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**Transgender People in Employment  
(Police Officers and Authority/Police Staff)**

**Standard Operating Procedure**

**Notice:**

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1.00	Initial Approved Version	21/02/2014
2.00	Minor changes to nomenclature contained within the document such as PSoS to Police Scotland and Human Resources to People and Development. SOP has been formatted onto new corporate template	10/10/2016
3.00	Updated to reflect changes in data protection legislation	24/05/2018

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### 1. Purpose

- (a) This Standard Operating Procedure (SOP) supports the Scottish Police Authority (SPA)/Police Service of Scotland (Police Scotland) Equality, Diversity and Dignity Policy.
- (b) The SPA/ Police Scotland is committed to delivering a fair and professional service, promoting equality for all. The purpose of this SOP is to provide guidance and procedures to support individuals who intend to undergo, are undergoing or have undergone gender reassignment processes in relation to employment.
- (c) This SOP provides general background and information for individuals and managers, however, People and Development will provide specific support and guidance on a case by case basis.
- (d) This SOP should be read in conjunction with the Equality, Diversity and Dignity SOP.

### 2. Application

- (a) This Standard Operating Procedure (SOP) applies to all police officers, authority/police staff (including temporary staff), special constables, cadets and applicants to the SPA/ Police Scotland.
- (b) The term individual will be used as the collective term when aspects of the SOP apply to all those outlined above.

### 3. Definitions

- (a) **Gender Identity** is a person's internal sense of where they exist in relation to being a woman or a man and **Gender Expression** is a person's external gender-related clothing and behaviour (including their interests and mannerisms).
- (b) **Transgender people** is an inclusive umbrella term used to describe a diverse range of people whose gender identity or gender expression differ in some way from the gender assumptions made about them when they were born. These terms can include transsexual women and men, cross-dressing people, Androgyne people, Intersex people and others.
- (c) **Gender Dysphoria** is distress, unhappiness and discomfort experienced by someone about their physical body not fully matching their gender identity (that is, their internal sense of where they exist in relation to being a woman or a man). It is recognised that Gender Dysphoria is a genuine medical condition for which NHS gender reassignment treatment is available.

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- (d) **Gender Reassignment** (also known as **Transitioning**) is the process that a transsexual person goes through in order to live fully in the gender that they self-identify as. Gender reassignment is a protected characteristic under the Equality Act 2010 and includes those who are proposing to undergo, is undergoing or has undergone a process (or part of a process) in relation to gender reassignment.
- (e) Gender reassignment does not need to involve any medical supervision or surgical procedures; it could simply involve a permanent change of the social gender role in which the person lives their life.
- (f) Further definitions and more detailed explanations of definitions above can be found in the Glossary of Terms contained in Appendix 'C'.

## 4. Principles

- (a) The SPA/ Police Scotland recognises that there is extensive gender diversity within society and that traditional gender stereotypes are inadequate in reflecting the varied lives of all our officers and staff. It is recognised that the promotion of equality and the prevention of discrimination, victimisation and harassment must fully incorporate the promotion of gender identity and gender reassignment equality and the prevention of transphobic discrimination and harassment.
- (b) It is also recognised that for some people their Gender Dysphoria may meet the definition of a disability under the Equality Act 2010. Individuals with this condition will therefore be afforded assistance, reasonable adjustments and support in line with the Disability in Employment SOP.
- (c) SPA/ Police Scotland recognises the right of any individual beginning gender reassignment to report to work as the gender they identify as from the time that **they** wish to do so.
- (d) Once the individual presents in their new gender role, all officers and staff are required to treat them in a manner appropriate to their gender identity, including using appropriate forms of address and pronouns, and their chosen name.

## 5. Process

- (a) The process to be followed and considerations required vary on a case by case basis and must be considered taking account of the circumstances, individual's wishes and role of the individual.
- (b) This SOP outlines the key information in relation to disclosure and confidentiality; however, individuals and managers should seek advice from People and Development on a case by case basis.

