

Supporting Transgender Staff Policy

Policy information

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Summary of Document:

This policy outlines workplace support guidelines for when a trans or non-binary employee is recruited or transitions during their term of employment. It also aims to ensure that staff who are considering, are transitioning or who have transitioned are fully supported at all stages.

Scope

This policy applies on an organisation-wide basis to all staff, at all levels, in all departments.

To be read in conjunction with:

153 - [Equality and Diversity Policy](#) (opens in a new tab)

995 - [Respect and Resolution All Wales Policy](#) (opens in new tab)

201 - [Disciplinary Policy and Procedure](#) (opens in new tab)

139 - [Uniform and Dress Code Policy for All Health Board Staff](#) (opens in new tab)

129 - [Time off for Medical and Dental Appointments During Working Hours](#) (opens in new tab)

768 - [Managing Attendance at Work All Wales Policy](#) (opens in new tab)

HYWEL DDA UNIVERSITY HEALTH BOARD

340 - [Staff Psychological Wellbeing Policy](#) (opens in new tab)

131 - [Flexi Working Policy](#) (opens in new tab)

Owning group:

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Executive Director job title:

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Transgender/Trans

Glossary of terms

Provide a link to the Stonewall List of LGBTQ+ Terms

[List of LGBTQ+ terms \(stonewall.org.uk\)](https://www.stonewall.org.uk) (opens in new tab)

HYWEL DDA UNIVERSITY HEALTH BOARD

CONTENTS

INTRODUCTION	4
POLICY STATEMENT	4
SCOPE	4
AIM.....	4
PROCEDURE	4
ACTION PLAN	5
INFORMING COLLEAGUES.....	5
UNIFORM AND DRESS CODE.....	6
PUBLIC FACING ROLES.....	6
TIME OFF WORK.....	7
RESPONSIBILITIES	10
OCCUPATIONAL HEALTH DEPARTMENT	10
TRADE UNIONS	10
SUPPORTING TRANSGENDER STAFF POLICY	11
APPENDIX 1: ACTION PLAN	11

HYWEL DDA UNIVERSITY HEALTH BOARD

INTRODUCTION

We want all our staff at Hywel Dda University Health Board (the Health Board) to feel included, so that everyone can be themselves, add value and fulfil their potential without fear of discrimination. This includes colleagues whose gender identity does not match the gender they were assigned at birth and who may identify themselves as transgender, and also those whose gender identity cannot be defined within the margins of the gender binary: man or woman (also known as “non-binary”).

The use of language and terminology frequently changes. In drafting this policy, the Health Board) has actively engaged with Stonewall Cymru to ensure inclusive language. For the purpose of this document, the term “trans” will be used throughout. Stonewall’s List of LGBTQ+ Terms can be found here: [List of LGBTQ+ terms \(stonewall.org.uk\)](https://www.stonewall.org.uk) (opens in a new tab).

The Health Board’s Enfys LGBTQ+ Staff Network offers peer support to staff and can be contacted by email on LGBT.hdd@wales.nhs.uk (opens in new tab).

For union members, some unions have dedicated LGBTQ+/Equalities Officers who can provide advice and support.

The Health Board’s Staff Psychological Wellbeing Service provides a confidential support service to all staff on a self-referral basis, and is available as a first point of contact or for additional support.

POLICY STATEMENT

The Health Board aims to protect the right of all staff, volunteers, applicants and members of the public to be treated with fairness, dignity, respect and professionalism. For those who undergo gender affirmation, this may involve social transition (telling friends and family, dressing differently and changing official documents), medical transition (hormones and/or surgery), or both.

The Equality Act 2010 provides protection from discrimination for trans people who have undergone, are undergoing, or intend to undergo gender affirmation (described legally as ‘gender reassignment’ rather than ‘transitioning’). The Health Board will not tolerate discrimination, victimisation, harassment or bullying on the basis of a person’s sexual orientation, gender identity and/or gender expression. All reasonable steps will be taken at all times to provide a supportive and safe environment for trans staff, and appropriate and timely action will be taken against those who act outside this zero-tolerance approach.

