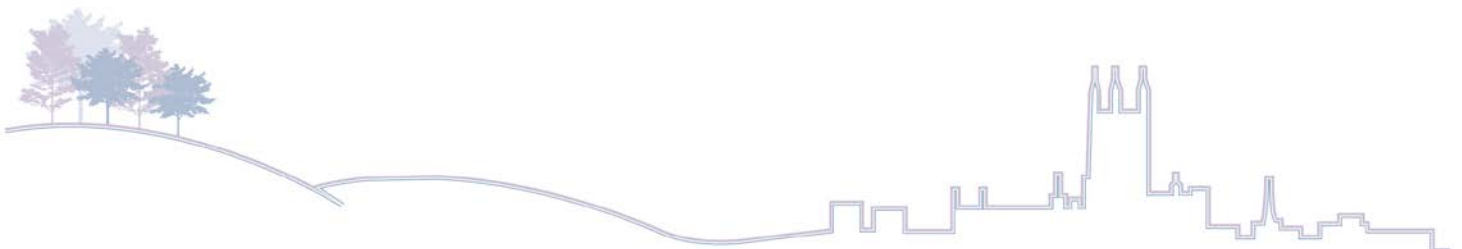




Transgender What is?

Version 3.1

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What is the purpose of this guidance?

Why does We issue this guidance?

<u>Terminology</u>	-	<u>Gender Identity</u>	-	<u>Gender Dysphoria</u>
	-	<u>Transgender/Trans</u>	-	<u>Cross-Dresser</u>
	-	<u>Transsexual</u>	-	<u>Gender Re-Assignment/Transition</u>
	-	<u>Affirmed Gender</u>	-	<u>Real Life Experience / Real Life Test</u>
	-	<u>Gender Recognition Certificate (GRC)</u>		

<u>Legislation</u>	-	<u>Equality Act 2010</u>	-	<u>Gender Recognition Act 2004</u>
	-	<u>Gender Reassignment Regulations 1999</u>		
	-	<u>Human Rights Act 1998</u>		
	-	<u>The EEC Equal Treatment Directive (76/207/EEC)</u>		
	-	<u>The Police and Criminal Evidence Act 1984 (PACE) - Sections 54, 55, and Code A of the Codes of Practice</u>		

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What is the purpose of this guidance?

This document provides good practice guidance for the employment of transgender individuals and the support and management of existing officers, OPCC and police staff intending to, or undergoing transition/gender reassignment from one gender to another. Providing information and guidance to preserve the dignity and right to privacy of the individual, to enable transgender individuals to feel welcomed, supported and valued.

The Police and Crime Commissioner and Chief Constable for Gloucestershire are committed to equality of opportunity and promotes a working environment that is fair and where everyone is treated with dignity and respect. It encourages everyone to contribute to making the workplace free of discrimination and harassment.

Why do we issue this guidance?

Because the issues have often not been understood this has led to negative stereotyping, ridicule, discrimination and persecution of the transgender community. Many encountered alienation by family and friends, suffered anxiety, depression and in some cases even attempted suicide.

It is now understood that the innate gender identity, although powerfully influenced by the sex of the genitalia and the gender of rearing, is not determined by these factors. Consequently, there are individuals who believe that they were born in the wrong body. There is a conflict between their gender identity, the perception they have of their gender and their physical gender. This causes a persistent discomfort and is recognised as Gender Dysphoria/Gender Variance/Gender Identity Disorder.

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Terminology

Terminology is shifting as understanding improves and note should be taken of the descriptive term preferred by the individual. There are diverse terms of identity and generic terms and the terminology can be confusing. Therefore, the terms below are to assist with reading/understanding this policy and are not intended as labels/stereotyping or as a full glossary.

Gender Identity

Gender Identity describes the psychological identification of oneself as a boy/man or as a girl/woman. The gender an individual feels they should be. It is their own perception of their true innate gender.

Gender Dysphoria

Gender Dysphoria is a condition where a person feels they are trapped within a body of the wrong gender, as their gender identity is different from their anatomical gender. The number of people being diagnosed with Gender Dysphoria has increased due to growing public awareness about the condition. This condition is also known as Gender Identity Disorder/Gender Incongruence/Gender Variance. (Gender Dysphoria is becoming associated with clinical diagnosis and the more neutral gender variance term may be preferred).