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- (c) Additional considerations will also be required such as amendments required to records and systems (SCOPE, IT, Pensions etc) and agreement concerning the management of the change process (time-off for appointments, temporary amendments to duties, use of facilities). People and Development will provide advice and support on a case by case basis.

### **5.1 Disclosure**

- (a) Where a person is recruited following transition, there will not normally be any need to inform anyone of their gender reassignment history.
- (b) In addition, there is no general need or obligation to inform colleagues, clients and the public that a person is undergoing gender reassignment. Such information is only necessary where the relationship with that individual prior to their change of gender is to continue. No one should be informed without the knowledge or consent of the individual.
- (c) In certain cases an explanation is clearly necessary, although a transgender person should be consulted on how the information should be given.
- (d) Management should confirm with the individual whether they wish to disclose the information themselves to those who need to know. In such cases individuals are required to inform People and Development and the relevant Manager (if they are already aware of the situation), when the disclosure is to take place and the depth of the disclosure, so they can provide the appropriate support.
- (e) Where an individual wishes for this information to be disclosed on their behalf by People and Development or management, there is a requirement to seek agreement from the individual to determine how this should be communicated.
- (f) To support this process People and Development will organise for those informed of this to receive suitable supporting information in relation to the following:
- general information about gender reassignment and equality rights; and
  - a specific briefing to explain the situation (in terms of workplace transition plans) of the particular person involved.
- (g) Both the individual and their managers should be provided with information about the procedure to ensure there is mutual understanding in relation to what needs to be done.
- (h) Advice should be sought from People and Development in all cases.

### **5.2 Confidentiality**

- (a) Managers and colleagues who are informed of an individual's transgender status must ensure that they maintain this information in the strictest of confidence.

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This information must only be provided to others on a 'need to know basis' and with the knowledge and consent of the individual.

- (b) "Need to know" refers to those directly involved in the administration of a process, for example the Occupational Health, People and Development and Pension administrators. There may also be a need for other senior divisional or departmental managers to be aware of the individual's transgender status. This, however, would only be done after full discussion with the individual.
- (c) Any deliberate or inappropriate release of confidential information leading to a transgender applicant or transgender police officer/staff member being 'outed' against their stated wish, whether internally or externally, may be treated as gross misconduct and subject to appropriate disciplinary action. Any deliberate or inappropriate release of confidential information may also be a criminal offence under the Data Protection Act 2018 and Gender Recognition Act 2004.
- (d) Individuals and managers should seek advice from People and Development prior to disclosing information to any other parties.

### **5.3 Advice and Support**

- (a) It is recognised that individuals and their line managers may require additional advice and support.
- (b) The following sources of assistance are available:
  - The individual's line manager;
  - People and Development;
  - Occupational Health;
  - Health and Safety;
  - Employee Wellbeing/Assistance Programme;
  - Trade Union or Federation/Association of Scottish Police Superintendents (ASPS) representative; and
  - Diversity staff groups
- (c) Additional useful contacts are available in Appendix 'D'.

## **6. Roles and Responsibilities**

### **6.1 Individuals**

- (a) All individuals are responsible for:
  - promoting a culture of equality and treating everyone with dignity and respect on a day to day basis in line with the Equality, Diversity and Dignity SOP;

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- (b) Individuals who intend to undergo, are undergoing or have undergone gender reassignment are responsible for:
- informing the SPA/ Police Scotland if they require support/adjustments in the workplace or recruitment process;
  - engaging with line managers or other members of SPA/ Police Scotland in relation to identifying and implementing support and agreeing transition arrangements where required.

### **6.2 Line Managers and Supervisors**

- (a) Line managers and supervisors are responsible for:
- offering relevant support to individuals affected by this process;
  - maintaining confidentiality in line with this SOP;
  - seeking advice from People and Development on all cases; and
  - maintaining a standard of behaviour from all members of the SPA/ Police Scotland under their direction and taking action to prevent and to stop any form of discrimination, victimisation, bullying or harassment which they may become aware of in line with the Equality, Diversity and Dignity SOP.

