Caister
Primary Federation

Equality, Diversity and Inclusion in Employment - Transgender policy and procedure

Formally adopted by the Governing Board of:-	**Caister Primary Federation**
On:-	**17th September 2025**
Chair of Governors:-	**Payal Patel**

Equality, Diversity and Inclusion in Employment - Transgender policy and procedure P332

Contents

(Click on the headings below to jump to the relevant section)

1. Introduction and scope 3
2. Equalities and support 3
3. Policy principles 4
4. Relevant legislation 4
5. Recruitment 5
6. Support available 6
7. Employment considerations 6
8. Employees files 7
9. Gender reassignment of an existing employee 7
10. Document of understanding 8
11. Data protection 11

Appendix 1 – Terminology 12
Appendix 2 – Table of changes 12

We, the Governing Board, have adopted this policy and procedure.

1. Introduction and scope

1.1 This policy and procedure forms part of our overall commitment to treating all employees with equal dignity, fairness and respect, regardless of their gender identity, in all areas of employment and covers all employees, contractors, temporary workers and job applicants and applies to all stages of the employment relationship.

1.2 This policy provides guidance on issues facing transgender people undergoing transition and the supportive measures that can be taken to address these.

1.3 The term 'transgender' is an umbrella term that refers to individuals whose gender identity differs from the sex they were assigned at birth. There are a number of people in the United Kingdom whose sex assigned at birth does not match their gender identity. This is sometimes called gender dysphoria, or gender identity disorder. People with this medical condition who decide to physically transition to the opposite gender from the one assigned at birth are known as 'transsexual people'. Where such individuals decide to have surgery to change their anatomical features, the process is known medically as 'gender reassignment'. Transsexual also includes persons living in their new gender, but who have elected for personal reasons not to undergo surgical treatment. Transsexualism is not the same as, and should not be confused with, 'cross dressing', transvestism, or sexual orientation. Transsexualism is not a lifestyle choice, nor a facet of sexual orientation, nor a disease. It should not be confused with the term 'non-binary', which refers to individuals who do not identify with being either male or female. Further information regarding gender terminology can be found at Appendix 1.

1.4 Depending on the circumstances, the law on gender reassignment discrimination might protect:

- non-binary people – a non-binary person is someone who does not see themselves as exclusively a man or a woman
- people with variations in sex characteristics (VSC) – some people use the terms differences in sex development (DSD) or intersex

1.5 Failure to take account of this policy may result in further action being taken against an employee, as set out in the Disciplinary Policy.

2. Equalities and support

2.1 The Head of School will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Governing Board will be mindful of their obligation to seek to maintain and protect the mental health and wellbeing of all employees as far as is reasonably practicable.

© 2025 Norfolk County Council

2.3 According to ACAS it is estimated one in seven people are neurodivergent, meaning that the brain functions, learns and processes information uniquely. Where an employee discloses neurodiversity, the Governing Board understands the employee may require extra support in relation to the application of this policy. Where reasonable adjustments are necessary and can be accommodated, the Head of School will support these.

3. Policy principles

3.1 To welcome and support transgender, non-binary, people with variations in sex characteristics, and intersex employees.

3.2 To remove barriers to the recruitment, promotion and retention of transgender, non-binary, people with variations in sex characteristics, and intersex employees.

3.3 To provide a working environment that is free from discrimination, harassment or victimisation because of gender identity.

3.4 Throughout this policy and procedure reference to transgender employees should be read to include transgender, non-binary, people with variations in sex characteristics, and intersex employees.

