

Culture&

Trans and Nonbinary Inclusion Policy

Purpose

This policy outlines Culture&'s commitment to ensuring that trans, including nonbinary, employees are treated with dignity and respect and are not disadvantaged in the workplace. Culture& is committed to inclusivity for people of all gender expressions and identities above and beyond what is required by legislation, ensuring no trans or nonbinary person suffers discriminatory treatment at work.

This policy sets out the steps the organisation takes to welcome and support trans or nonbinary employees and prevent discrimination in accordance with the Gender Recognition Act 2004 and the Equality Act 2010.

Scope

The policy covers all employees, trustees, contractors, volunteers, temporary workers and job applicants and applies to all stages of the employment relationship, with a particular guidance for those wishing to socially and/or medically transition at work.

The policy accompanies Culture&'s Equality and Diversity policy. The Equality Act 2010 protects a person's gender identity including preferred pronouns. Whilst it is accepted that genuine mistakes could occur, for example, in the attribution of personal pronouns, persistent and deliberate misattribution of a person's preferred identity (or other forms of discriminatory behaviour) may result in disciplinary action being taken against an employee and the potential for termination of contracts for all contractors, volunteers and temporary workers.

Culture&'s Commitment

Culture& is committed to welcoming and supporting all employees and removing barriers to their recruitment, promotion and retention. Providing an inclusive working environment and culture that is free from discrimination, harassment or victimisation because of gender identity, including nonbinary identities and gender expression, is an important step in ensuring that all employees are respected and valued.

Culture& aims to give support and understanding to those individuals who wish to take or have taken steps to transition and affirm a gender identity different from the gender assigned to them at birth. Culture& recognises that the period of transition is unique to the individual and can be very complex and difficult and will act in a supportive and sensitive way to ease any transition period.

No prospective or actual member of staff, trustee, volunteer, consultant, agency worker, shall be treated less favourably than any other based on the grounds of gender identity including non-binary identity, gender expression or trans status.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

Trans Definitions

Definitions and terminology regarding trans people are evolving. The appendix to this policy provides guidance on some of the most commonly used terms. All managers and colleagues will address individuals by their stated pronouns and name and a persistent or deliberate failure to do so may result in disciplinary action. Rather than assume, it is best to ask someone how they wish to be addressed.

Using inappropriate language and terminology can cause offence and distress and undermines Culture&'s efforts to create an inclusive workplace for trans or nonbinary people. Culture& recognises that gender identity and sexual orientation are not interchangeable terms. Trans and nonbinary people can be any sexual orientation, including but not limited to, bi, gay, heterosexual/straight or lesbian therefore employees should not assume that a trans or nonbinary colleague has a particular sexual orientation.

Meeting the Needs of Trans Individuals

Culture& aims to anticipate and respond positively to the needs of individuals, providing a professional and consistent service so that all trans, including non-binary employees, feel welcome, safe, valued and supported in achieving their potential and contributing as a member of the organisation.

Regarding staff, this policy applies (but is not limited) to the advertisement of jobs and recruitment and selection, learning and development, opportunities for promotion, conditions of service, benefits, facilities and pay, health and safety, conduct at work, grievance and disciplinary procedures, and termination of employment. Regarding parents/carers and children, this policy applies (but is not limited) to engagement in Culture&'s programmes and events, communication, education and training opportunities, health and safety, personal conduct, and complaints.

Supporting Trans Employees

Culture& recognises that trans, including nonbinary, job applicants and employees are not required to inform the organisation of their gender status or gender history. An individual's preferred gender identity will always be acknowledged and respected.

To promote a workplace that is inclusive of trans including nonbinary people, Culture& adopts the following approaches.

Recruitment

Culture& wishes to attract applicants from as wide a talent pool as possible and the recruitment process is designed to be inclusive of trans including nonbinary applicants. A job applicant's gender identity status must have no impact on the recruitment process. A job applicant with a gender recognition certificate is never required to disclose their trans history.

If an individual discloses that they consider themselves to be trans or nonbinary during the recruitment process, Culture& will keep the applicant's trans history confidential and will not take this into account in the selection process. In accordance with its Equality and Diversity policy, Culture& will assess candidates for employment objectively against the requirements that are necessary for the effective performance of the role.