Transgender/Trans

Transgender/Trans are used as generic, umbrella terms describing all those whose gender identity/expression falls outside the typical gender norms/birth gender. Many use the term 'Trans' or 'Trans' Person/People/Man/Woman and also FTM (female to male) or MTF (male to female). Currently, transgenderism is used as an inclusive term and includes those who cross dress.

Cross-Dresser

Cross-Dresser is a generic term describing individuals who either occasionally, or more regularly dress in clothes associated with the opposite gender for a variety of reasons. Some women dress as men but it is more often men who dress as women. The majority do not feel they are trapped in the wrong body or wish to permanently change gender. There are also individuals who are happy to live between both genders selecting what is appropriate and may perceive themselves to be a third gender.

Transsexual

Transsexual individual's progress to permanently adopt the opposite gender to the one assigned at birth, to conform to the perception they have of their self (innate gender identity) because of their persistent discomfort with the birth gender. Some individuals may have gender confirmation treatment such as hormone therapy and gender reassignment surgery to bring the characteristics of the body more in line with the gender identity. (The term sex change is now considered inappropriate).

As the term transsexual can be misleading and has sexual connotations when it is an issue of gender, some individuals may prefer to use the term transgender/trans.

Gender Re-Assignment/Transition

Gender Re-Assignment/Transition is a process that is undertaken for the purpose of reassigning an individual's gender to permanently match their innate gender identity. It is a personal, social and sometimes a medical process by which an individual's gender (the way they appear to others) is changed. Some make the change gradually to the adopted gender and others emerge overnight.

Individuals who propose to, undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning their gender by changing physiological or other attributes of gender are protected from discrimination, harassment and victimisation under the Equality Act 2010, whether they have undergone medical treatment or not.

Affirmed Gender

Affirmed Gender may be used to describe the post transition gender role and sometimes it is called the "new" role. These terms are often preferred to the term "acquired" gender.

Real Life Experience / Real Life Test

The "real life experience" or "real life test" is the 2 year period that the Individual is expected to live and work in their new gender role prior to applying for a gender recognition certificate.

Gender Recognition Certificate (GRC)

Under the provisions of the Gender Recognition Act 2004, a transsexual person may submit an application for gender recognition to the Gender Recognition Panel to confirm their new/affirmed gender status. Successful applicants will be recognised in law as having all the rights and responsibilities appropriate to a person of his or her new/affirmed gender and a Gender Recognition Certificate (GRC) is issued by the Gender Recognition Panel.

As a result of the legal recognition of a full GRC, the individual may marry someone of the opposite legal gender or form a civil partnership with someone of the same gender. In addition, an individual whose birth was registered in the United Kingdom will be able to obtain a new birth certificate showing his or her legally recognised new/affirmed gender. For Police and Criminal Evidence Act 1984 (PACE) purposes they will be officially of the new/affirmed gender.

An interim and not a full GRC is issued where the applicant is married or is a civil partner, as if the marriage is not terminated or the civil partnership ended the issue of a full GRC would have the effect of creating a same sex marriage or opposite sex civil partnership which are not allowed under UK law. An interim certificate lasts six months and has no legal rights but can be used to end a marriage/civil partnership to then convert to a full GRC. Until a full GRC is obtained, although individuals may receive documents in their new name, they remain officially of their birth gender for marriage/civil partnership purposes and for the PACE codes of practice.

Asking to see a GRC is nearly always inappropriate; it may be regarded as harassment and negates one of its central purposes. Once an individual has obtained a GRC, there must be no disclosure of this information (unless it falls within a small number of exemptions). If disclosure is made it may be subject to a maximum £5000 fine.

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What is the current legislation relating to Gender Reassignment?

