

Guidance for Supporting Trans & Non-Binary Staff

This guidance document has been prepared in consultation with the LGBTQ+ Staff Network and the central Equity, Diversity and Inclusion (EDI) Team. It is for all University staff, particularly those who manage staff, or work within a Human Resources or administrative role.



Aim

This guidance document has been prepared in consultation with the LGBTQ+ Staff Network and the Central Equity, Inclusion and Diversity (EDI) Team. This guidance is for all university staff, particularly those who manage staff or work within a Human Resources or administrative role. Some terms in this document may be new to many readers, so a glossary has been provided at the end to use as a reference as you read this document.

For the purposes of this guidance, the term 'trans' is an umbrella term to describe people whose gender identity does not match with the gender they were assumed to have based on the sex they were assigned at birth. Society within the UK traditionally expects people to fit into a gender binary of male or female, but many trans people sit outside of this and identify as something anywhere across the gender spectrum. This can include (but is not limited to) those who identify as transgender, transsexual, gender queer, gender-fluid, non-binary, gender-variant, agender, non-gender, and other gender diverse identities. Many trans people choose to transition socially, medically, or both, have hormone therapy, surgery, or other treatments, whereas some choose not to do any of these, or only some. People who identify as trans but do not have any medical treatment are still trans, the term encompasses anyone who does not identify with the sex they were assigned at birth. People may choose not to medically transition for any number of reasons, so it is important to remember that all trans people are individuals with their own experiences of being trans.

The term 'non-binary' is an umbrella term for people whose gender identity differs from the confines of 'male' or 'female' binary. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

This document may also be relevant to staff who may not identify as trans but whose gender does not match their assigned sex at birth, those with a trans history, and intersex staff members.

This guidance should be used alongside the University's [Trans and Non-Binary Staff Inclusion Policy](#). Other related documents include our [Athena Swan Silver Institutional Action Plan](#), which focuses on our commitment to gender equality more broadly, our [Acceptable Behaviour At Work Policy Statement and Guidance](#), our [Policy Statement on Gender-based Violence and Abuse](#) and our strategic approach to supporting all staff.

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Legal Obligations

Equality Act 2010

The Equality Act 2010 lists 'gender reassignment' as one of nine protected characteristics. This protects trans people against discrimination, harassment, and victimisation. This applies in education, employment and the provision of goods and services, and includes binary trans people and non-binary, gender-fluid, and other gender diverse people. It is not necessary for a staff member to be undergoing or have undergone medical treatment to benefit from this legal protection.

Protection under the Equality Act 2010 is extended to trans individuals from the moment they indicate their 'intention to transition'. In effect, this means from the moment that a member of staff discloses that they are trans.

It is unlawful to discriminate against someone because they are perceived to be trans, whether the perception is accurate or not. It is also unlawful to discriminate against someone because they associate with a trans person. The Crime and Disorder Act 1998 includes any crime motivated by hostility or prejudice against a person who is trans, or perceived to be trans, as a hate crime.

University staff should provide support to all trans staff, regardless of what stage of transition they are in, whether they are transitioning, intend to transition, or have transitioned medically. This includes staff who have non-binary, non-gender, gender-fluid, and other gender diverse identities.

Intersex people are not explicitly protected from discrimination by the Equality Act, but are protected against discrimination motivated by sex or perceived sex.

Public Sector Equality Duty

As a public authority, the University, and its staff, have additional duties to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act.
- Advance equality of opportunity between persons who share a relevant 'protected characteristic' and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Gender Recognition Act

The Gender Recognition Act 2004 allows trans people to obtain a Gender Recognition Certificate (GRC). This means that they are recognised for all legal purposes in their confirmed (correct) gender and can change the sex on their birth certificate.

It is a criminal offence under this legislation to disclose information relating to a person's trans identity, trans history, or trans status obtained in an official capacity (i.e. as part of a person's work role). **It is illegal to ask to see a person's Gender Recognition Certificate.** If a member of staff needs to prove identity, other documents should be requested, such as a birth certificate, driving licence or passport.