If a criminal records (Disclosure and Barring Service) check is required, individuals must disclose on their application any previous names and/or gender as part of the check. Trans applicants may make use of the sensitive application process established by the criminal

records procedure, so their previous name is not disclosed to the organisation. Please click on [this link](#) for more information about the sensitive application process:

The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a trans or nonbinary applicant whose identification documentation may be in their previous names. Culture& will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for privacy of the individual.

Where an individual's documentation reveals their previous name and thereby their trans history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with the requirements of the Data Protection Act, 2018. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.

Monitoring

In line with its Equality and Diversity policy, Culture& will monitor the gender identity and trans status of the existing workforce and of applicants for jobs (including promotion) and will review its Equality and Diversity policy in accordance with the results shown by the monitoring. If changes are required, Culture& will implement them.

The disclosure of information by employees/job applicants is voluntary and any information disclosed will be treated in confidence, stored securely and used only to provide statistics for monitoring purposes.

Employment

An employee who is socially or medically transitioning may wish to be redeployed on a temporary or permanent basis. This may be because the individual is in a public-facing role and wishes to avoid having to answer questions from the public about gender identity. Requests to be redeployed will be discussed with the employee and Culture& will seek to accommodate the employee's wishes where possible.

An employee's gender identity, trans history or trans status will not have a bearing on any employment decisions or access to benefits, except where necessitated by law. For example, an individual who has transitioned but does not have a gender recognition certificate (GRC) may be required to disclose their trans history for insurance or pension purposes. In such circumstances Culture& will treat such information as sensitive data and it will be handled in line with the requirements of the Data Protection Act, 2018.

Where pension and insurance providers request disclosure of an individual's gender, Culture& will ensure that this requirement has been checked with the underwriter and the requirement is made clear in any scheme information provided to employees. In such circumstances, the employee's written consent will be obtained before disclosing their trans history and trans status.

Names and Pronouns

Culture& will take all necessary steps to ensure that an individual's change of name is respected. Culture& is aware that a failure to change pronouns and names on records in respect of a trans or non-binary employee could constitute direct discrimination.

A GRC is not required to enable a trans person to change their name and Culture& will never ask an individual if they have a GRC to verify a name change, as to ask such a question would be inappropriate and unlawful.

Consistently addressing a trans or nonbinary employee by their previous name and/or an inappropriate pronoun may be regarded as harassment and will be dealt with accordingly.

Changing Employee Records Including Workplace Systems

Any records that hold personal details should be changed by the time the individual presents at work with their new identity. Records will include all workplace systems that may contain names, titles and other personal identifiers such as photographs on the Culture&'s website. The relevant line manager will work with the employee to ensure that nothing is omitted.

Trans including non-binary employees who have or are transitioning are likely to be anxious to protect their privacy regarding their previously assigned gender. The right to confidentiality must be respected. Current records/ letters/ documents for trans including non-binary employees should not refer to a previous identity. In a small number of cases, it may be necessary for some records (e.g. regarding pensions, insurance and asylum and immigration documentation) to retain a reference to the sex of the employee at birth. Access to such records, will be kept separate from the records of other employees, in locked and secure storage and only accessed by named persons approved by the trans including non-binary person, and with their permission, unless emergency circumstances occur. IT records must be password-protected in such a way that they are not accessible to anyone other than those directly involved. A trans person will be able to change their name by informing their line manager of the change.

Confidentiality

All records that include details of an employee's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them. Where other people in Culture& need to be aware of the employee's transition to make a change to a particular record, Culture& will obtain the employee's consent, and restrict the information to those who need to know.

Where there is a need to retain documentation that shows someone's trans history, this information will be stored confidentially in line with the requirements of Data Protection legislation. The information will be held electronically in a secure environment (for example, password protected) that can be accessed only with the consent of the individual concerned. Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action. Care will be taken to ensure that any search of the organisation's records by others will not inadvertently reveal an employee's trans history. It is an individual's decision whether to reveal their gender identity, trans status and trans history and Culture& will respect their right to privacy.

Where an employee discloses information about their gender identity, trans status and/or trans history (verbally or in writing), this will be treated as confidential. This includes any information provided to the line manager or board of trustees. Such information will not be shared with others, unless there is a specific reason and then not without the written consent of the individual concerned. Disclosure of the trans history of someone with a GRC without their specific permission would normally be a criminal offence.

