



Police Service of Northern Ireland

Human Resources



Transitioning at Work

| Version | Issue Date | Reason | Approved by |
|---------|---------------------------|--------------|--------------------------|
| 1.0 | 15 th Nov 2021 | New document | People and Culture Board |
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Introduction

1. Purpose

The Police Service of Northern Ireland is committed to promoting and supporting staff and officers throughout their career regardless of religious belief, political opinion, racial group, age, marital status, sexual orientation, gender, those with or without a disability and persons with or without dependants. The PSNI is further committed to promoting good relations between persons of different religious belief, political opinion and racial group.

In accordance with statutory requirements, this procedure has been screened to ensure that no group afforded statutory protection is adversely impacted by the implementation of this Standard Operating Procedure.

The purpose of this Standard Operating Procedure (SOP) is to assist officers and staff when an individual informs the Police Service of Northern Ireland that they either intend to transition or they have already begun to transition to another gender.

The PSNI ensures protection to all who identify as transgender regardless of whether they have transitioned or intend to transition.

The PSNI is committed to treating all persons with dignity and respect within the workplace and each individual has the right to privacy.

2. Aims

The aims of this SOP are to:

- Outline the support that is available to individuals who are intending to or currently undergoing a transition.
- Encourage individuals to seek support from Line Managers when going through their transition.
- Give a clear understanding of the process to follow when informed of an individual's transition or intended transition.

3. Definitions

Trans or Transgender are umbrella terms used to describe a range of individuals whose gender identity or gender expression differ in some way from the gender assumptions made about them when they are born.

Transitioning refers to the steps a Transgender individual may undertake to enable them to live in the gender that they identify with.

Each individual's transition will be unique, this may involve different steps, including but not limited to their choice of clothing/dress, change of name, to informing family, friends and employer.

Not all who are transgender will want or be able to access medical or surgical intervention. This will always be a private matter, and the individual should be respected and accepted for who they are, regardless of the steps their transition involves.

4. Relevant Legislation

In Northern Ireland, sex discrimination legislation provides legal protection to transgender individuals from discrimination, both direct and indirect, and harassment. The legislation does not require an individual to have undergone surgery or any specific treatment in order to be protected by law. The legislation covers areas of employment and training, and other fields, including access to goods, facilities and services.

Sex Discrimination (Northern Ireland) Order 1976 as amended by the Sex Discrimination (Gender Reassignment Regulations)(Northern Ireland) 1999

- The Sex Discrimination Gender Reassignment Regulations (Northern Ireland) 1999 extended the Sex Discrimination (Northern Ireland) Order 1976 making it unlawful to discriminate on grounds of gender reassignment in employment and training.
- It is unlawful to treat a person less favourably on the grounds that they intend to undergo/are undergoing gender reassignment, or have at some point in the past undergone gender reassignment.
- The regulations cover direct discrimination, indirect discrimination¹, victimisation and harassment in employment and/or training on the grounds of gender reassignment.

Gender Recognition Act 2004

- The Gender Recognition Act 2004 allows transgender people who are able to satisfy the Act's evidential requirements to apply to a Gender Recognition Panel to seek full legal recognition.
- If a Gender Recognition Certificate (GRC) is issued, and the person's birth was registered in the UK, they will be able to obtain a new birth certificate which does not disclose the fact they have changed gender.

¹ Inserted by Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016

- The act protects individuals from having their transgender status shared without their consent and also provides that employers/individuals are not allowed to ask for an individual's GRC.

General Data Protection Regulations Act 2018 and Human Rights Act 1998

- Gender reassignment and any information relating to an individual's gender history would constitute 'sensitive data' under the Data Protection Act, which means that it can only be processed for certain specified reasons as set out in the Act.
- Employers and colleagues must not 'out' a member of staff/officer or applicant as trans/transgender, as this may constitute a breach of Article 8 of the Human Rights Act which gives everyone the right to privacy and family life, as well as potentially constituting a breach under the Gender Recognition Act 2004.

5. Forms of Transition

- Social Changes - This is often when the individual assumes a new name and gender, they inform family/friends, and start to live and work in the gender that they identify with. This stage is referred to as the 'real life test/trial' and often begins after psychiatric assessment.
- Treatments- An individual may access a number of physical healthcare interventions, such as hormone replacement therapy, fertility treatment and speech and language therapy, dermatology.
- Surgical Gender Re-Assignment- there are a range of surgical interventions which transgender people may access in consultation with their doctor. It should be noted that not all transgender individuals will choose to go through surgical intervention.
- Issuance of Gender Recognition Certificate (GRC) - to provide for amendment of a birth certificate.

Supporting Staff through a Gender Transition Process

The Police Service of Northern Ireland is committed to treating all persons with dignity and respect within the workplace and each individual has the right to privacy. All individuals must comply with the organisation's procedures.