The current legislation relating to Gender Reassignment includes:

Equality Act 2010

The Equality Act 2010 reforms, strengthens and harmonises equality law. It revokes:

- ◆ The Sex Discrimination (Amendment of Legislation) Regulations 2008
- ◆ The Employment Equality Act 2006 Regulations (other than Schedules 6 and 8)
- ◆ Disability Discrimination Act 1995

and repeals:

- ◆ Sex Discrimination Acts, 1986 and 1975

Gender reassignment is a protected characteristic under the Equality Act 2010, if a transsexual individual proposes to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning their gender by changing physiological or other attributes of gender. The requirement for medical supervision is removed, providing protection for those living permanently in their new/affirmed gender who are not intending to undergo medical procedures.

Under the provisions of this Act it is also prohibited conduct to treat a transsexual individual's work absence because of gender reassignment/medical procedures less favourably than if absence was because of sickness, injury or for some other reason.

There is also protection for those perceived to have a protected characteristic but haven't (e.g. gender variant individuals could be perceived to be transsexual) and those who associate with individuals with a protected characteristic (e.g. a transsexual individual's partner, spouse, family members)

Gender Recognition Act 2004

The Gender Recognition Act 2004 established the Gender Recognition Panel and outlines the criteria for obtaining a Gender Recognition Certificate (GRC) for legal recognition of the gender in which the individual now lives. The Panel when determining the application must be satisfied the individual has Gender Dysphoria, has lived in the acquired gender throughout the proceeding two years and intends to live in the acquired gender until death.

This Act establishes that it is an offence to disclose information acquired in an official capacity, about an individual's GRC/gender history, as this information is termed protected information. Official capacity relates to the employer/prospective employer and a person employed by an employer/prospective employer. A person guilty of an offence under this Act is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Disclosure will not constitute an offence if it is disclosed with the individual's consent, does not identify the individual or is for the purpose of proceedings before a court/tribunal, or in accordance with an order from a court/tribunal. Gender reassignment information must be handled sensitively, professionally and not communicated to any person inappropriately.

Gender Reassignment Regulations 1999

The Gender Reassignment Regulations 1999 protects transsexual individuals against discrimination in employment and vocational training on grounds of gender reassignment. (The primary legislation was the Sex Discrimination Act (SDA) 1975 which was repealed by the Equality Act 2010).

Human Rights Act 1998

Article 8, the right to respect for private and family life.

Article 10, the right to freedom of expression.

Article 14, the issue of discrimination in the enjoyment of a convention right.

The EEC Equal Treatment Directive (76/207/EEC)

In 1976 the Equal Treatment Directive (ETD) was issued requiring member states to ensure the principle of equal treatment for men and women in employment and training. In 1996 the European Court of Justice ruled that the ETD also covers discrimination on grounds of gender reassignment. The European Court of Justice held the Equal Treatment Directive is the expression of the principle of equality, between men and woman, including trans men and women and is one of the fundamental principles of Community Law.

The Police and Criminal Evidence Act 1984 (PACE) - Sections 54, 55, and Code A of the Codes of Practice

There are operational implications in relation to searches by a police officer who does not yet have full legal recognition of their new/affirmed gender. Searches and observation of searches that go further than the outer clothing must be carried out by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex, unless the person being searched specifically requests it. Evidence obtained in breach of the Codes by a Police Officer may be held inadmissible in any such subsequent court case.

A search exemption certificate will be made available for individuals who have not been issued with a full GRC and are living in their new/affirmed gender, as their birth gender will apply in relation to PACE. (It should be noted that this action may result in the status of the individual being identified).

Where an officer or member of police staff has been granted a GRC they should be identified as a person of their new/affirmed gender and able to search that same gender without any reference being made to the fact they have acquired a new gender. Any such reference would be in breach of the Gender Recognition Act 2004.

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Recruitment. Do applicants have to disclose their transgender status?

It should not be expected that applicants would necessarily wish to disclose their transgender status. Applicants do not have to disclose a transgender status during recruitment and there is no obligation for a transgender individual to disclose their status as a condition of employment.

However, if the role requires a particular gender as a Genuine Occupational Requirement (GOR) and the applicant has not been granted a GRC under the Gender Recognition Act 2004, they will have to disclose their status during recruitment. This also applies to promotion, transfer or training for that job.

