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Transitioning at Work

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Policy:	Equality, Diversity and Dignity
Owning Department:	People and Development
Version Number:	4.00
Published Date:	06/09/2019
Theme(s):	Your work and life Our standards and expectations

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Compliance Record

Equality Impact Assessment: Date Completed/Reviewed:	05/06/2019
Information Management Compliant:	Yes
Health and Safety Compliant:	Yes
Publication Scheme Compliant:	Yes

Version Control Table

Version	History of Amendments	Date
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	Policy Simplification Project. Procedure rewritten with customer focus to support modernisation and 2026 objectives.	01/04/2019
4.00	Inclusion of Stop and Search requirements to fulfil Annex B of Code of Practice. Specifically -Insertion of gender related occupational requirement guidance for 'Stop and Search' and a related support plan.	06/09/2019

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1 Overview

1.1 What is this about?

1.1.1 Our aim is to reflect the communities we serve by attracting and retaining a diverse and balanced workforce. We want our organisation to be accessible to everyone and we use this procedure to support anyone who tells us they are transgender so that they can come to work in their chosen gender.

1.2 Who is this for?

1.2.1 This is for all officers and authority/police staff.

1.3 Key Information

- Transgender or trans is a word used to describe a wide range of people whose gender identity or the way they express their gender is different from the gender they were assigned at birth.
- This includes transsexual people (women or men), cross-dressing people, androgynous or non-binary people and others.
- A person does not have to go through a medical intervention such as hormone treatment or surgery, or gain a Gender Recognition Certificate (GRC) to transition gender.
- We will support all transgender members of staff in the workplace and go beyond the requirements of the Equality Act 2010, which specifically protects people if they propose to undergo, are undergoing or have undergone gender reassignment or have gone through part of the process.
- Because there is no right or wrong way to transition, steps will be put in place to meet individual needs.
- We will not accept the unfair treatment of anyone who is transgender and we will use appropriate procedures (e.g. performance and conduct regulations, disciplinary procedures) if this happens.
- The unfair treatment or harassment of someone because they are transgender is a criminal offence and may also lead to civil

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proceedings. Remedies may be sought through the criminal or civil courts or Employment Tribunal.

- We will only share details of a person's transgender identity with their consent.
- Any deliberate or inappropriate release of confidential information leading to a transgender person being 'outed' against their wish will be subject to disciplinary action and may be treated as gross misconduct. It may also be a criminal offence under Data Protection Legislation or the Gender Recognition Act 2004.

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2 Officer/Staff

2.1 What you need to do:

- Work with us when asked and contribute to plans for managing transition at work.
- Discuss any issues you have with your manager or someone else that you trust within Police Scotland/SPA.
- Be supportive and considerate of people's needs, maintaining our values of fairness, integrity and respect.

2.2 Coming out at work

2.2.1 We all work better when we can be ourselves and although there is no need for anyone to tell us that they are transgender, we will support anyone who wants to tell us that they are.

2.2.2 Coming to terms with gender identity can be difficult for everyone involved and while our actions will support transgender people, we will also support managers and colleagues.

2.2.3 For those who want to transition, the process can be very stressful requiring support and understanding from everyone involved. We expect people to work together to provide a safe and supportive working environment.

2.2.4 Telling a manager that you are transgender will be kept confidential. While we do have some processes that need details of your previous names, for example vetting, these are quite limited and your information will be held confidentially within these areas.

2.2.5 All team members are entitled to use toilet and changing facilities for the sex in which they are currently living, regardless of whether they undergo gender reassignment.

2.3 Developing a joint plan for managing transition at work

2.3.1 If you are undergoing gender reassignment whilst working for us, the people who you work closely with will only be told at a time that is right for you.

2.3.2 Your manager will discuss with you:

- who you would like to be told;
- when you would like them to be told;

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- what you would like them to be told; and
- how you would like them to be told.

2.3.3 If necessary and at a time that is right for you, we will discuss practical issues such as:

- a date for transition;
- which pronouns to use;
- changing your name on payroll and People and Development (P&D) systems and records;
- changing your name on IT systems that you use;
- the re-issue of identification/warrant card displaying the correct name;
- uniform;
- gender related occupational requirements;
- notifying pensions; and
- support required for medical or surgical procedures.

