

Transgender Protocol

1. What is Transgender?

Transgender, often abbreviated to trans, may be used loosely to describe any gender expression or experience that falls outside the typical man or woman gender identity.

A small number of people find the gender they are assigned at birth does not match their internal sense of being male or female. Different terms are used to describe this range of people but the most common umbrella term is transgender people or trans people.

2. How many Transgender people are there?

The prevalence of those who have sought medical help is 20 per 100,000. A much higher number — about 1 per cent of the population — experience some degree of gender variance.

3. Legislation

The 2010 Equality Act extends the definition of Transgender to include all those who have chosen to live permanently as the opposite gender, not just those under medical supervision and protects them against all forms of discrimination.

The Gender Recognition Act (2004) allows those who have transitioned permanently to obtain a Gender Recognition Certificate (GRC) that converts to a new birth certificate.

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.

4. Harassment

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

- a) Violating dignity or
- b) Creating an intimidating, hostile, degrading, humiliating or offensive environment.

Trans abuse or harassment, in addition to derogatory comments or name calling, includes refusing to address a trans person by their preferred name, refusing to use their correct gender pronouns and intrusive personal questions. It is the responsibility of all members of the College community to challenge transphobic behaviour or language.

The College undertakes to raise transgender awareness of staff and learners through training and information updates

5. Former Students/ staff members

There is no legal requirement for a trans person 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.

6. College Records

A doctor's letter saying that a person is intending to permanently change their gender, together with proof of their name change (e.g. a statutory declaration or deed poll) will enable the college to change the person's name in systems and records.

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

7. CRB Checks

The Criminal Records Bureau (CRB) has a process in place for people who have changed gender. The disclosure form should be completed and a separate letter should be written to a nominated person at the CRB, known as a sensitive casework manager, notifying them of their previous names.

8. Support through Transition

When a person begins gender transition they need to change 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

9. 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.

Particular problems can occur over changing rooms and showers. The college will investigate privacy levels in existing facilities and the provision of floor-to-ceiling facilities as part of the new building programme.

10. Terms:

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

Gender dysphoria – Gender dysphoria is a condition where a person feels that they are trapped within a body of the wrong sex.

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 identify with their birth gender and do not wish to alter their physical characteristics. They are not covered by the Single Equality Act 2010.

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.

Documents Consulted:

Transgender protocol – South Tyneside College

Transgender Policy - Wakefield Council

Promoting transgender equality in further education- LSIS