4. Relevant legislation

- **Equality Act 2010** – protects against direct and indirect discrimination, harassment and victimisation under nine protected characteristics, including gender reassignment. It is illegal to treat someone less favourably because they intend to transition, or they have transitioned in the past, and someone remains protected even if they do not proceed with their transition. The Act covers all types of employment, including contract workers and temporary workers.
- **The Gender Recognition Act 2004 (GRA)** – enables adults over the age of 18 to gain full legal recognition of their acquired gender. Under this act, the Gender Recognition Panel (GRP) was established to consider applications for a Gender Recognition Certificate (GRC). Once granted a GRC, the person is able to change their sex on their birth certificate and must be legally considered to be a member of that sex for all purposes. However, if someone does not apply for a GRC, it does not affect their rights in their school.
- **The Human Rights Act 1998 (article 9)** – this gives transgender people the same rights as everyone else to privacy and family life.
- **The Data Protection Act 2018/General Data Protection Regulations** – information regarding gender reassignment or an individual's gender history is deemed to be sensitive (special category data) and where the school processes the information it will ensure it has a legal basis for doing so as well as satisfying a specific condition under article 9 of the GDPR or it will ensure explicit consent is sought from the employee, prior to any processing.

© 2025 Norfolk County Council

5. Recruitment

5.1 Application process

Applicants do not have to disclose their transgender status during the application process but may need to disclose a previous identity where this is required to verify qualifications or request references where these may only be accessed in a previous name. Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with the requirements of data protection law.

5.2 References

All references must be requested in the name identified by the applicant and no information should be disclosed which could make a referee aware that the applicant has changed their identity. For information regarding reference provision see section 8.2.

5.3 Qualifications and certification

Certification and/or qualifications in a name different to that of the employee will be accepted where evidence is provided to confirm their previous name e.g. deed poll certificate.

5.4 Disclosure and Barring Service (DBS)

The DBS has a separate application procedure for transgender applicants. The DBS confidential checking service will provide further information.

A conviction or other relevant information which has been recorded in a previous name will be revealed on the Disclosure certificate. The fact that this is recorded in a previous name is outside of the school's control.

© 2025 Norfolk County Council

5.5 Occupational Health

Documents held for medical purposes may include information that could lead to the identification of transgender status. Any relevant records will be dealt with as described below.

6. Support available

Where employees are experiencing difficulties in the workplace they may contact their trade union representative for additional support.

7. Employment considerations

7.1 Disclosure

It is a personal choice if an employee wishes to disclose that their birth gender differs from the gender they currently identify as, unless a Genuine Occupational Requirement applies. If they hold a GRC (see para 4), then there is no requirement to disclose this information.

7.2 Terms of address

Employees must always be addressed in the terms appropriate to the gender to which they identify and present themselves. All employees should refer to the transgender employee by their new name and use pronouns appropriate to their new gender role. Where an employee has explicitly stated their preferred pronouns, these pronouns should always be used when referring to them.

Any deliberate or constant failure to address the transgender employee in their new identity is transphobic abuse or harassment or bullying (e.g. name calling/derogatory jokes, unacceptable or unwanted behaviour, intrusive questions).

If an employee is in possession of a GRC, it is unlawful to disclose their transgendered status without their consent. A GRC is not required to enable an employee to change their name.

7.3 Employee records

Any documentation which may reveal the employee's transgender status will be stored separately, securely and confidentially following written notification of a change in social identity. Where documents have been copied at the point of starting employment (such as birth certificate, qualifications etc), these will be replaced with equivalent documents in the new name and gender, where provided by the employee.

It may be necessary to keep records relating to an employee's identity at birth, for example, pension or insurance purposes prior to obtaining gender recognition, however, once a person has obtained a GRC, these must be replaced with new updated records.

© 2025 Norfolk County Council

8. Employees files

The Head of School will ensure that all other documentation and public references to the employee should reflect the affirmed gender of the employee to avoid a breach of confidentiality, irrespective of whether a GRC is held or not.

Any files that hold personal details should be changed by the time the individual presents at work with their new identity. Files will include all systems that may contain names, titles and other personal identifiers such as photographs on notice boards or websites. The school will work with the employee to ensure that nothing is omitted.

8.1 Pension considerations

Every effort will be made to replace any pension documentation with equivalent records in the affirmed identity irrespective of whether a GRC is held or not.

Transgender employees should note that pension benefits must be calculated based on the employee's original gender until a GRC has been obtained. In such circumstances, whilst personal benefits will remain unaffected, the dependents benefits of employees who were a member of the Local Government Pension Scheme prior to 1988 and have transitioned from a female to male gender identity may be affected. Employees should contact their Pension Scheme provider for advice.

