but who generally have no intent to live full-time as the other gender. The older term “transvestite” is considered derogatory by many.
DBS	Disclosure and Barring Service
Drag Queen	Used to refer to male performers who dress as women for the purpose of entertaining others at bars, clubs, or other events. It is also sometimes used in a derogatory manner to refer to transgender women.
Drag King	Used to refer to female performers who dress as men for the purposes of entertaining others at bars, clubs, or other events.
E&D	Equality and Diversity
FTM	A person who transitions from “female-to-male,” meaning a person who was assigned female at birth, but identifies and lives as a male. Also known as a “transgender man.”
Gender	Gender is expressed in terms of masculinity and femininity. It is largely culturally determined and is assigned at birth based on the sex of the individual. It affects how people perceive themselves and how they expect others to behave.
Gender Expression	How a person represents or expresses one’s gender identity to others, often through behaviour, clothing, hairstyles, voice or body characteristics.
Gender Identity	An individual’s internal sense of being male, female, or something else. Since gender identity is internal, one’s gender identity is not necessarily visible to others.
Gender Non-conforming	A term for individuals whose gender expression is different from societal expectations related to gender.
Genderqueer	A term used by some individuals who identify as neither entirely male nor entirely female.
Gender Reassignment Surgery	Surgical procedures that change one’s body to better reflect a person’s gender identity. This may include different procedures, including those sometimes also referred to as “top surgery” (breast augmentation or removal) or “bottom surgery” (altering genitals). Contrary to popular belief, there is not one surgery; in fact there are many different surgeries. These surgeries are medically necessary for some people, however not all people want, need, or

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can have surgery as part of their transition. “Sex change surgery” is considered a derogatory term by many.

GOQ	Genuine Occupational Qualification.
GP	General Practitioner
GRC	Gender Recognition Certificate
HR&OD	Human Resources and Organisational Development
Intersex	A term used for people who are born with a reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit typical definitions of male or female. Intersex conditions are also known as differences of sex development (DSD).
JNCC	Joint Negotiating Consultative Committee
MTF	A person who transitions from “male-to-female,” meaning a person who was assigned male at birth, but identifies and lives as a female. Also known as a “transgender woman.”
Non-binary	An umbrella term for people whose gender identity doesn’t sit comfortably with the binary ‘man’ or ‘woman’. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.
Physical Sex	To what sex do the organs of the body match, i.e. male or female. Birth with ambiguous genitalia occurs in roughly 1:2000 live births (see Intersex Person)
Queer	A term used to refer to lesbian, gay, bisexual and, often also transgender, people. Some use queer as an alternative to “gay” in an effort to be more inclusive. Depending on the user, the term has either a derogatory or an affirming connotation, as many have sought to reclaim the term that was once widely used in a negative way.
Sex	Sex refers to the male/female biological development. In an infant, the sex is judged entirely on the genital appearance at birth.
Sexual Orientation	A term describing a person’s attraction to members of the same sex and/or a different sex, usually defined as lesbian, gay, bisexual, heterosexual, or asexual.
Transgender	A term for people whose gender identity, expression or behaviour is different from those typically associated with their assigned sex at birth. Transgender is a broad term and is good for non-transgender people to use. “Trans” is shorthand for “transgender.” (Note: Transgender is correctly used as an adjective, not a noun, thus “transgender people” is appropriate but “transgenders” is often viewed as disrespectful.)
Transgender Man	A term for a transgender individual who currently identifies as a man (see also “FTM”).
Transgender Woman	A term for a transgender individual who currently identifies as a woman (see also “MTF”).

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**Transition** The time when a person begins to living as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one’s first name and dressing and grooming differently. Transitioning may or may not also include medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver’s license, Social Security record) to reflect one’s gender identity. Medical and legal steps are often difficult for people to afford.

**Transsexual** Transsexual: An older term for people whose gender identity is different from their assigned sex at birth who seeks to transition from male to female or female to male. Many do not prefer this term because it is thought to sound overly clinical.

**Two-Spirit** A contemporary term that refers to the historical and current First Nations people whose individuals spirits were a blend of male and female spirits. This term has been reclaimed by some in Native American LGBT communities in order to honour their heritage and provides an alternative to the Western labels of gay, lesbian, bisexual, or transgender.

