
Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **1** of **12**



Introduction

Middlesbrough College Group values the diversity of its workforce and seeks to create an environment where all staff, students and visitors feel welcome.

Middlesbrough College Group has a responsibility under the Equality Act 2010 to have due regard to eliminate discrimination, advance equality and foster good relations for all of the nine protected characteristics including gender reassignment. Staff and students have rights and responsibilities under the legislation and should also refer to the Equality and Diversity Policy and Statement. This guidance aims to raise awareness of this aspect of equality and therefore ensure that trans staff and students do not suffer discrimination, harassment or victimisation.

Trans is an umbrella term describing people whose gender is different to, or does not sit comfortably with, the sex they were assigned at birth, including, but not limited to, those who are transgender, transsexual and non-binary. More definitions can be found in Appendix 1.

Legal

The **Equality Act 2010** - Gender reassignment is one of nine protected characteristics covered by the Equality Act. A person has the protected characteristic of gender reassignment if that person is proposing to undergo, is undergoing or has undergone a process for the purpose of reassigning the person's sex by changing the physiological or other attributes of sex. Such a person is referred to in the Act as a Transsexual person and it is unlawful to discriminate against such a person in work and in the provision of goods, facilities, services and public functions. It is not necessary to be under medical supervision and those perceived as people who have undergone/are undergoing gender reassignment along with those associated with people who have undergone/are undergoing gender reassignment such as family, friends and colleagues are also protected from unlawful treatment.

Under the Equality Act, it is unlawful for an employer to:

- Discriminate directly by treating a job applicant or employee less favourably than others because of gender reassignment;
- Discriminate by treating an employee less favourably in relation to absences from work because of gender reassignment;
- Discriminate indirectly by applying a provision, criterion or practice (PCP) that disadvantages trans job applicants or employees without objective justification;
- Subject a job applicant or employee to harassment related to gender reassignment, to harassment of a sexual nature, or to less favourable treatment because they reject or submit to harassment;

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page 2 of 12

- Victimise a job applicant or employee because they have made or intend to make a discrimination complaint, or because they have done or intend to do other things in connection with the Equality Act.

In addition, the public sector equality duty under the Equality Act requires public authorities to have due regard to the need to eliminate discrimination, harassment and victimisation against Transsexual people, to advance equality of opportunity and foster good relations between Transsexual people and others.

The **Gender Recognition Act 2004** allows people who meet certain criteria to apply for a Gender Recognition Certificate. This certificate allows people to obtain certain specific legal documentation, for example birth, death, and marriage certificates, in their new legal gender. **The Gender Recognition Act makes it illegal to disclose someone's Trans status to someone else without explicit permission from the Trans person in question.**

Guidance

The College recognises there can be many nuances of gender expression and identity and this guidance sets out the framework for how the College will support all Trans staff and students. The College aims to create an inclusive and Trans-friendly culture, workplace and learning environment, free from discrimination, harassment or victimisation, where all Trans people are treated with dignity and respect.

There are many ways the College aims to achieve this; this includes, but is not limited to:

- Ensuring this guidance is disseminated to all staff and students through the normal communication channels;
- Respecting the confidentiality of Trans staff and students;
- Not tolerating transphobic abuse or harassment e.g. mis-gendering, use of slurs, use of someone's former name, discrimination on basis of gender identity or Trans status;
- Providing a supportive environment for staff and students who wish their Trans status to be known - it is the right of the individual to decide whether they want to be open about their Trans status or gender identity;
- Encouraging all staff and students to undertake Trans Awareness training, either as an attended session or online module;
- Facilitating networks for LGBTQ+ staff and students;
- Holding activities and events that celebrate diversity;
- Ensuring all recruitment managers and staff on shortlisting panels are fully trained in equality and diversity issues;
- Positive support given to staff and students undergoing, or considering undergoing, gender reassignment to meet their particular needs during this period and agree how the individual wishes to manage their transition;

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page 3 of 12

- **In relation to staff -**

Ensuring that Trans staff are not treated any less favourably than any other member of staff on the grounds of their gender identity and/or reassignment in relation (but not limited) to:

- the advertisement of jobs and recruitment and selection;
- training and development;
- opportunities for promotion;
- conditions of service, benefits, facilities and pay;
- health and safety;
- conduct at work including grievances and disciplinary procedures;
- termination of employment.

Information for staff

Q. How do I change my name and gender marker?

A. As with all name changes for staff (eg marriage), an official document stating the updated/new name/gender should be provided. Hollie Shaw, Head of Human Resources Operations, has been identified as a single point of contact for all staff. Hollie will liaise with other (minimum) key contacts to ensure the changes are made.