If they choose to disclose, this is not in itself a reason for not offering employment. There is no barrier to individuals who identify themselves as transgender being recruited as a police officer or member of OPCC or police staff. No further disclosure will be made to the selection panel, unless a Genuine Occupational Requirement (GOR) applies. (The requirement to perform searches is not a GOR).

It is only relevant for the panel to determine whether the applicant identifies as transgender if the post has a GOR for a specific gender. The selection decision should be based on the applicant's ability to do the job. An individual's gender is of no relevance to their ability to do the job and is not a question that should be asked at interview.

Any information disclosed, will remain confidential and the disclosure of information will be restricted to personnel involved in the procedures, who will be required to honour confidentiality. It is an offence under the Gender Recognition Act 2004 to pass on information about a person's gender history obtained in the course of work.

Confidential information regarding gender could be gained when identity checking, which is a legal requirement, as the candidate may produce a form of identity, which states a different name, gender, than their acquired gender and new name. When verifying formal qualifications, recruiters should be aware that applicants might present qualification certificates in a different name to their application. Also, the documentation used for vetting and medical screening will seek information that could lead to the identification of transgender status.

The People Services Centre should advise the H.R. Operations Advisor if a search exemption certificate is required with the prior knowledge and understanding of the successful candidate.

Non-disclosure of transgender status or subsequent disclosures are not grounds for disciplinary procedures or dismissal.

References provided for someone seeking a new job will be in the name used in the new job and will not disclose a former name.

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Transitioning Officers and Staff

If approached by an officer or member of staff who states their intention to transition from one gender to another, one of the most important issues in the successful management of an employee's transition is to discuss with them fully how they would prefer to handle the transition at work and agree a framework and formal notification/disclosure priority. The HR Operations Advisor should be involved as soon as possible with the agreement of the individual.

Confidentiality between the individual and those told is subject to criminal proceedings if the information is inappropriately disclosed. (Section 22, Gender Recognition Act 2004). When disclosure can take place and the depth of the disclosure should therefore be agreed with the transitioning individual and disclosure should form part of the Terms of Reference. Ideally this should also include the Executive Manager, Community and People at an early stage.

The Manager should include the HR Operations Advisor to agree a Memorandum of Understanding and Terms of Reference with the transitioning individual to ensure there is mutual understanding about what needs to take place, when it takes place and the outcome required. The plan should be reviewed and updated on a regular basis to ensure it is still appropriate.

If undergoing gender reassignment surgery the police officer or police staff member will receive the appropriate sick pay in accordance with Regulation 28 (Officers) or Police Staff Council Handbook. Pay will be reduced after the appropriate time period unless discretion to remain on full/half pay is granted under the normal criteria. Likewise, if incapacity continued beyond the normal expectations for the process undergone, the individual will be treated in accordance with the existing policy for long-term sickness absence.

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Memorandum of Understanding

The purpose of the Memorandum of Understanding is to record a formal intention to co-operate and agree provision of organisational support. It is not intended to constitute a legal contract, creating rights or obligations, which are legally enforceable. It provides a general commitment of co-operation and an agreed framework for support during gender reassignment.

All agreements arising from the initial meetings should be confirmed in a Memorandum of Understanding. (Sample Memorandum of Understanding, [Appendix C](#)).

The HR Operations Adviser should be encouraged to take an active role in these negotiations and to meet with the transitioning individual and line manager to discuss the detail of the document before it is signed.

The transitioning individual should be offered the assistance/support of a colleague, Federation or Unison during this process, if required and agreed with the individual.

Following implementation of the memorandum it should be reviewed regularly and should be reassessed at each significant stage of the process.

The Memorandum of Understanding is a confidential document and it should be agreed who has a copy and access to it.

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The Terms Of Reference

It is good practice to discuss the potential issues to be confronted, when a transitioning individual indicates their intention to change their gender role in the workplace, before they arise. It is paramount to take individual needs into account on every occasion and discuss how they can be supported during the transition process. (Sample Terms of Reference, [Appendix D](#)).