**Reassignment Therapy**

Sex reassignment therapy (SRT) is an umbrella term for all medical procedures regarding sex reassignment of both transgender and intersexual people. Sometimes SRT is also called **gender reassignment**, even though many people consider this term inaccurate as SRT alters physical sexual characters to more accurately reflect the individuals psychological/ social gender identity, rather than vice versa as is implied by the term “gender reassignment.” Most people simply call this process **transition**.

Sex reassignment therapy can consist of hormone replacement therapy (HRT) to modify secondary sex characters, sex reassignment surgery to alter primary sex characteristics, and permanent hair removal for Trans women.

In addition to undergoing medical procedures, transsexual people who go through sex reassignment therapy usually change their social gender roles, legal names and legal sex designation. The entire process of change from one gender to another is known as transition.

**Transition** Transition is the term used to describe the point at which a permanent change of gender role is undertaken, in all spheres of life—in the family, at work, in leisure pursuits and in society generally. Some people make this change gradually, however, others emerge overnight.

**Transphobia** A fear and dislike of Transgender people, which can lead to hatred resulting in verbal or physical attacks and abuse.

**Sexual Orientation**

Sexual orientation is a separate issue from gender identity. Trans people may be gay, lesbian, bisexual, heterosexual or, occasionally, asexual. Their sexual relationships may remain the same through the transition process, or they may change.

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## 4 Responsibilities (Ownership and Accountability)

### 4.1 The Equality and Diversity Lead

The Equality and Diversity (E&D) Lead is responsible for providing appropriate advice and guidance to all staff across the Trust on the use of the procedure and its application generally and specifically (i.e. individual cases). HR will provide an advisory role to managers in respect of the procedure and will assist to identify appropriate solutions.

### 4.2 The Manager

Managers and supervisors are responsible for ensuring that harassment and bullying does not occur in their work area. This includes acting as a role model in terms of appropriate behaviour.

### 4.3 The Individual Staff Member

Every employee has a personal responsibility for their own behaviour and must treat their colleagues with respect and fairness regardless of their colleague's gender, sexual orientation, race, nationality, age, disability, religion or beliefs.

All employees must observe the privacy of transsexual men and women afforded by the Gender Recognition Act 2004. Breaches of confidentiality will be treated in accordance with the Trust's Disciplinary Policy and Procedure.

## 5 Procedure

### 1.1 Gender Transition in the Workplace

The Trust is committed to supporting all its employees with regard to personal circumstances that may impact on work.

Once an employee has disclosed that they wish to undergo gender reassignment it is essential that a support network is set up as soon as possible to accommodate this. It is for the individual to decide whom to turn to for advice and support, be it their line manager or the Equality and Diversity Lead. Once this is agreed the Equality and Diversity lead will be assigned to act as a contact for the individual concerned to answer any queries or action any requirements and act as an advisor. The appointed advisor will need to discuss with the individual how they wish to handle the transition (See Appendix 1).

The following issues should be considered and agreed by both parties:

- a) Support should be given to the employee to stay in their substantive post if desired, or there is the option for them to be redeployed. This should be clarified during discussions to support the employee when transitioning. Confidentiality must be maintained when discussing redeployment with HR. (If the employee **also** has a disability then 'reasonable adjustments would need to be taken into account or existing arrangements transferred to a new post in line with the Equality Act 2010 section 6 Disability Discrimination).

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- b) The expected timescale for medical procedures (if to be undertaken) and any time off required for treatment.
- c) The expected point at which the change of name and personal details should occur.
- d) Whether the employee wishes to inform the line manager, colleagues and other staff and clients, or would prefer the appointed advisor / a third party to inform them instead. (See Appendix 2)
- e) Agreeing a point at which their individual gender specific dress will change.
- f) Agreeing a point at which the individual will change use of single sex toilets / changing facilities in their new gender. This could be from the first day of transitioning.
- g) Whether new arrangements will need to be made for any accommodation used for work purposes.