ID must be one of the following:

- Passport
- Deed poll confirmation
- Marriage Certificate
- Driving License
- Other Governmental Identity cards

A copy of your official documentation will be scanned and kept in a secure location as part of your HR record.

The individual staff member should contact DBS direct to change details on a DBS certificate – sensitive@db.gov.uk. More information is available [here](#).

- **In relation to students -**

Ensuring that Trans students are not treated any less favourably than any other student on the grounds of their gender identity and/or reassignment in relation (but not limited) to:

- admissions;
- teaching;
- learning and research provision;
- the award of scholarships, grants and other awards under the College's control;
- student support;
- College facilities;

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page 4 of 12

- health and safety;
- student complaints and disciplinary procedures.

Information for Students

Q. How do I change my name and gender marker?

A. Students should bring in official documentation stating their updated/new name to the Student Wellbeing Centre. Julia Mitchinson, Senior Safeguarding and Welfare Officer, has specific responsibility for supporting Trans students, however in her absence any Safeguarding and Welfare Officer will assist. The SWO will liaise with other (minimum) key contacts to ensure the changes are made.

ID must be one of the following:

- Passport
- Deed poll confirmation (Parental consent is required for change of name by deed pole for under 16s only.)
- Marriage Certificate
- Driving License
- Other Governmental Identity cards

Note that school guidance from DfE is that in respect of school census', "Gender should be self-declared and recorded according to the wishes of the parent and / or pupil. Individuals are free to change the way their gender is recorded."

However, college enrolment records require student sex (not gender), data, where this is the legal sex of the learner, ie birth or gender recognition certificate.

Supporting Staff and Students Going through Transition

If a student or member of staff is considering or undergoing the process of transition/gender reassignment, they are encouraged to contact the designated member of staff in Student Services/Human Resources respectively. A meeting will be arranged to discuss the situation in confidence and to agree the process for handling the transition. A very important element of this meeting will be to determine who should be told what and when and how this should occur. This decision should be led by the trans staff member or student.

One of the most significant moments will be when the individual wishes to start presenting publicly in their preferred gender. It is crucial that this is managed and communicated in a thoughtful and appropriate manner to those that have a working or study relationship with the individual. Decisions should always be led by the trans staff member or student.

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **5** of **12**

A person who has undergone gender reassignment has the right to live as if they had always been of their chosen gender. It can be helpful to draw up a confidential plan for the period of transition and thereafter. The implementation of the plan should be reviewed regularly and reassessed at each significant part of the process. The plan could include the following issues:

- the expected timescale of any medical and/or surgical interventions and procedures and the time off required;
- confidentiality – the College will respect the confidentiality of all Trans staff and students and will not reveal information without their prior agreement;
- any time off required for treatment and/or possible side effects from any medication and how this will affect job/study;
- the Trans person's preferred time for change of name and/or title (eg Miss/Ms/Mrs/Mr/Mx) and personal pronouns (eg he/she/they), personal details, gender and other relevant required amendments to records and systems - after this point, the individual should be referred to solely in their chosen name and by their preferred pronoun.
- whether a student wants to continue their course of study, defer for a set amount of time or come to some other arrangement;
- whether a member of staff wishes to stay in their current post or be redeployed and if the latter, whether redeployment is possible;
- whether the individual wishes to inform line managers, co-workers/fellow students themselves, or would prefer this to be done on their behalf. When and how this should be done;
- whether training or briefing of co-workers, fellow students or service users will be necessary, at what point and by whom this will be carried out;
- signposting to additional services at the College such as Staff and Student Network Groups, Occupational Health and the Counselling Service.

Appendix 2 provides a useful checklist that covers most of the issues that need to be considered when an individual is going through this process.

Practical Considerations

Some practical considerations will arise when a person is transitioning, for example, single gender facilities and dress codes.

When a person transitions, they usually start to use the facilities that are appropriate for their gender identity, eg Trans women use the female facilities, Trans men use male facilities. Non-binary people will use the facility that seems most appropriate to them. It may be necessary to explain the situation carefully to work/study colleagues after consultation with the Trans person. Suggesting that the Trans person use the disabled toilet is not acceptable unless the person is disabled and requires the use of those toilet facilities. However, as many college toilets are labelled both accessible and gender neutral, they may choose to do so.

Flexibility is required in dress codes while someone is early in transition, as they will often have to buy new clothes, and this should be discussed with the individual,

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **6** of **12**

taking into account what they are required to wear to work and in line with any health and safety dress codes that are applicable.

Records

No records should be changed without the permission of the staff member or student concerned. An agreed date should be made on which all records are changed. Trans people can change their legal name by making a statutory declaration of name change. However, some trans people choose not to change their name immediately or have no intention of changing their name. It is not a requirement to present a Gender Recognition Certificate to change a name.