8.2 Provisions of references

Any references requested at any time during or post-employment must be supplied in the identity provided on the reference request. No mention should be made of the change of gender identity or other information which may reveal their transgender status.

9. Gender reassignment of an existing employee

9.1 The Governing Board will be supportive of an employee who has made the decision to transition.

9.2 The Governing Board recognises that gender reassignment is a personal process (that is, moving away from a person's birth to their affirmed/'new' gender), rather than a medical process.

9.3 Gender reassignment covers a range of scenarios:

- The reassignment of a person's sex may be proposed but never gone through.
- The person may be in the process of reassigning their sex; or the process may have happened previously.
- The employee may be undergoing medical gender reassignment treatments.
- The employee may present in a different gender identity but not undergo medical treatment. This is known as a change of social identity.

9.4 An employee who makes the decision to change their gender is encouraged to speak to the Head of School for advice and support. Once the Head of School has been

© 2025 Norfolk County Council

made aware by an employee that they will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with the employee. That person will work with the employee to develop a confidential gender identity document of understanding to manage their transition at work. It is vital that the employee is treated with sensitivity and confidentiality maintained. The discussions and decisions reached regarding their transition should be employee led and their wishes respected.

9.5 It may be appropriate to invite an HR Adviser to a meeting to agree the process and measures needed to effectively support transition in the workplace. Any agreed actions should be documented in the Gender identity document of understanding F332.

10. Document of understanding

10.1 This confidential document should be owned jointly by the employee and the Head of School and will detail anyone who will have access to the document, where appropriate.

10.2 The process of changing gender may have significant consequences in the workplace. The document of understanding explores and documents the ways in which the employee will be supported during their transition and the appropriate actions to be implemented. The Head of School should be aware that each situation will be unique, however, it is recommended as a minimum that the following considerations are explored, where applicable:-

- The timing of any change in social or gender identity
- Informing colleagues (where the employee has agreed to this)
- Communicating with pupils, parents and governors (where the employee has agreed to this)
- Consideration of whether an occupational requirement exists
- Training/awareness raising for colleagues
- Redeployment where there is a Genuine Occupational Requirement for the role, which means the employee must be a specific gender
- Whether medical treatment is proposed, and if so, the time off required
- Whether any other time off is appropriate to support a change in social identity
- Dress code (see 10.10)
- Dealing with the media (see 10.11)
- Any interim arrangements required whilst the gender reassignment process is ongoing.

10.3 This is not intended to be an exhaustive list of all the considerations, as these will vary according to the individual preferences or there may be some role specific issues which are not identified below.

10.4 The document of understanding should be reviewed and updated at each significant stage of transition or at least every 3 months by the employee and the Head of School (involving HR and Occupational Health Adviser as required) until the process is completed.

10.5 Medical treatment

© 2025 Norfolk County Council

Employees may decide to go through transition in different ways and at different paces.

It is important to discuss:

- the expected timescales of medical/surgical procedures,
- time off for medical appointments related to the transition process,
- while absences associated with changing gender will not trigger procedures for dealing with persistent or high levels of absence, they will be treated as sick leave where medical certification has been provided,
- if prolonged incapacity occurs beyond normal expectations from the process/procedure undergone, advice will be sought from the HR provider regarding the management of such absence,
- a risk assessment will be carried out (in relation to surgical recovery), where relevant to the role,
- where the employee reconsiders their decision to transition, agreeing with them appropriate support and interventions in light of that decision.

10.6 Informing colleagues/pupils/parents/Governors

The Head of School will explore with the employee their wishes in relation to informing colleagues, pupils, parents, Governors etc. Consideration should also be given to the appropriate timescales for when this should happen and the amount of detail to be shared.

Pupils and parents will only be informed of a change in gender identity where the working relationship has already been established and is likely to continue after the gender change. This should be subject to prior discussion with the employee.

It is important to re-enforce the message that the employee must be treated in a sensitive and appropriate manner. Colleagues will also be reminded that breaches of confidentiality could lead to disciplinary proceedings, or a breach of the Data Protection Act 2018 or Equality Act 2010.