### 5.1.1 Records and Information

All personnel records must be updated at the start of the transition process. At this point, the member of staff will have applied for a driving license and passport in their new acquired gender. Records and information pertaining to new members of staff who has undergone gender reassignment and where they have disclosed their status must be kept confidential.

A new personnel file will be created to ensure confidentiality. It will be necessary to retain records relating to a member of staff's identity at birth prior to obtaining a full Gender Recognition Certificate (GRC), if the person has applied for one. However, if the member of staff has obtained a GRC, such records must be replaced with the new details. Records should be changed once a person has started living in their acquired gender including their occupational pension details. The old personnel file will not be destroyed but access to this will be restricted to the Head of Human Resources and appropriate Head of Service.

The line manager should also ensure that all references such as telephone directories, email address and employment details reflect the acquired gender of the person.

If giving a reference, the reference should be in the name which will be used in the new job and must not disclose a former name. It may sometimes be necessary for a transgender person to disclose a previous identity in order for references from past employers to be obtained. In these cases, strict confidentiality and respect for dignity should be applied.

Staff who are professionally registered are advised to contact their professional bodies to find out whether there are any specific requirements in terms of name changes etc. Where the Trust has to keep evidence of professional status or qualifications, it should be discussed with the member of staff how this information will be retained so as not to compromise or breach disclosure of protected information.

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### 5.1.2 Time off work

As per the Trust's absence policy, any absence from work for medical requirements would need to be covered by a medical certificate.

Any additional leave for specialist appointments would be classed the same as other hospital /General Practitioner (GP) appointments and in accordance with the staff handbook.

### 5.1.3 Support Mechanisms

The list below shows just some of the options available to individuals who wish to seek support within the organisation during a gender transition period. Support encompasses identifying individual support needs; including additional diversity issues such as age, culture, disability, ethnicity, religion or sexual orientation.

- **Human Resources** – an appointed advisor from within the Human Resources department identified at an early stage to offer support; put in place practical changes that need to be made to an individual's post or personal records; to support positive working relationships between the individual and wider team members if relevant. Any qualified Human Resources professional should have the necessary knowledge and awareness required to deal with such personal and sensitive issues.
- **Occupational Health** –a referral to occupational health, may be considered by the individual, their manager or the Human Resources advisor for additional support and advice concerning any counselling needs or advice regarding the medical process of the transition. Managers may also need advice regarding the needs of the individual and on how to support changes that may need to be made within the team or work environment.
- **Equality and Diversity Lead** – who has specialist knowledge of issues in relation to Equality and Human Rights can be used as a resource.

### 5.1.4 Sharing Personal Information

Under Section 22 of the Gender Recognition Act 2004 (Crown, 2004) it is illegal for staff to share information regarding someone's trans status unless there is specific agreement to do so by the trans person. If it is necessary for professionals to pass on someone's trans status to a third party then it is recommended that the trans person be asked to provide permission in writing.

This is also true if the person does not have a GRC (Gender Recognition Certificate). The Gender Recognition Act 2004 states that:” It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person” unless:

- There is specific agreement to do so by the Trans person.
- If it is necessary for professionals to know someone's Trans status then it is recommended that the Trans person is asked to provide permission in writing.

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- The Secretary of State may by order make provision prescribing circumstances in which the disclosure of protected information is not to constitute an offence under this section.

Anyone who acquires knowledge in their professional capacity of a trans persons history and knows, or is able to surmise, that the person has a Gender Recognition Certificate and / or a new birth certificate they can be prosecuted and fined up to £5000, and/or be jailed for up to six months if they pass that information onto a third party without the trans person’s consent. Trans people have no obligation to disclose whether they have a Gender Recognition Certificate or not.

(For clarity on this issue see <http://www.legislation.gov.uk/ukpga/2004/7/section/22> Section 22 of the Gender Recognition Act 2004).

## 5.2 Single Sex Facilities

Part of the process of gender reassignment involves a Trans person living as their acquired gender before undergoing surgery, if surgery is the desired outcome. Living in a different gender will obviously include using single sex facilities.