2.3.4 Discussions about your transition should be recorded using the Transitioning at Work Support Plan Form (060-015). This is retained by you and you will determine who the information is shared with. The information recorded within this plan will only be shared with your permission and on a need to know basis. There may be circumstances when your manager needs to inform others about restrictions on your operational capabilities but this will not include the reasons why the restrictions are in place without your permission.

2.3.5 You should consider reviewing the details we have on record about you within the transgender identity question under the Equality and Diversity tab on SCoPE.

2.3.6 There should be no changes made to the role that you do with the exception of roles which have a gender related occupational requirement. If this applies to you, your manager will discuss it with you.

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3 Manager

3.1 What you need to do:

- Support any team member disclosing their transgender identity.
- Maintain a safe working environment, free from discrimination, victimisation, and harassment.
- With the agreement of the team member transitioning, arrange for generic information on transgender issues, including gender reassignment and equality rights to be provided to all staff who you think may benefit from it.
- Support your team member in developing the support plan for managing their disclosure and where relevant, their transition at work and keep them updated regularly refreshing the plan as necessary.
- Ensure that your team member has an appropriate identification/warrant card and access to the necessary entitlements.
- Ensure that records are updated to reflect any change of name and pronouns and that the changes are made on all the IT systems.

3.2 Coming out at work

3.2.1 Someone's transgender identity is unique to them and affects their whole life. The level and consistency of support you provide is not only important to the transgender person but for team members as well. Your job is to ensure you support everyone while delivering our statutory duty under the Equality Act 2010 and the values of Police Scotland.

3.2.2 As a manager, you will normally be the main point of contact for a team member who wants to tell us that they are transgender and/or that they intend to undergo gender reassignment. This is likely to involve direct contact with them, however, there may be situations when they would prefer someone else to act on their behalf.

3.2.3 When a team member tells you they are transgender, you should ask them how you can support them. Gender reassignment is a personal process rather than a medical one. There is no set timetable for transition and individuals will have their own personal milestones. Support should be available for as long as the person needs it and you should provide that support.

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3.2.4 You should ask your team member to consider reviewing the details that are recorded about them within the Equality and Diversity tab on SCoPE at a time when they feel comfortable in doing so.

3.3 Developing a joint plan for managing transition at work

3.3.1 The key to successful support is engaging with the team member and building a trusting relationship.

3.3.2 It is good practice for managers to take responsibility for informing whoever needs to know, unless the team member wants to do this. When a team member plans to transition it is important that you work together with them in developing a joint plan for managing their transition at work. You should confirm with them:

- who they would like to be told;
- when they would like people to be told.
- what they would like people to be told; and
- how they would like them to be told;

3.3.3 It will be necessary at some point, to discuss practical issues such as:

- a date for transition;
- the pronouns they would like to be used at work;
- whether a change of name is necessary and how payroll and People and Development (P&D) systems and records will be updated;
- whether IT systems that they use should be changed;
- the re-issue of identification/warrant card displaying the correct name;
- uniform;
- gender related occupational requirements (See [Gender Related Occupational Requirement - Stop and Search Guidance](#));
- notifying pension; and
- any time off necessary to support their return in the gender that they now present in or to allow for medical or surgical procedures.

3.3.4 You will need their permission to disclose the changes that you need to make across different departments with systems containing their information. It is essential to ensure that a 'record of consent' is maintained to document what consent is given and if and when it is withdrawn.

3.3.5 Where consent for sharing is withdrawn, there are obligations on the

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organisation to ensure that the recipient of the information (e.g. external organisations) are advised of this. You should use the Transitioning at Work Support Plan Form (060-015) to agree how this will be done and who will be responsible for doing it. Remember this is an organisational responsibility albeit a team member may want some ownership of the task.