Information relating to an employee's gender identity, trans status and trans history will not be disclosed to a third party without the individual's consent, for example when responding to a reference request.

Communication

Culture& will work with the employee to agree what information needs to be conveyed to work colleagues and when the information should be conveyed. While the whole workforce may not need to know about the employee's transition, people who work closely with the individual will normally need to know to ensure that a good working relations and continuity is maintained.

The employee may wish to tell colleagues about their transition or may prefer if this is done by someone else on their behalf. Culture& will encourage the individual to do what is best for them and, if the employee is not ready to tell anyone at the early stages, Culture& will respect the employee's wishes. The employee is entitled to privacy and Culture& will seek to protect them from intrusive enquiries.

Where an employee has a public or client-facing role, Culture& will discuss with the individual what, if anything, third parties need to know and how this should be handled.

Culture& will be mindful of possible media interest and establish a protocol for handling media interest to ensure that:

- a trans or non-binary employee is not left to deal with this; and
- their colleagues understand the importance of not compromising the individual's right to privacy.

Bullying and Harassment

Culture& adopts a zero-tolerance approach to harassment, bullying or victimisation and such behaviour may result in action being taken under the organisation's disciplinary procedure. Examples of harassment against trans or non-binary people include, but are not limited to:

- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about trans including non-binary people;
- asking an individual if they have a GRC;
- jokes and banter about someone's gender identity, gender expression, trans history, trans status or trans people generally;
- refusing to use the pronoun appropriate to someone's affirmed gender identity (for example, calling a trans woman "he"), calling the person by the name they had before they transitioned or refusing to use a person's non-binary pronouns such as they/them or ze/zir;
- threatening behaviour or physical abuse;
- intrusive questioning about someone's gender identity, gender expression, trans history or trans status;
- excluding a trans or non-binary colleague from conversations or from social events;
- refusing to work with someone because they are trans or non-binary; and
- displaying or circulating transphobic images and literature.

All employees are made aware of Culture&'s procedures in place for handling complaints of bullying and harassment. Culture& will also publicise its position on bullying and harassment to any third parties with which it engages.

Any complaints of bullying and harassment are taken seriously and dealt with promptly in line with our Dignity at Work Policy and Disciplinary Procedures.

Gender Neutral Facilities

Where an employee attends an event that doesn't have gender neutral facilities, Culture& will support the employee's right to use the toilets and facilities appropriate to their gender identity and gender expression. In some cases, the individual may wish to use a single-occupancy toilet during their transition, but they must not be pressurised to do so, and this should not be seen as a long-term solution. An employee should not be expected to use an accessible toilet unless they have a disability.

Supporting an Employee Who is Transitioning

Culture& will be supportive of an employee who has made the decision to transition. Culture& acknowledges that the transition process and the time it takes will be unique to each individual and that it is not always a linear process.

Transitioning is a major decision, and the individual may have taken years to come to this point. They may fear rejection or ridicule by their work colleagues. It is therefore vital that Culture& supports the individual so that they can continue to work without fear of discrimination and harassment, and so that colleagues are helped to understand the process.

Once Culture& has been made aware by an employee that they will be starting, or have started, the process of transitioning, an appropriate point of contact will be agreed with the employee. That person will work with the employee to develop a confidential action plan to manage the individual's transition at work. The plan will consider all the steps necessary to take as a workplace in the individual's transition and any help that can be offered. No action will be taken without the employee's consent.

It is important to develop a plan that is bespoke to the individual employee. The transition action plan may contain the following guidance:

- when and how an individual will present at work in their affirmed gender identity;
- handling a request by the employee to change their job temporarily during the transition process or to move to a new role permanently;
- the point at which colleagues, especially any direct reports, will be informed and how this will be done;
- if and how third parties, such as clients, should be informed;
- how absence from work for reasons associated with medical transitioning (for example, for medical appointments and/or medical treatment) will be handled;
- arrangements for changing the individual's name on their personnel records, email, security badges etc;
- confidentiality

Transitioning is a process that takes time, and, to help both parties, regular review meetings will be arranged to manage the process. This will ensure that the right support is in place and enable the plan to be amended as things change. Effective support for someone who is transitioning requires dialogue, agreed action and respect.