SCOPE

This policy applies to all staff, including those currently employed, potential employees, locums, staff on honorary contracts and volunteers.

AIM

This policy aims to provide guidance on how trans, including non-binary, employees should be supported and treated in a dignified, non-discriminatory way.

PROCEDURE

Supporting Transition at Work

HYWEL DDA UNIVERSITY HEALTH BOARD

One of the most important factors in successfully supporting an employee's transition is planning and agreeing with them how best to proceed. When an employee considers transitioning, or are in the process of transitioning, it may be difficult to discuss with others, therefore what they share, when and with whom is entirely their decision. However, staff are encouraged to talk to their line manager openly as early as possible so they can listen to any concerns and discuss how best to provide support sensitively.

If an employee feels they cannot talk to their line manager or that they need additional support, they can contact any of the following for help and guidance:

- Equality, Diversity and Inclusion team
- Workforce and OD team
- Trade Union Representative

Any Health Board contacts will maintain confidentiality about an employees' trans or non-binary status, except as agreed otherwise by the individual.

Action Plan

The line manager (or nominated contact) and trans employee should agree an action plan together, detailing all the steps that need to be taken before, during and after transition. Trans employees are also encouraged to meet regularly with their manager to discuss how their action plan is progressing and agree any additions or changes needed.

The timescales, activity and communication will be driven and led by the trans employee. If at any point during the discussions they decide to delay their action plan, any information they have already shared will be kept confidential, in line with their wishes.

See [Appendix 1](#) for further information regarding the action plan.

Informing Colleagues

It would only be appropriate to inform others, including colleagues, service users and other relevant contacts about an employees' trans status or history where they have explicitly agreed. If agreed, the trans employee should decide who is responsible; whether they would prefer to do this, or the manager or a colleague, or a mixture of these options. The employee should also decide when and how this will happen, including the details of the message and who it will be shared with. Levels of disclosure may vary in detail for different types of contacts and should be agreed in advance.

Trans employees are not obliged to inform their employer about their trans history as a condition of employment or promotion. If they transitioned before joining the Health Board, no information about this should be shared with others unless absolutely necessary, and then only with the permission of the individual.

Where an employee is planning to change their gender expression in the workplace, careful consideration should be made on a case by case basis in relation to the extent of the formal disclosure of this information and should be agreed with the individual.

Use of Facilities

The use of changing, showering, toilet and any relevant facilities will be part of the discussion process with the trans employee, with a view to agreeing when the individual would like to begin using the facilities they are most comfortable with.

HYWEL DDA UNIVERSITY HEALTH BOARD

Trans employees are entitled to use single sex facilities in accordance with their gender. Non-binary staff may wish to use either gendered, or gender-neutral facilities, or both. Under no circumstances should a trans employee be expected or asked to use disabled toilets, unless they wish to do so.

Should a situation arise where a member of staff has concerns in relation to sharing facilities with a trans employee, the relevant manager will sensitively discuss their reasons with them, carefully balancing the issues to make a reasoned decision.

Where changing or shower facilities are open plan, it is good practice to review and make some provision (e.g. curtained spaces) where staff need not be in a state of undress in the presence of others. If it is genuinely impossible to adapt facilities to accommodate a trans employees' needs, there is one very limited example of an instance where the law permits an employer to make separate time bound arrangements.

Uniform and Dress Code

If a uniform and/or dress code is in place for the role, managers will ensure that the trans employee has access to the uniform and/or dresses in a way that best fits with their gender identity and gender expression.

The Health Board adheres to the [All Wales Uniform and Dress Code Policy](#) (opens in new tab). Wherever possible, flexibility will be provided to support the preference of the trans employee, however they are otherwise required to adhere to the [All Wales Uniform and Dress Code Policy](#) (opens in new tab), dressing appropriately for the new gender from the date of transition (i.e. prior to and up to the point when they start to live fully in their affirmed gender). This is necessary for compliance with health and safety and security legislation and to ensure correct identity of roles across the Health Board.