Nothing should occur without the consent/knowledge of the transitioning individual. The framework agreed will be dependent on the person's timetable of personal event around the transgender process. The following may be considered by the individual, line manager and HR Operations Advisor:

- ◆ Would the individual like to stay in the current post or would they prefer to move? If so, is there an opportunity for temporary/permanent redeployment that can be supported? The decision will rest with the individual and no pressure should be put upon them. Each case to be dealt with on an individual basis.
- ◆ Are there duties within the role that should not be undertaken at specific times within the transition process (e.g. heavy physical work)?

- ◆ The expected point of change of name, personal details and social gender to be confirmed. (Sample Notification of Intention to Transition, [Appendix B](#)). Usually the individual will decide to take a short time off work and return in the new name and gender role and normally use annual leave to facilitate this. Although, not able to alter the birth certificate, it is possible to obtain other official documents in the new identity, including passport, driving licence, bank books, credit cards and National Insurance number.
- ◆ Agree a procedure for adhering to any dress code or uniform requirements and any flexibility required during the period of reassignment. Arrangement for the issue of new uniform and its collection should be discussed. The new acquired gender uniform and size required should be pre-ordered from Uniform Stores ensuring confidentiality and regular risk assessments carried out to ensure the individual is kitted with correct clothing. The assistance/support of a colleague, or the HR Operations Advisor, depending on the level of disclosure reached, may be offered if the officer wishes to attend a fitting of the new uniform at uniform stores.
- ◆ Agree the point when the individual will commence using single sex facilities, e.g. toilets and changing areas. A gender-neutral disabled toilet may be used as a temporary measure. However, this does promote a negative view and good practice would be to identify facilities, which are rarely used as an option for an interim period. An appropriate time for changing facilities may be when the individual begins to present permanently in the new gender role. An individual with a GRC must be treated for all purposes as being of the new gender.
- ◆ Discuss whether the individual wishes to inform management, colleagues and associates personally or would prefer this to be done by someone else who is agreed suitable. (Go to 9.0 Staff Support) The individual may wish to provide a personal note to support the disclosure process if not disclosing personally.
- ◆ Will the individual personally inform or management inform public/external agencies in respect of any outstanding matters the person is currently involved in. This will be necessary if those involved knew the individual prior to the change of status and the relationship is to continue.
- ◆ Whether training/briefing of colleagues will be necessary and at what point and by whom.
- ◆ What risks may arise for the individual in the workplace as a result of the transition, e.g. relationships with external parties, harassment, or media intrusion and how they will be dealt with. Safeguards for the individual's security. (Go to [Media](#)).
- ◆ What amendments will be required to records and systems and safeguards for the individual's confidentiality, e.g. change of user name and telephone/email directory etc. All records should be amended to reflect the individual's chosen gender and name, including HR Personnel file, systems and Occupational Health records. Nothing should remain on file or on systems that would disclose to a third person that a change has occurred. New files should be started and all material in the file that cannot be disposed of should be placed in a sealed envelope and attached to the file with instruction "Confidential – People Services Manager only". In the Occupational Health file the envelope will be marked "Confidential – Corporate HR Manager/Force Medical Adviser only".
- ◆ Warrant/identity card arrangements. These may need to be reviewed regularly to reflect physical changes.
- ◆ Discuss with the transitioning individual the code of practice for search, as Section 54 and 55 searches cannot be completed by a person who is yet to be granted a GRC. An exemption card should be arranged by the HR Operations Advisor for the Chief Constable to sign. The individual's gender on their birth certificate is the official gender for the purposes of any search, irrespective of how they appear. PACE stop searches that go further than the outer clothing searches conducted in public view must be conducted by a person of the same sex. A failure to comply with any provision of PACE may make a police officer or member of police staff liable to disciplinary procedure and evidence obtained in breach of PACE may be held inadmissible in any subsequent court case. Once a GRC has been granted the exemption card should be returned to the People Services Centre for destruction, as there is no conflict with PACE, as they should only be identified as a person of their acquired gender.