Appendix

Definitions and terminology

- **Acquired gender:** a legal term used to refer to the gender in which a trans person lives and presents to the world. Not the gender they were assigned at birth but the gender in which they should be treated. Affirmed gender is a term preferred by the trans community.
- **Affirmed gender:** the process of bringing the gender role and appearance into alignment with the gender identity, 'affirms' that identity. The term 'affirmed' gender, is now becoming more common in describing the post-transition gender status. 'Affirmed' should be used in preference to 'acquired'; the latter is the language of the Gender Recognition Act, and is more appropriately used to describe the acquisition of a Gender Recognition Certificate and new Birth Certificate.
- **Allies of trans people:** a cis person who supports members of the trans communities.
- **Asexual:** a person who does not experience emotional and/or sexual attraction. This term represents a spectrum, with some people identifying as "demisexual", experiencing some or situational attraction. A separate but related identify is "aromatic", a term for those who do not experience romantic attraction. Some but not all asexual people identify also as aromatic, and some but not all aromatic people identify as asexual.
- **Bi:** refers to an emotional and/ or sexual orientation towards more than one gender.
- **Cisgender or Cis:** someone whose gender identity is the same as the sex they were assigned at birth. Nontrans is also used by some people.
- **Deadnaming:** calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition
- **Gay:** refers to a man who has an emotional, romantic and/or sexual orientation towards men; a generic term for lesbian and homosexuality – some women define themselves as gay rather than lesbian.
- **Gender:** often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.
- **Gender dysphoria:** used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender assigned to them at birth.
- **Gender expression:** how a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.
- **Gender identity:** a person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.
- **Gender reassignment:** another way of describing a person's transition. To undergo gender reassignment can include undergoing some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice. Some trans and nonbinary people

prefer the term “gender affirmation” as it recognises that they have a pre-existing and intrinsic gender identity that can be affirmed through such a social and/or medical transition.

- **Gender Recognition Certificate (GRC):** this enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.
- **Gillick competence:** used in medical law to decide whether a young person (under 16 years of age) can consent to their own medical treatment, without the need for parental permission or knowledge.
- **Intersex:** describes 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 may identify as male, female or non-binary or any other.
- **LGBTIQA+:** the inclusive acronym used to refer to lesbian, gay, bisexual, trans, intersex, queer, asexual/aromantic/agender people.
- **Lesbian:** refers to a woman who has an emotional, romantic and/or sexual orientation towards women. Some non-binary people may also identify with this term.
- **Nonbinary:** one term people use to describe genders that don't fall into binary beliefs about gender. Some, although not all, nonbinary people consider themselves to be transgender, as they do not identify with the gender they were assigned at birth.
- **Outed:** when a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.
- **Person with a trans history:** someone who has a history of identifying or coming to identify with a gender different than the one they were assigned at birth. This is increasingly used by people to acknowledge a trans past.
- **Pronoun:** words we use to refer to people's gender in conversation - for example, 'he' or 'she'. Some people may refer to themselves in gender neutral language and use pronouns such as they/their and ze/zir.
- **Queer:** in the past a derogatory term for LGBTIQA+ individuals. The term has now been reclaimed by LGBTIQA+ young people in particular who don't identify with traditional categories around gender identity and sexual orientation but is still viewed to be derogatory by some.
- **Real life experience (RLE):** is relevant in the context of a person planning medical intervention through hormone replacement therapy or surgery. It can be a requirement of some doctors prior to undertaking these interventions. It is the period in which a trans person lives full-time in the gender role in which they identify.
- **Sex:** assigned to a person, usually at birth, based on primary sex characteristics and reproductive functions.
- **Sexual orientation:** a person's emotional, romantic and/or sexual attraction to another person.
- **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) Trans, Transsexual, Gender-queer (GQ), Gender-fluid, Non-binary, Gendervariant, Cross-dresser, Genderless, Agender, Non-

gendered, Third gender, Two-spirit, Bi-gender, Trans man, Trans woman, Trans masculine, Trans feminine and Neutrois.

- **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 may also mean telling friends and family, dressing differently and changing official documents. This is sometimes referred to as "socially transitioning".
- **Transphobia:** the fear or dislike of someone based on the fact they are trans, including the denial/refusal to accept their gender identity.