

1. Policy Statement

NHSBT is committed to be a fair and inclusive employer and will not discriminate against an applicant, employee or contractor who identifies as trans. This policy provides guidance and advice to employees and managers about trans and gender reassignment issues, particularly regarding employees who transition while working at NHSBT.

When using the policy, you should also refer to the supporting FAQs.

Trans employees are entitled to be treated with respect and permitted to perform their roles free from harassment and unfair discrimination. We view harassment or discrimination against any employee and any such behaviour as unacceptable and will be met with a 'zero tolerance' response. Further details of what constitutes such behaviour can be found in the [Dignity at Work Policy](#) and supporting [FAQs](#). Deliberate mis-gendering is considered to be bullying and/or harassment and will not be tolerated.

'Gender reassignment' is one of the nine protected characteristics within current legislation and provides protection against discrimination in cases of related absence from work, and all forms of harassment and victimisation. Those protected include:

- Actual and prospective employees
- Ex-employees.
- Apprentices.
- Contract workers.
- People seeking or undertaking vocational training.

The Equality Act's definition of 'gender reassignment' gives protection from discrimination to a person who has proposed, started or completed a process to change their sex. NHSBT recognises that the narrow concept of 'gender reassignment' does not adequately reflect the varied experiences of transgender people, and so this policy protects all those who self-identify as trans, irrespective of 'gender re-assignment' as strictly defined by the Equality Act.

Legislation also provides protection to:

- trans people who are not under medical supervision.
- people who experience discrimination because they are perceived to be trans.
- people from discrimination by association because of gender reassignment.

2. What you can expect from us

Providing you with support

Any transitioning employee can seek support from their manager or another contact person. It is a matter of personal choice as to who you contact, but it is recommended that the contact person works with you to agree an action plan to cover the period of your transition.

You should always be referred to by your preferred name, title and pronouns. If you have a Gender Recognition Certificate (GRC) it is unlawful for anyone to disclose your trans status without your consent. Where we hold any records that include your former legal name and gender/pronouns, you may request that all instances are removed from your main record. All documents relating to your 'Right to Work', including those in your previous identity, will be retained confidentially and only accessed by the Legal Services Manager and Head of Pay and Reward.

Should you not have a GRC, we will still treat this information confidentially.

Facilities

It is your choice to use whichever facilities you feel comfortable using.

You should not be asked and will not be expected to use disabled/accessible facilities as an alternative. However, you may do so if you prefer.

Where existing NHSBT women-only/men-only spaces are required to be refurbished, we are committed to exploring the possibility of changing some or all facilities to Gender Neutral spaces wherever practicable. This may not always be possible where there are building or plumbing constraints or where this may be cost prohibitive.

Pre-employment

Individuals who have already adopted their new social and/or legal gender have no obligation to inform us of their change. Job applicants and interviewees should not be asked their trans status.

The DBS has developed a separate application procedure, which allows trans applicants to exclude previous names from the Disclosure Application form. However, applicants will still be required to send details of their previous legal identity in a separate correspondence directly to the Legal Services Manager.

Dress Code

We do not have a dress code that restricts your clothing or appearance based on gender.

Flexibility is required in dress codes while someone is early in transition, as they will often have to buy new clothes.

You and your manager should discuss your uniform and/or clothing requirements as part of your Action Plan.

Complaints

We aim to provide all employees with a high-quality level of service. We recognise though that there may be occasions where expectations are not met and, on these occasions, we encourage feedback. This includes inappropriate behaviour or treatment (including contravening the Dignity at Work Policy, which protects against harassment or bullying on the grounds of trans identity or any other protected characteristic).

Should you experience inappropriate behaviour or treatment from a donor, patient or other member of the public, then this should initially be reported through our Incident Reporting System.

Confidentiality

Any disclosure regarding your transition made by you will be treated with absolute confidentiality. We will not share your information without asking for your consent.

Managing reaction by other employees

As part of the Action Plan, you should discuss and agree with your manager how to communicate your transition with your colleagues.

It is important that the responsibility for informing your colleagues about Trans issues does not solely fall to you. You will not be expected to answer excessively personal questions for example about surgery and relationships unless you chose to do so. More information is available to managers in the FAQ's supporting this policy.

Time off Work

As part of the 'Action plan', you would discuss and agree with your manager the time off you may require for medical treatment and any other follow up treatment. Refer to the Attendance and Time off Work Policies for the options available to you.

As a manager, you should be aware that:

- gender-related medical services are often difficult to access and that waiting lists can be extremely long. Where possible, flexibility is encouraged in allowing trans colleagues to attend appointments, e.g. if an appointment becomes available at short notice.
- gender-affirming surgeries (not limited to genital surgery) and treatments often have a major effect on the psychological wellbeing of trans people and should not typically be considered to be 'just' cosmetic. If the colleague has been referred by a medical practitioner for surgery (including cosmetic surgery), they should not be expected to rely fully on annual leave for this.

Absences for treatment would not normally be counted towards trigger points.

3. Policy Approval and Review

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