Where clothing or uniform is provided by the Health Board, new clothing will be provided consistent with the change in gender on the same basis as replacement clothing/uniform is provided to accommodate a change in size.

Public Facing Roles

An employee's transition may be unavoidably visible to the public. Some staff may wish to move to another role during transition, however they will not be required to do so. Managers will support the individual in a positive manner and listen to how they feel and are finding their experience, with the aim of exploring suitable solutions.

Confidentiality

The trans employees' explicit permission should always be sought to disclose any information to others. This must be on a confidential, strictly 'need to know' basis.

Employees who have undergone gender affirmation may be eager to protect their privacy surrounding their trans history. Anyone with access to relevant information must maintain the trans employees' right to confidentiality.

Should an employee apply for their gender to be legally recognised under the Gender Recognition Act, they have additional legal protection where it is a criminal offence to reveal a individual's trans history or identity without their express permission.

Updating Records

HYWEL DDA UNIVERSITY HEALTH BOARD

Electronic records will be updated at a mutually agreed time to reflect the employee's gender identity and name. Where appropriate, this should include modifying records containing a binary title (e.g. Mr, Mrs, Miss, Ms) or a non-binary title (e.g. Mx, Ind, M, Misc).

Care will be taken to ensure that records do not link back to the former name or title, e.g. this may entail creating a whole new email address rather than simply changing the name on the existing one. The manager and employee should work together to ensure nothing is missed.

Name changes can occur informally without any legal process upon request by the trans employee. An individual does not need to hold a Gender Recognition Certificate in order to have their name details changed in any Health Board systems.

New name badges and security passes with the correct name and a new photograph will be issued, without any replacement cost to the employee.

Where possible, paper records will be updated. Those which cannot be updated, e.g. paper copies of references relating to the employee's recruitment or documents referencing the trans employees' previous details, will be stored in a separate secure place and marked clearly for access by specifically named persons, as agreed by the employee.

Use of Pronouns

The manager will take lead from the trans employee to use the pronouns they prefer. Those identifying as non-binary may not wish to use male or female pronouns and would prefer to use 'they' rather than 'he' or 'she' or other pronouns entirely, e.g. 'ze' or 'zir'. It may not be obvious which pronouns someone uses based on their outward expression, therefore it is important to ask politely.

Professional Registration

If the employee's role involves professional registration, the individual is responsible for checking whether the registration body has a specific, confidential process for gender transition.

Time Off Work

The employee may wish to take a period of leave at the time of the transition and return to work in their affirmed gender.

Trans employees may undergo treatment, which can include hormone therapy and surgery. This may necessitate taking time off work, which may have an impact on workload and colleagues. Managers will be accommodating during this time and may need to consider making temporary adjustments to role requirements.

Time off for transition-related treatment is essential. The length and amount of time off will vary according to individual need, therefore trans employees will be given reasonable time off to attend appointments where possible. The individual transitioning will have the right to privacy of appointments.

Time off to attend appointments which last for part of a working day should not count as sick leave. Time taken during working hours for the appointments will be paid and the dates and times recorded, however not classified as sick leave. Time away from work for surgery and to recover from surgery will be recorded as sickness absence, however should not trigger the

HYWEL DDA UNIVERSITY HEALTH BOARD

formal Sickness Absence Procedure. Trans employees are entitled to the same sickness absence and pay as other staff in accordance with the [All Wales Managing Attendance at Work Policy](#) (opens in new tab).

Managers will endeavour to be flexible and supportive to employees. This should include discussing workload allocation with employees before the absence from work and on return, and any adjustments that could be made to facilitate the return to work. Managers should not seek to impose a change of duties on the individual, however, where appropriate, should seek assistance, including advice from Occupational Health, before decisions are made.