- 3.3.6 As manager, you may need to arrange for photographic forms of identification to be changed more than once, particularly if someone is taking hormones or undergoing facial surgery as part of their gender reassignment. It may also be appropriate for photographs to be removed from SCoPE for a period of time until your team member becomes comfortable with their outward appearance.
- 3.3.7 You can also signpost them to support that is available internally through People and Development, Equality and Diversity, Health and Wellbeing, the Scottish LGBTI Police Association or to external sources ([listed in the useful contacts](#)).
- 3.3.8 A Transitioning at Work Support Plan Form (060-015) is available to record and guide discussions between you and your team member. This is retained by them for confidentiality reasons.
- 3.3.9 There may be circumstances when you have to inform others about a team member's operational capabilities or restrictions while they are transitioning. You must be very careful not to 'out' someone before they are ready, or to disclose any details recorded within the Support Plan that you do not have permission to discuss. Data protection principles apply.

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4 Resources

Reference Documents

- Frequently Asked Questions (Staff/Officer)
- Manager FAQ
- Definition of Terms
- Useful Contacts
- Gender Related Occupational Requirement - Stop and Search Guidance
- Transitioning at work Support Plan Form (060-015)

Related Procedures

- Attendance Management
- Career Breaks
- Disability in Employment
- Grievance
- Special Leave
- Uniform and Appearance Standards (Officer)

Useful Links

- Quiz – find out if you are ready to stand up as a trans ally
- Stonewall
- www.legislation.gov.uk
- Equality Act 2010
- Data Protection Act 2018
- The Offences (Aggravation by Prejudice) (Scotland) Act 2009
- The European Convention of Human Rights
- Gender Recognition Act 2014
- The Gender Recognition (Disclosure of Information) (Scotland) Order 2005



Appendix A

Frequently asked questions (Staff/Officer)

I identify as transgender and wish to transition, who do I need to contact first for support?

Ideally you should speak to your manager; however, you can speak to anyone that you trust in the organisation in the first instance.

Where can I get confidential advice around transitioning?

If you would like to speak to someone within Police Scotland/SPA you can speak to a member of People and Development, Equality and Diversity or the Scottish LGBTI Police Association. There are also other organisations listed under Useful Contacts.

Will my colleagues be informed of my transition?

Colleagues will be told when you are ready for them to be told.

Your manager will work with you to find out what you want colleagues to be told, how you would like them told and when.

Can I assume a different role within the organisation while I am transitioning?

Your current role will require review, however this does not mean as a matter of course the role has to change, but it may benefit you and meet the organisations needs to make adjustments. Your manager will discuss that with you as part of your support plan.

Can I use the facilities, for example changing rooms and toilets, which match my gender identity?

All members of staff are entitled to use toilet and changing facilities appropriate to the sex in which they are currently living, regardless of whether they undergo gender reassignment, such as hormonal or surgical treatment or having socially transitioned by changing name, appearance, title, clothing etc.

Depending on the facilities that are available there may be a need to consider if additional privacy needs to be provided, such as shower cubicle screens or curtains.

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Who do I go to if I am being bullied or harassed about my transition or gender identity?

In the first instance, you should speak to your manager, People Direct or someone else that you trust within Police Scotland/SPA. You can also contact the Scottish LGBTI Police Association for support and advice.

How can names be changed on Police Scotland systems?

You do not need to hold a Gender Recognition Certificate (GRC) in order to have your name and pronoun changed on any workplace system.

We have a number of systems across Police Scotland/SPA where your name will be recorded. How details are updated on each system varies, some can be updated at a local level others require assistance from ICT.

Managers will be able to arrange for any ICT systems that need to be updated by contacting ICT, the SCoPE Management Team, and Finance.

People and Development (P&D) Shared Services hold paper P&D files and will need to be informed of any name change.

Your transgender status will be kept in the strictest confidence in line with your wishes and the law. Arrangements will therefore be made to store your P&D records pre transition in a discreet manner to prevent any unnecessary disclosure. This information will be retained in your HR P&D file however it will be secured in an envelope. Access to the contents of the information will be controlled by the Shared Services Manager in conjunction with the E&D HR Manager, which will be labelled with details as to the reason, why the envelope would be opened and by whom.

The Equality and Diversity P&D Team will assist with this if needed.

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Appendix B

Manager FAQ

What does it mean if someone is transitioning and what does it involve?

Transitioning is a unique process for each individual and may include any number of changes to a person's life. There is no 'right' or 'wrong' way to transition. For some this involves medical intervention, such as hormone therapy and surgeries, but not all transgender people want to or are able to have this. There may be a variety of reasons including cost, time or simply not feeling the need to. Transitioning could also involve dressing differently, changing official documents, telling friends and family that they are transitioning, or a number of other things.