10.7 Training for colleagues

It is important to identify any potential training needs at the earliest opportunity. In some circumstances the employee may feel able to support their colleagues in raising their awareness. Alternatively, the Head of Schools may choose to explore using specialist outside trainers or facilitators where necessary.

10.8 Impact on current post

Discussions will explore any implications a change in gender will have on the employee's current role, in both the short and long term, requiring any temporary or permanent adjustments. This will include identifying if there are any Genuine Occupational Requirements associated with the current role and where there are, fully explore the feasibility of redeploying the employee on a temporary basis during the transition period including the qualifying period for gender recognition.

© 2025 Norfolk County Council

The discussion will also explore whether or not the employee wishes to continue to have face to face contact with the public, where relevant to their job during some parts of the gender reassignment process.

Depending on the issues identified it may be appropriate to explore whether redeployment on a temporary or permanent basis should be considered.

10.9 Facilities

An employee who is undergoing or has completed gender reassignment should have access to 'men-only' and 'women-only' areas, such as changing rooms and toilets, according to their gender identity.

In some situations, it may be helpful to explain the situation to colleagues who use the facilities; however, this should only be done following full consultation with the employee and with their agreement. It is not acceptable to restrict the employee to using disabled toilets or other unisex facilities, however, they may wish to use a single-occupancy toilet, but they must not be pressurised to do so and this should not be seen as a long-term solution. However, it should be made clear to employees that anyone using gendered facilities such as toilets and changing rooms may not always express their gender identities in a stereotypical way and should not be made to feel uncomfortable using the facilities that they believe accords with their gender identity.

10.10 Dress code

Employees will have changing needs during the transition period in respect of Personal Protective Equipment and/or uniforms. The Head of School will identify any required change in provision and ensure it is supplied in a timely manner.

The Head of School will apply any dress code in a flexible and non-discriminatory manner to accommodate the process of transition whilst ensuring the required standard of appearance is maintained.

10.11 The media

There may be occasions when rumours of a gender identity change could attract media attention. It is the Governing Board's policy to reaffirm the commitment to equality of opportunity and support for all employees. At no time will the employee be named, nor any details released, that could identify their role or work location without their consent. All media requests for information must be referred to the Head of School.

© 2025 Norfolk County Council

11. Data protection

Personal data collected and processed for the purpose of this policy and procedure will be handled in accordance with the data protection policy and applicable statutory obligations. Any personal data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of employee management or to comply with statutory reporting obligations. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported without delay, in accordance with the data protection policy. It may also constitute a disciplinary offence in which case it would be dealt with under the disciplinary policy and procedure.

© 2025 Norfolk County Council

Appendix 1 – Terminology

- Cisgender - A term used to describe people whose gender identity matches the gender that they were assigned at birth.
- Transgender - The term ‘transgender’ is an umbrella term that refers to individuals whose gender identity differs from the sex they were assigned at birth. ‘Transsexuals’ are included within this term.
- Transsexual - An individual who has physically transitioned to the opposite gender from the one they were assigned at birth.
- Gender dysphoria - Where an individual’s sex assigned at birth does not match their gender identity
- Trans woman - An identity term used by some women who were assigned male at birth. Some people also use MtF (male-to-female) to describe their experience and/or identity.
- Trans man - An identity term used by some men who were assigned female at birth. Some people also use FtM (female-to-male) to describe their experience and/or identity.
- Non-Binary - Individuals who do not identify with being either male or female.

Appendix 2 – Table of changes

Date of change	Paragraphs affected	Summary of update
22/07/2025	All 10.9	Review of whole document and terminology to ensure consistency across all policies and procedures. Facilities section updated to provide options in light of The Supreme Court decision in For Women Scotland Ltd v The Scottish Ministers [2025].
22/11/2021	1.2	Additional paragraph to include consideration for employees with mental health issues.
26/03/2021	1.3, 7.2, 10.5, 10.9	Updated gender terminology throughout the document. Updated regarding use of pronouns, terms of address and gendered facilities. Updated to include information regarding the need to seek HR advice regarding unexpected long-term absence relating to gender reassignment. New appendix 1 setting out all relevant terminology.
19/11/2018	All	New document

© 2025 Norfolk County Council