The issue of when this will begin is something that needs to be decided by the individual and supported by the appointed advisor and those around them. This will involve open discussion, education and understanding. Trans people (like everyone else in Britain) can use toilets or changing facilities appropriate to their gender presentation with or without a Gender Recognition Certificate.

## 5.3 Bullying and Harassment of Trans Staff

The Trust is committed to creating a working environment where every employee is treated with dignity and respect and where each person’s individuality and sense of self-worth is maintained. Any harassment or bullying behaviour at work, whether by staff or service users, is not acceptable and will not be permitted or condoned by the trust.

Any form of bullying, harassment or inappropriate behaviour which causes offence, whether intentional or not, will be treated very seriously. Staff are encouraged not to tolerate bullying or harassment at work and will be supported by the Trust in raising a complaint under the Harassment and Bullying Policy.

## 5.4 Implementation

All staff have a responsibility to ensure that they are aware of Trust documents which are relevant to their area of work and that they act in accordance with these at all times.

Line managers have the responsibility to cascade this information to the staff they manage. Line managers must ensure that departmental systems are in place to enable all staff including agency staff access to relevant policies, procedures, guidelines and protocols and to remain up to date with the content of new and revised policies, procedures, guidelines and protocols.

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## 5.5 The Gender Trust

The Gender Trust is recognised as an authoritative centre for professional people who encounter gender identity-related issues in the course of their work. This group includes employers, human resource officers, health workers and information services.

[www.gendertrust.org.uk](http://www.gendertrust.org.uk)

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## Appendix 1: Check List of Things to Consider for Staff Undergoing Gender Transition

### 1. Time table of Gender Transition

- What will be the time table of Gender Transition ?
- Who will the lead member of staff assigned to meet regularly with the individual concerned ?
- How often will these meetings take place ?
- What will be the date for name changes, use of facilities (toilets, changing rooms), change of records ?

### 2. Name Change

Which identification badges/cards will need to be changed ?

- Staff ID card
- ESR Smart card
- Trade union membership
- Professional body membership cards

### 3. Updating of Documents

Which documents and materials need to be replaced or altered ?

- New email address
- Online records
- Staff records and databases
- committee minutes and records (if applicable)
- training record
- payroll
- banking details
- pension
- death in service and dependents benefits
- insurance policies

### 4. Support through Medical Treatment

- If the individual requires time off for surgery and recovery what process/support/adjustments are needed to ensure the individual remains in employment or can return to work when they have recovered ?
- Are there any professional requirements or attendance requirements that may be affected by the person's absence for medical treatment ?

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## Appendix 1: Check List of Things to Consider for Staff Undergoing Gender Transition

- If the individual is, or will be, undergoing surgery, who needs to know when this will be ?

### 5. Training

- Will there be any need to arrange training ? If so who will deliver this training ?
- Who should be trained ? Cleaners, catering staff, finance staff or colleagues ?
- What will the training cover ?
- Will the member be involved to share their experiences and expectations ?

### 6. Genuine Occupational Qualification

- Are there any genuine occupational qualification (GOQ) requirements we need to be aware of within the staff members work ? e.g. counselling, healthcare ?
- Are there any GOQ requirements on volunteer placements ?

### 7. Discrimination and Harassment

- Are there clear guidelines and processes to deal with direct or indirect discrimination, victimisation or harassment of a trans member of staff?
- Are there clear processes to deal with discrimination on work placements?
- How is the individual concerned made aware of these processes?
- How are members of staff, work experience pupils, contractors etc made aware of their responsibilities?

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## Appendix 2: Sample letter to colleagues/staff

Sample Letter member of staff may consider using:

Dear Colleagues,

In insert month I will begin an important process that will result in significant changes in my physical appearance. This process, known as "gender reassignment," is being done to remedy a condition that I have had since birth. It is a recognized condition that involves different biological signals sent to the developing internal body than are sent to the developing external body. Essentially, the fetus develops the physical characteristics of one gender while having the psychological and emotional characteristics of the other.

As of insert date, my legal name will be insert new name, so it will be appropriate to refer to me as insert new name. It will also be appropriate to refer to me as "(he) or (she)" rather than "(she), or (he)" though I am not going to be upset or angry if you forget. I am very aware of how difficult this may be for some individuals. Over time this should become much easier.