Recruitment

Applicants

The Health Board welcomes applications for employment from trans people, and all applicants can be assured of equal and fair treatment. It should not be expected that applicants for employment would wish to disclose their gender identity. It is neither a relevant criterion for selection for a post, nor a question that should be asked at interview or alluded to in the recruitment and interview process.

However, if one of the limited exceptions applies, then an individual would be expected to disclose their gender identity and an interviewer would be able to ask an appropriate question. Appointing managers should seek advice from Workforce and OD team if considering claiming exemption as very specific criteria apply.

Any statement regarding the need for disclosure must be accompanied by the explicit reassurance that such information will be treated in absolute confidence and that disclosure will not preclude eligibility for the post.

There is no obligation for a trans person to disclose their status as a condition of employment. All decisions must be based around the qualifications and skills offered by individuals.

Individuals involved in the recruitment and selection process who become aware of an applicant's trans status must maintain full confidentiality in relation to this as indicated in the relevant legislation.

Disclosure and Barring Services (DBS)

For those staff requiring a Criminal Records Bureau disclosure for their role, part of the process involves a strict requirement for applicants to state all previous names and aliases. The last page of the form then has to be completed by the "Registered Person" who checks and verifies the contents and the evidence supplied. As a result, there can be some anxiety regarding the implications for trans applicants and existing trans employees who have legally changed their name.

The DBS has a confidential checking process for trans applicants who do not want to reveal details of their previous identify to a potential or existing employer. Further guidance and information regarding the sensitive DBS applications route for transgender applicants can be found here: [Transgender applications - GOV.UK \(www.gov.uk\)](#) (opens in new tab).

References

HYWEL DDA UNIVERSITY HEALTH BOARD

Where a reference request is received for an existing employee who has transitioned, the Health Board will respect the employee's privacy and only respond using the employee's affirmed name and gender in the reference.

Disclosure on sickness absence will not include time taken off for transition-related medical appointments. This information is strictly confidential, and managers must be very careful of any record keeping in this.

When the Health Board requests a reference, it will be made using the prospective employee's affirmed name and gender since transitioning. No reference will be made to previous names or gender identity, unless specifically asked to do so (in writing) by the trans individual.

It may sometimes be necessary for a trans person to disclose a previous identity in order for a reference from a past employer to be obtained. In these cases, strict confidentiality and respect for dignity must be applied and protected information kept secure.

Birth Certificates

An individual who has changed gender is able to obtain a new birth certificate which will not disclose the fact that they have changed gender.

Work Permits

Staff who are working in the Health Board on a work permit or student visa are responsible for complying with any work permit/visa regulations which may relate specifically to name change or gender identity in order that the work permit/visa continues to be valid.

National Insurance

Trans employees who change their name are responsible for informing the local Department of Work and Pensions, however are under no obligation to provide a Gender Recognition Certificate (GRC) or disclose their trans status.

For those who wish provide a full GRC, National Insurance (NI) contributions will be paid on the basis of their affirmed gender.

Pension

Currently the State Pension age is 66 for men and women. From 6 May 2026, State Pension age will increase for both men and women to reach 67 by 6 March 2028. The State Pension age is continuously under review, which means that it could change again in the future, depending on different factors, such as changes in life expectancy.

Pension entitlements relate to an individual's legal gender and these change only when a full GRC is obtained, which also allows them to obtain a new birth certificate in their affirmed gender. A trans employee who receives a GRC and thereby a new birth certificate will be treated according to their affirmed gender for pension purposes.

Trans employees who do not obtain a full GRC retain their full pension rights in accordance with the sex that is recorded on their original birth certificate.

In terms of pension provision, it is good practice for employees to be treated as having their birth gender up to the point of transition (i.e. prior to and up to the point when they start to live fully in their affirmed gender). Employees must be treated as having their affirmed gender from the point of transition (i.e. when they start to live fully in their affirmed gender). This would apply, for example, in calculating funds transfers between pension plans.