Some records can be changed at the request of the individual (e-mail and directory etc.) with no official documentation needed: a written notification of intent to transition is sufficient. Other records (personnel, Occupational Health, student, pensions and qualification certificates) can only be changed once official documentation has been received (see additional considerations for staff/students).

Under the Data Protection Act, trans identity and gender reassignment constitute 'sensitive data'. A person's file or record should always reflect their current name and gender. Any documents that need to be kept related to the person's trans status should be kept confidentially in a sealed envelope and be only viewed by people when required, and with the permission of the individual concerned. If a trans person receives a Gender Recognition Certificate (GRC), they have the right to request that all references to their former name and gender are removed from old records. In this case all past records must be updated and replaced in their file, for example, their old birth certificate should be replaced with their new one; any letters for offers/acceptances should be replaced reflecting their new name. Nothing should remain in the file that would reveal to a third party that a change has occurred. Any person handling this data has a responsibility to keep it confidential, comply with data protection regulations and to ensure the individual is not 'outed'.

Note that for the purposes of state pensions, trans people without a (GRC) are treated as the sex recorded at birth. Private pensions firms will require legal evidence of gender as well as name change. For this staff should be asked to provide a new birth certificate and if appropriate a statutory declaration of name change.

Certificates should be issued in the name that the student is registered with at the completion of their studies. A degree certificate is a legal document therefore legal proof of change of name (as such, statutory declaration of name change or a birth certificate) is required to reissue a certificate in a different name to which the student originally registered. Requiring a student or alumni to provide a GRC is unlawful and not appropriate. As not all trans people opt for medical assistance, requesting a doctor's letter is also not appropriate.

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **7** of **12**

Support for Staff (additional)

HR staff, managers and colleagues may require additional training when working with a colleague who is transitioning. Contact Lin Barry, Workforce Development and Equalities Co-ordinator for further assistance.

Managing Absence (staff)

The Equality Act (2010) states it is discrimination to treat a trans person less favourably in work or study because they require absence for any part of the medical processes involved with gender reassignment. This includes all related treatments (e.g. hormone therapies, surgical procedures). It also extends to any rectification of related surgical procedures if these are required. The Act makes no distinction as to whether treatments are provided by the NHS, a private health care provider or an overseas health care provider. Staff undergoing medical and surgical processes related to gender reassignment should be treated in exactly the same way as all other sickness-related absence, in line with the College's "Attendance Management Policy". Other policies, such as the Flexible Working Policy, may also be relevant. As with all cases, managers should try to be as flexible as possible to meet reasonable requests for leave or changes to working patterns and study, being mindful of operational needs and examinations.

Reporting Transphobia

Management, in conjunction with Human Resources and Student Services, are committed to providing a learning and working environment which is free from bullying and harassment and to manage such incidents swiftly and appropriately.

If you feel we have failed to meet your expectations, we would like you to tell us about it so that we can address your concerns and help improve our service to others. Please refer to:

Staff – the college Grievance Procedure.

Students and visitors – the College Complaints Procedure. Students should also refer to the Anti-Bullying Guidance.

Non-compliance by a member of staff or a student of the college will be treated as a serious matter and dealt with fairly through the college's normal procedures, including the relevant disciplinary procedure where appropriate.

A crime committed against someone because of their gender identity should be reported to the police. Middlesbrough College is a Third-Party Hate Crime Reporting Centre, so reports can be made at our receptions in confidence.

Employees, prospective employees, contract-workers and volunteers should advise their manager or another appropriate person if they witness an act of bullying or harassment – it is not necessary for the target of the action to raise a complaint and it's never OK to be a bystander.

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **8** of **12**

Further information and Support

This policy should be read in conjunction with the following documents:

- ❖ Equality Statement and Policy
- ❖ Code of Conduct for Staff
- ❖ Data Protection Policy
- ❖ Complaints Procedure
- ❖ Disciplinary & Grievance Policy (Staff)
- ❖ Safeguarding Students Policy & Procedure
- ❖ Staff Bullying and Harassment Policy
- ❖ Staffing & Recruitment Appointment Policy
- ❖ Student Bullying and Harassment Policy
- ❖ Student Disciplinary Policy

Further information about the Human Rights Act 1998 and Equality Act 2010, visit the Equality and Human Rights Commission.

[Hart Gables](#) - Tel: 01642 675509

[Stonewall](#)

Search [here](#) for local groups

Students -

Julia Mitchinson, Senior Safeguarding and Welfare Officer

Safeguarding and Welfare Officers

Middlesbrough College Safeguarding Team:

In person Email: safeguarding-team@mbro.ac.uk Text SAFE to 60081

Staff –

Hollie Shaw, Head of Human Resources Operational

Lin Barry, Workforce Development and Equalities Co-ordinator

Adam Lamplugh, Chair of staff LGBT* network.