Not all trans people will have a Gender Recognition Certificate or be aiming to obtain one. Individuals identifying outside of the gender binary are currently unable to apply for a Gender Recognition Certificate.

Confidentiality and Data Protection

Information relating to trans individuals / gender changes is a separate category under the Data Protection Act 2018. An additional level of confidentiality is required, and written consent from the staff member concerned is required prior to information disclosure (such as trans status, trans history, gender, or sex change) to another party, including to any other members of staff or students within the University. Without written permission, references which name an individual, or refer to previous names or genders should be removed from email chains prior to obtaining advice from third parties or other members of the University community.

Information on Supporting Trans and Non-binary Staff

Below is some summarising guidance that will be useful if a staff member discloses that they are trans or non-binary to you.

- Ask the individual how they want to be referred to, including which name and which pronouns you should use. Use these all the time, not just when in the company of the person.
- If you make a mistake with a person's pronouns or name, apologise, correct yourself, and then quickly move on. It is quite normal to make an honest mistake and individuals will appreciate an apology without lingering on the subject.
- Respect people's boundaries, it is not appropriate to ask a trans person personal questions, or make comments on their appearance.
- Ask the individual if they require additional support from yourself, or from the University, and listen without judgement.
- Do not tell others about a person's trans identity, history, or status without their consent, and deal with any requests for support in a timely and confidential manner.

You could be the very first person an individual tells about their trans identity, or history. Treat their decision to tell you honourably as it can take unrivalled amounts of courage for an individual to come out. If you must speak about the conversation to another colleague for support after, the individual must remain anonymous, or you must gain the individual's express consent.

Providing Ongoing Support for Trans and Non-binary Staff

If you are line managing a trans member of staff, or are supporting a trans member of staff as someone who works in HR or another supporting role, you should consider the following:

- Successful support depends crucially on taking account of an individual's views on how they would like to be treated in the workplace. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise.
- Any information disclosed must be treated in the strictest of confidence and must not be shared without the express consent of the individual concerned.
- Ensure that the team that the staff member works in is supportive and understanding of trans and non-binary identities. If you are unsure, consider whether further training for your team would be useful by contacting the [Central Equity, Diversity and Inclusion Team](#). You should discuss with the individual member of staff whether they would feel comfortable with this approach before doing so.
- You should familiarise yourself with the University's [Trans and Non-Binary Staff Inclusion Policy](#), and the University's [policy statement and guidance for acceptable behaviour](#), so that if issues arise for a trans member of staff, you are able to deal with these swiftly and with sensitivity.
- It may be useful for the trans member of staff to have a single point of contact who can support them with any issues they may have, this could be their line manager, or a member of HR. Some trans and non-binary staff may need significant support, whereas others may not.
- You should discuss with your trans member of staff if they wish to update their staff records and if so, how they can do this (further guidance later in document).
- Your member of staff may approach you for additional time off work for medical appointments, treatments, and surgical procedures. These should be treated the same as managing any other health related absence. You should be careful that any health absences of this kind are treated with confidentiality unless you have the express consent of the individual. Not all trans and non-binary people undergo such medical interventions, so you should not expect this. The [Managing Health and Absence - Policy and Guidance for Staff and Managers](#) document should be adhered to.
- You should discuss with your trans member of staff whether and how they wish to inform others in the organisation about their identity. The approach taken will depend on how the individual wants to progress and their decision on this will be final. An individual could want information such as new pronouns or a new name to be

communicated to extended parties, and express consent should be gained for this. Consent from the individual must be gained before communicating anything about their trans identity to other colleagues or students.