The start of or intent to transition will be different for everyone. It is about the individual. After an individual transitions they may not identify as transgender; they may simply see the process as being part of their past and not current identity. For example, an individual who has transitioned and identifies as female, may refer to herself as a woman, not a transgender woman. This personal decision should be respected at all times and communicated to any staff as necessary.

Many people falsely believe that in order to transition a person must undergo a medical intervention such as hormone treatment or surgery, or gain a Gender Recognition Certificate (GRC). It should not be assumed that the goal of an individual's transition is to change their physiology or legal sex. If a transgender person chooses not to undergo any medical intervention or gain a GRC, they are still entitled to dignity and respect along their chosen path of transition, whatever that may consist of.

The Equality Act 2010 protects those transgender people who are 'proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex'. However, some employers presume that only those who transition with medical intervention require support or those who are transitioning from male to female or female to male are protected. Many transgender people do not want to undergo medical intervention or do not need to. They will still require support to transition at work.

Someone has told me that they want to transition, what do I do?

You should encourage them to speak to their manager who can support them in their role while they transition. If they do not want to do this, you can signpost them to support that is available to them internally through People and Development, Equality

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and Diversity, Health and Wellbeing, the Scottish LGBTI Police Association. There are also other organisations listed under useful contacts.

Is there training about transitioning and transgender equality/issues?

Training can be developed and arranged through the P&D E&D Team. The training developed should be bespoke and fit the needs of the staff that it is being delivered to.

What is a pronoun and how do I know which one to use?

Once you have been told that someone is transgender you must use their new name and the pronoun that they would like to be used. If you are in any doubt of their preferred name and or pronoun, you should ask the person concerned how they wish to be known.

How do I respond if a customer/client/service user is using inappropriate language in relation to a colleague who is transitioning?

We all have a duty of care for the health and wellbeing of our colleagues and the use of inappropriate language should be challenged. Assistance can be provided by the P&D E&D team.

When do people who are transitioning start to use the facilities, like changing rooms and toilets, which match their current gender?"

All members of staff are entitled to use toilet and changing facilities appropriate to the sex in which they are currently living, regardless of whether they undergo gender reassignment, such as hormones or surgeries.

Once someone has made it known that they are transitioning managers will make the necessary arrangements, which will enable the member of staff to use their chosen facilities.

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Appendix C

Definition of Terms

The terminology we use is very important to create an inclusive workplace for everyone.

Transgender People or Trans People – An umbrella term which describes a diverse range of people whose gender identity or gender expression differs in some way from the gender assumptions their society made about them when they were born.

Trans woman - A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female

Trans man - A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man, or FTM, an abbreviation for female-to-male

The words 'trans', 'transgender,' and 'transsexual' should always be used as adjectives, rather than nouns. This means we refer to a 'transgender person' rather than 'a transgender'

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 - 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 experience intense gender dysphoria and 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 issue for which gender reassignment treatment is available on the National

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Health Service in Scotland. Gender Dysphoria is distress, unhappiness and discomfort experienced by someone about their physical body not fully matching 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 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 satisfied 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.

Androgynous 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 from their birth gender 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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Birth Gender – is the gender a person was originally registered as on their birth certificate, usually according to the appearance of their external genitals.

Non-binary - an umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

Non-binary trans people - is used to refer specifically to the sub-set of trans people who do not feel comfortable thinking of themselves as simply either men or women. They reject the traditional idea of gender as binary, defined only in terms of man or woman. Instead, they feel that their gender identity is more complicated to describe. Some non-binary trans people may identify their gender as a mixture of being a man and a woman or as fluctuating on a spectrum between man and woman. Alternatively, they may feel they have no gender and prefer simply to be seen as just a human being. The gender-neutral pronoun 'they' is often used by non-binary people. Some non-binary trans people have no interest at all in undergoing any form of gender reassignment. Others may wish to partially transition. Some may undergo the same gender reassignment process as transsexual people but reject identifying simply as a man or a woman after transition. Occasionally, the desire to transition might fluctuate over time. It is important to note that many non-binary people are protected under the Equality Act 2010 because someone proposing to undergo any part of a process of gender reassignment counts as having the protected characteristic. There is no requirement to complete any particular process of gender reassignment in order to be protected under the Equality Act.