### **6.3 People and Development**

- (a) People and Development are responsible for:
- providing advice and guidance in relation to transgender people in employment and related employment legislation; and
  - undertaking SPA/ Police Scotland level E&D employment monitoring.

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## **List of Associated Legislation and Guidance**

All relevant legislation relating to this policy may be found at [www.legislation.gov.uk](http://www.legislation.gov.uk) including but not limited to:

- Equality Act 2010
- Data Protection Act 2018
- The Offences (Aggravation by Prejudice) (Scotland) Act 2009
- The European Convention of Human Rights and Gender Reassignment
- The European Convention of Human Rights could also be invoked, e.g. Article 8, right to respect for private and family life, Article 10, freedom of expression, and Article 14, prohibition of discrimination.
- Gender Recognition Act 2004
- The Gender Recognition (Disclosure of Information) (Scotland) Order 2005

## **List of Associated Reference Documents**

Relevant SPA/ Police Scotland policies are available on the intranet including:

- Equality, Diversity and Dignity Policy

Relevant SPA/ Police Scotland SOPs are available on the intranet including:

- Attendance Management SOP
- Disability in Employment SOP
- Disciplinary SOP
- Equality, Diversity and Dignity SOP
- Health and Safety SOP
- Misconduct SOP
- Occupational Health and Wellbeing SOP
- Recruitment and Selection (Police Officers and Special Constables) SOP
- Recruitment and Selection (Authority and Police Staff) SOP

## **Glossary of Terms**

**Transgender People or Trans People** - These are inclusive umbrella terms used to describe a diverse range of people whose gender identity or gender expression differ in some way from the gender assumptions made about them when they were born. These terms can include transsexual women and men, cross-dressing people, androgynous people, intersex people and others.

It can be useful to think of the terms 'transgender' and 'trans' as being similar to the umbrella term 'ethnic minority' – within any umbrella term there will be significant diversity of identity, experiences and needs. For example, a Polish person who has recently moved to Scotland and a second-generation Asian-Scot may both come under the umbrella term of ethnic minority but their identities, experiences and needs may differ substantially. Similarly, a transsexual person and a cross-dressing person may both consider themselves to be transgender people but have very different identities, experiences and needs.

**Gender Identity** - This is a person's internal sense of where they exist in relation to being a woman or a man.

**Gender Expression** - This is a person's external gender-related clothing and behaviour (including their interests and mannerisms).

**Transsexual People** - This term refers specifically to people who share the protected characteristic of gender reassignment. Transsexual people consistently self-identify as the opposite gender from the gender they were assigned at birth based on their physical body. Transsexual people often seek to undergo gender reassignment in order to live fully in the gender that they identify as.

When considering employment issues relating to transsexual people, it is important to remember that people may undergo gender reassignment from:

- female to male (FTM) and therefore seek to be treated as men by employers and colleagues.
- male to female (MTF) and therefore seek to be treated as women by employers and colleagues.

**Gender Dysphoria (also known as Transsexualism)** - This is a recognised medical condition for which gender reassignment treatment is available on the National Health Service in Scotland. Gender Dysphoria is distress, unhappiness and discomfort experienced by someone about their physical body not fully matching their gender identity (that is, their internal sense of where they exist in relation to being a woman or a man). Transsexual people usually experience intense gender dysphoria which is significantly reduced by transitioning to live as the gender they identify as which may include taking hormones and perhaps getting surgery to make their physical bodies match their gender identity and gender expression better. Other types of transgender

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people may also experience various degrees of gender dysphoria, especially when unable to fully express their gender identity.

**Gender Reassignment (also known as Transitioning)** - These terms refer to the process that a transsexual person goes through in order to live fully in the gender that they self-identify as. Gender reassignment is a protected characteristic under the Equality Act 2010.

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Gender reassignment does not need to involve any medical supervision or surgical procedures; it could simply involve a permanent change of the social gender role in which the person lives their life.

**Cross-dressing People (also referred to as Transvestite People)** - This term refers to people who dress, either occasionally or more regularly, in clothes associated with the opposite gender, as defined by socially accepted norms. Cross-dressing people are generally happy with their birth gender and do not want to permanently alter the physical characteristics of their bodies or change their legal gender. They may dress as the opposite gender for emotional satisfaction, or just because they feel more comfortable doing so.