- ◆ Outstanding court cases should be discussed, as the individual should be advised that the Crown Prosecution Service needs to be informed in order that implications for the case can be addressed with them. The extent of any disclosure of sensitive information to lawyers, court staff etc. to be agreed with the individual and written consent obtained. No unnecessary or irrelevant information must be disclosed. Also discussions around the practical implications of court attendance.
- ◆ Is the individual adequately covered for corporate insurance and also the benefits policies? Disclosure may need to be made to the underwriters to ensure correct cover. Also, the individual may need to discuss with the Pension Department, e.g. if beneficiaries need to be reviewed.
- ◆ State pension is now received at age 65 years. However, women born before 1950 can claim state pension at 60 and those born between 1950 and 1955 can claim it at a point between age 60 and 65 years. As the individual can only be regarded as the sex recorded at birth prior to holding a GRC, those born prior to 1955 can only claim state benefit at the age appropriate to this sex. It is the responsibility of the organisation to take suitable steps to keep confidential the reason for the individual's apparent early or late retirement. An individual with a GRC must notify the Pensions Department and supply a copy of the GRC to update their pension's record file as they may retire at the age applicable to their acquired sex.
- ◆ Timescale of medical and surgical procedures and time off required for medical treatment, to be notified as far as possible in advance, to allow adequate preparation time. Flexibility should be allowed for individuals to undergo treatment and they should be treated the same as others who are absent from work for other medical reasons. For some surgery is not an option because of health concerns and some individuals never complete the process by undergoing genital reconstruction surgery but still live fully in the reassigned role.
- ◆ There is the possibility some colleagues may be unsympathetic and lack understanding no matter how well prepared and it is advisable to discuss in advance with the individual how they would prefer to manage this. Incidents of misconduct, unlawful discrimination, harassment, bullying or victimisation should be reported and dealt with quickly and in accordance with the organisations policies.
- ◆ The Terms of Reference should be reviewed regularly to ensure it is appropriate to meet the individual's needs. Review dates to be agreed with the individual, line manager and HR Operations Advisor.

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Staff Support

Advice should be taken from the HR Operations Advisor when deciding how much information should be disclosed in order to provide appropriate support to the work colleagues involved. It is often forgotten that colleagues may find the transition difficult to understand and to come to terms with.

We should provide support, which includes discussion and explanation for other members of staff about the practical implications when necessary. Discussions should take place on two levels, general information about the subject and specific information to enable understanding of the situation of the particular individual involved. This disclosure should be agreed with the individual concerned.

Colleagues should try to refer to the individual by the new name and use pronouns appropriate to their new gender role. It is natural in the early days that people may occasionally get mixed up and the individual should be made aware this could happen and be prepared to make allowances.

The legal obligations of management should be explained and the unacceptability and disciplinary consequences of discrimination and harassment made clear in any discussions or training events.

Training will ensure there is an understanding of Gender Dysphoria/Gender Variance/Gender Identity Disorder and acceptance of the transitioning individual's right to equal treatment. SDU have a bespoke training briefing available, if appropriate. It also enables others to feel certain about how to relate to the transitioning individual rather than leading to possible isolation of the individual. Colleagues and co-workers should be allowed to ask questions and express their feelings during any training events.

Usually the individual will decide to take a short time off work and return in the new name and gender role. This can be used as the opportunity to brief others.

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Confidentiality

Management and support of transgender individuals should be in accordance with the Gender Recognition Act 2004 and breaches of confidentiality will be treated seriously. Any inappropriate use or deliberate release of confidential or protected information that may lead to the identification of the individual against their wishes, internally or externally, may constitute a criminal offence and will be regarded as gross misconduct and will be dealt with through the appropriate disciplinary proceedings.

It is vital that gender information is handled sensitively and professionally. This information must not be communicated to any third party inappropriately or without the individual's consent.

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Dealing with the Media

There is always the possibility of media intrusion given the sensitivity of gender reassignment. A prepared media strategy should be put in place to be able to respond to any enquiries regarding the transitioning individual. The individual's name and post should be kept confidential and not revealed. The wishes of the individual must be considered in any response given to the media.

If the individual becomes known to the media, a risk assessment should be reviewed immediately and it may be necessary to protect the individual with additional control measures, such as redeployment away from contact with members of the public.

It may be necessary to prepare a strategy to remove the individual from the home address if besieged by the media at home.