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page 9 of 12

Appendix 1

Definitions:

People are assigned a sex at birth based on their genitalia, for example, a person born with a penis will be assigned male at birth and will be expected to grow up to be a man.

Transgender, often shortened to 'trans', is an umbrella term that describes people whose gender is different to, or does not sit comfortably with, the sex they were assigned at birth. Other terms trans people use to describe themselves include, but are not limited to, non-binary or genderqueer

Non-binary is a term for trans people whose gender does not fit with the expectation that people should be either men or women, also known as the gender binary. There are many different non-binary genders, including but not limited to genderqueer, genderfluid, agender and bigender.

Cisgender, often shortened to 'cis', is a word to describe people whose gender is the same as, and sits comfortably with, the one they were assigned at birth, ie people who are not trans.

Transition refers to the steps that a trans person takes so that their presentation or body better reflects their gender. Transitioning can, but does not need to, include the following: using different pronouns, choosing a different name, wearing different clothes, using different gender facilities, changing gender or sex markers on official records, taking hormones or having surgery. Not all trans people choose to transition. Transitioning is referred to as 'gender reassignment' in law.

Transphobia is the system of oppression and discrimination towards trans people that exists in society and its institutions. The term transphobia is also used to refer to hatred, prejudice and acts of violence towards trans people by individuals.

Transmisogyny is the intersection of transphobia and misogyny that is experienced by trans women and other trans people who were not assigned female at birth.

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **10** of
12

Appendix 2

Suggested checklist when discussing a student or staff member's transition

For each section, timescales, dates and who is responsible should be considered.

Name change

Identification cards/name badges that may need changing (including, but not limited to):

- ☐ College ID card
- ☐ National Union of Students card
- ☐ professional membership cards

Documents/materials that may need to be replaced or altered (including, but not limited to):

- ☐ online records, academic biographies, staff & student directory
- ☐ all student/staff records and databases, enrolment forms, finance records
- ☐ programme and module lists
- ☐ personal tutor records
- ☐ occupational health/disability/counselling records
- ☐ committee minutes and records, e.g. boards of study, academic boards
- ☐ certificates, e.g. council tax exemption, training attendance, degree
- ☐ club and society membership records
- ☐ payroll (and banking details)
- ☐ pension: death in service and dependents' benefits
- ☐ student loan company/local education authority
- ☐ company insurance
- ☐ volunteering or mentoring records

Some of the above may require legal proof of name change before amendments can be made.

When a trans person has received a Gender Recognition Certificate, they have the right to request that all references to their former name and gender are removed and replaced with their current name and gender. Given that it takes time to obtain a Gender Recognition Certificate, it is good practice to regard those who have changed their gender as if a GRC was held, from the date of transition onwards (subject to any other legal requirements).

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **11** of
12

Process

You should also think about who should inform the following:

- students and other colleagues
- support departments (finance, student records, accommodation, etc.)
- committee chairs/secretaries

Questions to consider:

If the student/staff member is, or will be, undergoing surgery, do they know dates?

If the student/staff member requires time off for surgery and recovery, what process/support/adjustments are needed to ensure the student/staff member remains on their programme of study/in employment, or can return when they have recovered?

Will it have any impact on their studies or work?

Are there any professional requirements or attendance requirements that may be affected by the person's absence for medical treatment? For example, absence trigger points, or number of hours in a school or on a hospital placement?

How will students be supported to ensure they can complete their programme of study on time?

Will additional cover be required during times of absence? A person who is absent because of gender reassignment must not be treated less favourably than another person who is absent due to sickness or injury.

Genuine Occupational Requirements (GOR's) Schedule 9 of the Equality Act provides exceptions where the requirement not to be a Transsexual person is a "proportionate means of achieving a legitimate aim".

In general, a requirement that restricts an occupation to persons of a particular sex should also be open to Transsexual persons of that acquired gender. The onus is on the employer to prove that the exception applies and they will generally be rare and on a case-by-case basis. Are there any genuine occupational requirements during the student's programme of study or staff member's work, e.g. counselling, social care, NHS, charities, schools? Are there any GOR's volunteer placements or work-based learning?

Ceremonies

During awards ceremonies...if the individual has not legally changed their name or is not out to everyone, which name would they prefer to be used?

Middlesbrough College Group Trans* Guidance – Staff and Students

Reference: MC38
Issue No: 3
Approval Date: Sept 2023
Page number Page **12** of
12

Training

Will there be a need to arrange training for fellow students, immediate team members and other college colleagues? Who will deliver this training? What will the training cover? Will the individual wish to attend the training?