This process entails a gradual evolution, rather than an abrupt change. You can expect to notice increasing physical changes to my voice, hair, face, and body structure. For those of you who may be curious I welcome any questions you may have regarding this process and will answer them honestly.

I want to reassure you that I will still be the person you have worked with and known for the past insert number years. This means you can still count on my professionalism throughout the transition process. Please realize that this has been a difficult decision for me to make, and I truly appreciate the support you provide.

I will be on sick leave for the month of July, but I will be resuming my work duties as of insert date as insert new name.

Yours sincerely

Insert New Name

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<b>Appendix 3: Equality Impact Assessment Form</b>					
Department	HR&OD	Service or Policy	Gender Reassignment: Support in the Workplace	Date Completed:	13/04/20
<b>GROUPS TO BE CONSIDERED</b> Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
<b>EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED</b> Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE			IMPACT	
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	To highlight the need to support staff going through gender reassignment. The aim of the procedure is to give guidance and support to staff and managers.	Review current procedure and raise awareness of the needs of the staff	Eliminate or reduce discrimination and inequalities when in employment.		
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	There is no perceived impact on community safety, crime or community cohesion as the procedure is for staff only.	N/A	N/A		
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	No evidence to show those who should benefit do not. This procedure was written in response to recognition the Trust did not have a procedure for supporting staff through gender reassignment.	Procedure will raise awareness of the need to support colleagues through challenging times. Monitoring reasons for leaving the Trust.	Reduce inequalities, increases employee awareness and create a positive approach to supporting staff and colleagues.		
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	There is potential for this procedure for a negative impact towards transgender staff if discrimination is not mitigated or eliminated.	Partnership working with a specialist in this field has reduced or eliminated any potential negative impact. Training on Transgender being set up for staff.	To give support to staff who are gender reassigning and putting a support framework in place		
How does the service, leaflet or policy/ development promote equality and diversity?	Potential for discrimination and exclusion due to lack of understanding and respect for the individual	To raise awareness of all staff of the support and respect towards colleague when reassigning	To support staff who are gender reassigning without discriminating		
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	To give a commitment to support those who are going through gender reassignment. The impact of this procedure will show by having no discrimination towards the person trans gendering.	To give all staff an understanding of how best to support colleagues going through gender reassignment	Greater support and commitment from staff to trans gender colleagues		
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	To improve how we work with diverse groups to encourage applications for employment with the Trust	To monitor local demographics so the Trust can respond accordingly to any impact on changes in employee ratios	To review and enhance ongoing work with minority groups		
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	N/A	N/A	N/A		
Does the service, leaflet or policy/ development promote equity of lifelong learning?	N/A	N/A	N/A		
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	No	N/A	N/A		

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<b>Appendix 3: Equality Impact Assessment Form</b>				
Does the service, leaflet or policy/development impact on transport? What are the implications of this?	No	N/A	N/A	
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	No	N/A	N/A	
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	To have a positive impact for transgender staff. This procedure assists in making the workplace more inclusive. The procedure should not exclude, disadvantage or marginalise any group of people especially trans gender people.	To raise awareness for all staff of the support within the Trust for transgender staff	To ensure positive approach to supporting transgender staff in the workplace	
Does the policy/development promote access to services and facilities for any group in particular?	N/A from an employees' perspective	N/A	N/A	
Does the service, leaflet or policy/development impact on the environment  <ul style="list-style-type: none"> <li>● During development</li> <li>● At implementation?</li> </ul>	The procedure does not impact on the environment during development or at implementation	N/A	N/A	
<b>ACTION:</b>				
<b>Please identify if you are now required to carry out a Full Equality Analysis</b>			No	(Please delete as appropriate)
<b>Name of Author:</b>	Tina Daniels	<b>Date Signed:</b>		13/04/2020
<b>Signature of Author:</b>				
<b>Name of Lead Person:</b>	Tina Daniels	<b>Date Signed:</b>		13/04/2020
<b>Signature of Lead Person:</b>				
<b>Name of Manager:</b>		<b>Date Signed:</b>		
<b>Signature of Manager</b>				

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