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Career Break Re-Joiners/Transferees

In the event that an officer or member of OPCC or police staff is transitioning and rejoining/joining the organisation they must be willing to disclose this fact to update their confidential records and if applicable to obtain a search exemption certificate, if they do not hold a GRC.

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Additional Advice and Guidance

The line manager and HR Operations Advisor should ensure the individual is aware of the support networks available to them. For example the following Internet site is available and endorsed by ACPO:

National Trans Police Association (NTPA) is a mechanism for transgender individuals to receive support and offers learning and advice.

www.ntpa.org.uk

Individuals may also wish to seek advice and support from their Unison or Federation representatives.

Individuals may feel they will benefit from discussing the experience of another transitioning individual and if requested the NTPA can facilitate this contact.

It may be appropriate for the individual to seek additional advice and guidance from relevant groups. This list of websites may be a helpful starting point, although by no means a comprehensive list and please note this is not an official endorsement of these groups but serves as a reference point only:

www.beaumontsociety.org.uk	Beaumont Society, A well-established national transgender support group founded in 1966.
www.depend.org.uk	Depend, offers support for all family members
www.gender.org	Gender Education and Advocacy, on-line library and archive
www.grp.gov.uk	Gender Recognition Panel, the Panel assesses applications for legal recognition
www.gendertrust.org.uk	Gender Trust, supports those affected by transgender issues
www.gires.org.uk	GIRES (Gender Identity Research and Education Society), information for transgender, families and professionals
www.northernconcord.org.uk	Northern Concord, a self help group
www.pfc.org.uk	Press for Change - experts in Transgender Law
www.tgguide.com	Transgender Guide, information resource

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Title	URN	Strategic Board	Author / Reviewer	Version	Date	Changes
			Tracy Summers		23/2/2018	Added generic decision making wording as requested by the CC
What Is: Transgender			Tracy Summers	Version 3.1		Amended front page
			Lisa Twynning	Version 3	24/04/2014	Amendments for 2 nd Transfer
			Lisa Twynning	Version 2	28/10/2013	Review of policy, changes relating to new HR structure. Change name of Action Plan to Terms of Reference. Removal of out of date websites.
	G191	PSSB July 2012	Lisa Twynning	Version 1	29/07/2012	First Publication
EIA	EIA Sign Off	EIA Review Due		Guide Review		
08/06/12	16/08/13	16/08/14		16/05/15		

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Gwent Police
Leicestershire Constabulary
Merseyside Police
Sussex Police
West Mercia Constabulary

Equal Opportunities Commission
TG F.A.C.T.
The Gender Identity Research and Education Society
Women and Equality Unit, dti

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Appendix A

Sample wording of a Search Exemption Certificate

SEARCH EXEMPTION CERTIFICATE

This is to certify that is exempt from searching under Section 54 and 55 PACE 1984, or similar circumstances.

If you have any queries, contact the Executive Manager – Community and People

Signed:

.....

Chief Constable

Date

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Appendix B

Sample Notification of Intention to Transition

STRICTLY CONFIDENTIAL

To: LPA Commander/Head of Department

I wish to give formal notification of my intention to undertake permanent gender reassignment.

I expect the effective date of change to be

Thereafter I wish to be known as

I authorise the Police and Crime Commissioner and Chief Constable for Gloucestershire to amend all my internal records and expect my new identity to be used when dealing with external agencies. I understand that people that need to know my identity will be identified to me and that any staff informed will also be told of the legal consequences of further disclosure. No disclosure will occur before I give my consent.

During my transition, my employment will be managed in accordance with the process outlined in the Terms of Reference, as agreed with my line manager and HR Operations Advisor. I understand this will be reviewed regularly and at each significant stage of the process. It has been agreed the first review will take place on and further review dates will be agreed after the first meeting.

My present role includes search responsibilities and I have been advised of and understand the requirements of the Police and Criminal Evidence Act in this respect. I accept that until I am granted with a Gender Recognition Certificate, I must carry my Search Exemption Certificate in the course of my duties at all time and produce it when necessary as I will be unable to carry out Section 54 and Section 55 searches. *(Delete above paragraph if not appropriate).*

Name:

Signature: Date:

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Appendix C

Sample Memorandum of Understanding

Memorandum of Understanding

Arrangements for gender re-assignment support within the workplace

Between

(1)
.....

and

(2)
.....