- Some trans people may wish to keep their identity as private as possible, whereas others are willing to discuss it either confidentially or openly. It is important that neither management nor colleagues breach the personal privacy of employees, recognising that the right to disclose or discuss their identity is the prerogative of the individual. Disclosure without consent may constitute an offence under the Gender Recognition Act 2004.
- It is inappropriate to discuss a person's appearance and it is never appropriate to judge someone by how they look. Trans and non-binary individuals are free to dress however they are most comfortable at work, just like anybody else, provided their attire is suitable for their role. It is important not to make a trans individual 'stand out' by commenting on their clothing or appearance and complimentary remarks should be kept professional when talking to any individual, whether trans or not.
- Trans staff have access to 'men-only' and 'women-only' areas – such as changing rooms and toilets according to whichever they feel most comfortable with. This may mean that a person changes the facilities they use at some point. It is not acceptable to restrict a trans person to using disabled toilets or other gender-neutral facilities as they have every right to use whichever facilities they are most comfortable with.

Titles, Pronouns, and Addressing Trans People

Trans people may change their name and title to something they are more comfortable with or one that identifies them correctly. You may come across the title 'Mx' (pronounced mix or mux) on some databases or documents where a title is required. 'Mx' is a gender-neutral title that some people use, including trans people who identify outside of the gender binary. Using this title however does not automatically indicate that the person is trans.

It is appropriate to ask an individual how they would like to be addressed, and what their pronouns are. It is impossible to identify a trans individual from how they dress, look, or sound. Extending this practice to all staff and students is beneficial to trans individuals who do not want to be singled out in having to declare their pronouns or title.

Pronouns such as 'He/Him', 'She/Her', or 'They/Them' (as examples) should be respected and used. If you make a mistake, a simple and quick apology to the individual is often greatly appreciated.

It is never appropriate to ask for a trans staff member's former name unless done so

confidentially and sensitively for record change purposes only.

Individuals wishing to update their University records should be referred to the Guidance for Trans and Non-Binary document that can be found on the [Trans and Non-Binary Inclusion](#) webpage.

Contacts and Further Guidance

Below is a list of websites that provide guidance for universities and related institutions on supporting trans individuals:

- [GIREs](#) – Gender Identity Research and Education Society, who produce guidance on the correct use of names and pronouns, how to react positively to the disclosure of a trans individual to you, confidentiality & informing others and how to support trans individuals
- [Government Equalities Office](#) provide legal advice and guidance on current legislation surrounding transgender people and equality in employment including the [Equality Act 2010](#)
- [Stonewall](#), a charity who campaign for many LGBTQ+ causes including the rights and freedoms of trans people provide a quick guide to starting out on trans inclusion in the workplace
- [Advance HE](#) provide guidance, case studies, and statistics around trans inclusion in Higher Education
- [Gendered Intelligence](#) is a trans-led charity which aims to increase understandings of gender diversity

For quick reference help you can contact any of the following people at the University for support:

- [The Central Staff Equity, Diversity and Inclusion Team](#) can provide support and advice to managers
- Staff should speak to their [Human Resources Business Partner](#)
- Staff can contact the [LGBTQ+ Staff Network](#) for peer support

Glossary

The trans community has many terms that relate to the people within it. Below is a list of a few common terms, a more comprehensive list can be found via [Stonewall](#).

Gender identity – a person's internal sense of their own gender.

Intersex – a term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people can identify as male, female, or non-binary.

Non-binary – an umbrella term for a person who does not identify as male or female. Non-binary people may or may not identify as trans.

Queer - is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. Whilst it has been used as a slur by heterosexual/cisgender people, the term was reclaimed by the queer community in the late 1980s and is broadly used within the community.

Sex – assigned to a person based on primary sex characteristics and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'. Sex and gender are not the same thing.

Trans – an umbrella term to describe people whose gender is not the same as or does not sit comfortably with the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, non-binary, genderqueer, or agender.

Transitioning – the steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family or changing official documents.

This document is correct as of December 2023 and next due for review in December 2026.