**Androgyne People (also sometimes called Third-gender People, Bi-gender People and Polygender People)** - This term refers to people who find they do not feel comfortable thinking of themselves as simply either men or women. Instead they feel that their gender identity is more complicated to describe. Some may identify their gender as being some form of combination between a man and a woman, or as being neither. Like transsexual people, they can experience gender dysphoria (sometimes as intensely as transsexual people do) and may sometimes at least partially transition socially and may take hormones or occasionally undergo some surgery.

**Intersex People** - Intersex people or people with intersex conditions/variations: This term describes people who are born with external genitals, internal reproductive systems or chromosomes that are in between what is considered clearly male or female. There are many different intersex conditions. Many intersex people will identify as clearly male or female but some may go through a similar process to transsexual people to bring their physical appearance more closely into alignment with their gender identity.

**Acquired Gender** - This is the term used in the Gender Recognition Act 2004 to mean the gender role that a person has transitioned to live their life in and which matches their self-perceived gender identity. Therefore, the acquired gender of a Male-to-Female Trans Woman is Female. The acquired gender of a Female-to-Male Trans Man is Male.

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## **Useful Contacts**

### **National Trans Police Association**

[www.ntpa.co.uk](http://www.ntpa.co.uk)

The NTPA is a UK-wide non-statutory staff association offering support to all Police Officers and Staff in matters relating to transgender people issues, be they professional or private.

### **Scottish Transgender Alliance**

Equality Network  
30 Bernard Street  
Edinburgh  
EH6 6PR

[www.scottishtrans.org](http://www.scottishtrans.org)

The Scottish Transgender Alliance provides public services and employers in Scotland with training and good practice guidance on transgender equality issues and works to build the capacity of transgender support groups in Scotland. (Funded by the Scottish Government Equality Unit.)

### **The Gender Trust**

PO Box 3192  
Brighton  
BN1 3WR

[www.gendertrust.org.uk](http://www.gendertrust.org.uk)

The Trust is recognised as an authoritative centre for professional people who encounter gender identity related issues in the course of their work. In particular this group includes employers, HR Advisers/Personnel Officers, health workers and information services.

### **Press for Change**

BM Network  
London  
WC1N 3XX

[www.pfc.org.uk](http://www.pfc.org.uk)

Press for Change is a political lobbying and educational organisation, which campaigns to achieve equal civil rights and liberties for all transgender people in the United Kingdom through legislation and social change.

### **The Gender Identity and Research and Education Society**

Melverly  
The Warren  
Ashstead  
Surrey  
KT21 2SP  
[www.gires.org.uk](http://www.gires.org.uk)

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GIRES initiates, promotes and supports research particularly to address the needs of those in whom there is a strong and ongoing desire to live and be accepted in the gender in which they identify, although different from that assigned at birth.  
Gender Reassignment Issues:

### **World Professional Association for Transgender Health**

(Formerly the Harry Benjamin International Gender Dysphoria Association)  
[www.wpath.org](http://www.wpath.org)

### **Sandyford NHS Gender Identity Clinic**

Sandyford Initiative  
6 Sandyford Place  
Sauchiehall Street  
Glasgow  
G3 7NB  
[www.sandyford.org](http://www.sandyford.org)

### **Gender Recognition Panel**

PO Box 6987  
Leicester  
LE1 6ZX  
[www.grp.gov.uk](http://www.grp.gov.uk)

### **A:Gender**

[www.agender.org.uk](http://www.agender.org.uk)

A:Gender is the employee support network for transsexual, transgender and intersex staff in all parts of the civil service and associated government agencies across the UK.

### **UNISON National Trans Caucus**

[www.unison.org.uk/out](http://www.unison.org.uk/out)

In addition to branch and regional LGBT groups, the trade union UNISON has a confidential national transgender caucus. Unison also provides a variety of trans equality guidance resources for trans employees and trade union representatives.

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