LPA / Department Head
Gloucestershire Constabulary

Purpose

This memorandum is to record a formal intention to co-operate and agree provision of organisational support. It is not intended to constitute a legal contract, creating rights or obligations, which are legally enforceable.

A general commitment of co-operation and an agreed framework for support during gender reassignment.

General Principles

The principles are based on the maintenance of good working relationships for the mutual benefit of both parties. Underpinned by good communications in both directions and the avoidance of surprises, for which both parties are responsible.

Relevant legislation is acknowledged and complied with:

Implementation

Terms of Reference will be developed and agreed to facilitate the effective support of the transition, within the workplace. The Terms of Reference will encompass the following and any further specific needs identified and agreed:

Discussion and exchange of information.

- ◆ A commitment to discuss and exchange information in a timely and helpful manner.
- ◆ Ensure mutual understanding about what needs to take place and the support required.
- ◆ Commitment to review the Terms of Reference regularly

Planning

- ◆ A collaborative approach to planning
- ◆ Agreement on disclosure priority
- ◆ Achievable timescales set within the Terms of Reference

Work Post and Career

- ◆ Identification of post and location for transition
- ◆ Confirmation of understanding of PACE search exemption
- ◆ Recognition of commitment to equality of opportunity

Communication to Work Colleagues

- ◆ Arrangements to inform colleagues and appropriate work associates about Gender Dysphoria/Gender Variance/Gender Identity Disorder and also the transition of the individual in the workplace, as per an agreed disclosure schedule.
- ◆ Arrangements to support the colleagues involved.

Media

- ◆ A media strategy to respond to any enquiries

Dress Code and Use of Facilities

- ◆ Dress code and flexibility
- ◆ Introduction of use of the new acquired gender facilities

Health and Safety

- ◆ Ongoing risk assessments

Administrative Arrangements

- ◆ Disclosure agreed for amendment of personal, Occupational Health and pay records etc.
- ◆ Warrant/Identity card and new photograph
- ◆ Corporate insurance and benefits
- ◆ Pension and retirement
- ◆ Vetting

Responsibility for ensuring that the Terms of Reference is discharged will rest with LPA/Department Head with assistance from the individual, line manager and HR Operations Advisor.

Monitoring and Review

An initial review of progress will take place on after the first two days in the work place. The individual, line manager and HR Operations Advisor will be involved in this meeting.

Following the initial review, reviews will be carried out by the individual and line manager at the end of each week/block of shifts within the pattern.

At the end of the first month the review will involve the individual, line manager and HR Operations Advisor.

Thereafter, the line manager and the individual will carry out reviews monthly.

Thereafter, reviews will be carried out as per the updated Terms of Reference until such time as no longer required by mutual consent.

Unresolved issues following any review meetings will be escalated to the HR Advisor and LPA/Department Head for guidance by either the individual or line manager.

A policy should enable consistent and effective decision making. Where operational or managerial circumstances require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the constabulary and the police service 'Code of Ethics', if an officer/ police staff member believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

- the officer/ police staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
- produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
- maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances/ contravention

Termination

This memorandum of understanding will remain in place for one year and then reviewed if appropriate.

The memorandum of understanding may be terminated at any time by mutual consent.

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Appendix D

Sample Terms of Reference

Ref:	Action	Owner	Target Date	Comments
1.	Disclosure list for key individuals	XX + LM	00/00/00	Dates agreed and noted
2.	Develop timetable for Staff briefings	XX + LM + HR Ops Advisor	00/00/00	To be finalised with Trainer SDU
3.	Identify and brief Trainer	D/Head + HR Ops Advisor	00/00/00	Ongoing
4.	Prepare contingency Media statement	D/Head + XX	00/00/00	Completed 00/00/00

XX = Individual

LM = Line Manager

D/Head – LPA/Departmental Head

HR Ops Advisor – HR Operations Advisor

The Terms of Reference should list all the agreements made with the individual (see the Terms of Reference [section](#))

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Appendix E

Transition Flowchart