HYWEL DDA UNIVERSITY HEALTH BOARD

If an individual retires earlier than others of their gender because of their legal gender, employers must keep this confidential, for example a trans man who does not have a GRC and retires at the age for his birth gender.

RESPONSIBILITIES

Chief Executive

The Chief Executive holds overall responsibility for the effective management of organisational policies.

Director of Workforce and OD

- Ensure all employment policies are developed in line with employment legislation and practice.
- Ensure all employment policies are monitored and reviewed on a 3 yearly basis.

Workforce and OD

- Co-ordinate the monitoring of the effectiveness of this policy.
- Provide guidance, advice and support when required.
- Ensure fairness and consistency in the treatment of all employees.
- Refer employees to external bodies where appropriate.

Managers

- Support employees at work and encourage them to proactively discuss their individual needs.
- Maintain confidentiality at all times, including securing paper documents and files
- Appropriately investigate instances of discrimination, victimisation, harassment and/or bullying.

Employees

- Notify the employer that they wish to transition and engage in discussions under the terms of this policy.
- Adhere to the requirements of this policy and treat trans people, including non-binary, with dignity and respect, which requires an acceptance of the needs and differences of others.
- Report any instances of discrimination, victimisation, harassment and/or bullying.

Occupational Health Department

- Provide support, guidance and advice to managers and staff.
- Respond to referrals from managers.

Trade Unions

- Encourage their members to seek help where appropriate.
- Inform members of their rights and responsibilities under this policy.

HYWEL DDA UNIVERSITY HEALTH BOARD
Supporting Transgender Staff Policy
Appendix 1: Action Plan
DRAFT FOR CONSULTATION

It may be helpful for the trans employee and their manager to put an action plan in place to support their transitioning at work.

The table below is an example of how the journey could be supported. It does not represent binding and unchangeable arrangements, but rather is a commitment to ensure engagement and provide support in-line with the individual's needs.

Consideration	Action	Who	When
Agree the date you wish to start presenting in affirmed gender, which could be a transition over days or weeks			
<p>Discuss acceptable levels of confidentiality with your line manager. Your explicit consent should be given before any information is shared.</p> <p>Is there anyone who needs to be informed, such as colleagues, who will work alongside you prior to and after transition?</p> <p>Consider how you want this communication to take place, e.g. an email or face to face communication with the team. Do you want your manager to handle this, or would you like to do it yourself?</p> <p>Agree what will be included in this communication, e.g. informing colleagues of preferred pronouns and name or title; consider also sharing the Supporting Transgender Staff Policy for basic guidance.</p>			
Are there any temporary or permanent changes / reasonable adjustments to your role which should be			

HYWEL DDA UNIVERSITY HEALTH BOARD

<p>considered? Discuss if there are any duties that should be avoided temporarily, such as lifting heavy items, strenuous physical work etc.</p> <p>Consideration should include security and/or health and safety aspects, such as lone working, night working.</p>			
<p>Is any time off required? If so, discuss the expected timescale and how will this be managed and recorded?</p> <p>If appropriate, consider flexible working methods</p>			
<p>Discuss any dress codes/uniform to be considered and flexibility required. Are new uniforms needed?</p>			
<p>Discuss amendments needed to records and/or systems. Agree how confidentiality and record keeping of sensitive information will be ensured.</p>			
<p>Discuss access to facilities (changing, showering, toilet and any other relevant) and how will this be managed.</p>			
<p>Is there any guidance material which you wish to share with managers and colleagues?</p> <p>Consider trans awareness training for the team, unless you do not wish this.</p>			
<p>Confirm key points of contact for additional support, e.g. Workforce and OD team, Trade Unions, Equality, Diversity and Inclusion team, Enfys LGBTQ+ Staff Network, Staff Psychological Wellbeing Service</p>			
<p>Discuss any implications for pensions and insurances.</p>			
<p>Date of next meeting?</p>			

HYWEL DDA UNIVERSITY HEALTH BOARD