Pronouns

Pronouns are words that describe someone's gender in the third person e.g. he or she, his or her. Some transgender people will prefer to be referred to as he or she but others may feel uncomfortable about this and prefer gender-neutral pronouns e.g. they.

Deliberate misuse of pronouns is a common form of verbal harassment that many transgender people face, as it suggests that they are not the people they know themselves to be. It is important to get a person's pronouns right so that you can treat them with respect.

Sometimes, a person's gender identity can differ from their appearance or the pitch of their voice. Only use gendered pronouns such as 'he' or 'she' if you are certain that people identify themselves in that way. If you are not sure which pronoun to use, it is better to ask than make assumptions.

Above all, if a trans person has changed their pronoun it is vital that this be respected by all staff at all times.

There are some situations where you cannot ask people in advance, how they would like to be referred to e.g. a large training event or conference. In this situation, use gender-neutral descriptions e.g. the person in the white shirt in the back row.

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Similarly, 'Honoured guests' is a trans-inclusive way to open a speech, rather than 'Ladies and Gentlemen'.

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Appendix D

Useful Contacts

Scottish LGBTI Police Association

<https://www.lgbtipolice.scot/>

The Scottish LGBTI Police Association is a diversity staff association offering support to all serving and retired Officers and Staff relating to LGBTI issues.

Scottish Transgender Alliance

Equality Network
30 Bernard Street
Edinburgh
EH6 6PR

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

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

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.

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The Gender Identity and Research and Education Society

Melverly
The Warren
Ashstead
Surrey
KT21 2SP
www.gires.org.uk

GIRES initiates, promotes, and supports research particularly to address the need 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

Sandyford NHS Gender Identity Clinic

Sandyford Initiative
6 Sandyford Place
Sauchiehall Street
Glasgow
G3 7NB
www.sandyford.org

Gender Recognition Panel

PO Box 6987
Leicester
LE1 6ZX
www.grp.gov.uk

A:Gender

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

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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Appendix E

Gender Related Occupational Requirement - Stop and Search Guidance

As part of the support given to help someone transition at work, it will be necessary to discuss practical issues such as how transition is managed in areas where a gender related occupational requirement exists.

These discussions and any support plan put in place will support the expectations of both the transgender team member and their supervisor. A person's transition will be bespoke to them. Both parties should consider and discuss how the transgender member of staff's transition might affect that officer's/member of staff's duties and operational deployment.

For example, the tactic of stop and search must be discussed as part of any support plan to ensure the expectations of the individual transitioning are realistic and achievable while meeting organisational needs.

Supervisors should note that there is nothing in law to prevent a transgender person from conducting a stop and search in accordance with the Code of Practice for Stop and Search.

The following points should assist discussions between a supervisor and a transgender team member when agreeing parameters for searching.

- The primary consideration when conducting any search is to respect the dignity of the person being searched and to understand that a member of the public may feel more vulnerable when being subjected to a strip/intimate search.
- When considering a transgender team member's support plan, supervisors should discuss expectations with the transgender member of staff of their mutual expectations in relation to conducting a standard search and a strip/intimate search.
- If a transgender team member's presence causes upset to the person being searched it may be advisable for the team member to be replaced by another

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team member to search that person. (This is regularly done in practice regardless if a person is transgender to de-escalate any potential conflict).

- If a transgender team member states they do not wish to be involved in standard and/or strip/intimate searches then the supervisor will update the support plan to say why they will not be involved in these searches. Trans officers/PCSO should be advised that there may be circumstances when the supervisor will have to inform others of any restrictions on their operational capabilities.

N.B. This must be sufficiently documented on the support plan to demonstrate that the team member understands that any restrictions on a team member's operational capability.

A completed transitioning at work support plan requires to be retained by the team member to whom it concerns. It will be at their discretion who or if they wish to share any of the information recorded within this plan, on a need to know basis. However there may be circumstances when the supervisor will have to inform others of any restrictions on a team members operational capabilities. The information shared must not include the reason why the restrictions are in place without the permission of the person who is transitioning.

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