6. PSNI's Approach

Responsibilities of Officers/Staff and Managers

| Staff Title/Rank | Responsibility |
|--|---|
| Individual | Disclosure of intention to transition (or past transition) is entirely at the discretion of the individual. It is for the individual to decide if they wish to create a transition plan. |
| Line Manager | Provide assistance and support. Observe confidentiality, and only with the consent of the individual, to act as a point of contact in all matters, including informing colleagues and co-workers. |
| Human Resources (including Equality, Diversity and Inclusion Team) | Provide assistance and support as may be requested by the individual and/or their Line Manager. |
| HR Systems/Payroll and Records Management | Will work with the individual and management to ensure that personnel records are updated and maintained. |
| Senior Managers | Ensure that All Police Officers, Police Staff and Contract Staff understand and adapt this procedure. |
| All Police Staff and Police Officers | Respect and support the transitioning person's dignity and privacy. |

Pronouns

- Pronouns are used in every day speech and writing to take the place of people's names. We frequently use them without thinking about it. Often, when speaking of someone in the third person, those pronouns have a gender implied. Using someone's correct gender pronoun is one of the most basic ways to show your respect for their identity.
- Deliberately and consistently using the wrong pronouns for a person may be considered bullying and harassment.

Name and Dress Code

- Someone who transitions may want to use a variant of their original name or an entirely different name. There are deed processes that can facilitate this.
- Once an individual notifies the PSNI of their preferred name and title, this name should be used in all circumstances, rather than the individual's birth name, and all records should be updated as soon as is reasonably practical.

- The only dress code requirement is that the individual wears the correct uniform for their role.

Confidentiality

- Any information shared with managers should be treated as confidential sensitive information, maintained in line with data protection legislation, and only shared when it is necessary to do so during the transition process. Breaches of confidentiality, leading to unjustified disclosure may lead to professional investigations under relevant misconduct/staff disciplinary procedures.
- At each stage of the transition, when more people may need to be informed so that they can provide appropriate support to the individual, each colleague made aware of the transition must be reminded of their responsibilities in terms of confidentiality and privacy. Colleagues must also be made aware that following transition, reference to the individual by their previous name or gender is a breach of trust and confidence,

7. Process to Follow for the Individual

Letting PSNI Know

- Making the decision to transition will impact on all areas of an individual's life, including work. As soon as an individual feels comfortable sharing this information, they should let PSNI know by contacting their line manager, the LGBT+ Network or the Equality, Diversity and Inclusion (EDI) Team.
- Letting the PSNI know they plan to transition will help ensure that the organisation provides effective support, while also enabling us to work with the individual and plan how the change will be managed in the workplace.
- Information about an individual's transition will be treated in confidence as sensitive person information and will be limited to a strictly 'need to know' basis, with the individual's consent.

Initial Meeting

- If an individual notifies their line manager that they intend to transition, a face-to-face meeting in a private space should be arranged. The purpose of this will be to discuss and identify what support an individual will need during their transition and agree the practicalities of how the workplace transition process will be managed.

- The meetings will usually be with the line manager and an HR/Diversity & Inclusion Advisor. An individual can bring someone to the meeting for support, if they wish to.
- Meeting attendees will want to gain an understanding of the planned transition process and any significant timelines, such as when an individual will socially transition at work to their affirmed gender, and also to discuss practicalities such as when and how colleagues can/will be made aware of these changes. The Line Manager may be advised of tentative dates or timescales, however, it may not be possible to confirm this at such an early stage.
- This is also an opportunity for the individual to raise any questions or concerns they may have. PSNI will endeavour to accommodate an individual's needs, for example, if they want to stay in their current role/team or transfer at the start of transition or after transition. The outcome of these discussions will be captured in the minutes of the meeting.

Additional Support/Ongoing Treatment

- It is recognised that some individuals may have commenced their transition journey and/or treatment prior to joining the PSNI and may therefore be concerned about disclosing this information to their line manager, as they are not yet ready to present in their affirmed identity.
- In such circumstances, individuals are encouraged to contact the EDI Team, who can provide advice and support, including liaison (as necessary) with Occupational Health & Wellbeing to ensure that appropriate support is accessible.
- Further information on additional support available, including other Minority Support and Diversity Associations, can be accessed on the [Equality, Diversity and Inclusion pages on Point](#).

Confidentiality

- If you identify as transgender you will be treated with confidentiality, dignity and respect. Line managers or any staff/officers that are approached by you for assistance or support must respect your anonymity at all times to ensure confidentiality. It is a criminal offence to disclose information about a person who is transgender without the relevant authority save where this is one of the legislated exceptions set out in Section 22 of the Gender Recognition Act 2004 (as amended) and The Gender Recognition (Disclosure of Information) (England, Wales and Northern Ireland) Order 2005 (as amended).

- If an individual has transitioned prior to taking up employment with the PSNI, they are under no obligation to inform management or colleagues of this. It is the legal right of a transgender individual not to disclose this information, and to keep their transgender identity and transition history confidential.

Complaints and Discrimination

- If an individual feels that they have been discriminated against, bullied, harassed or victimised at work because of their gender identity (or perceived gender identity) or their association with someone who is transgender or perceived to be transgender, this should be pursued through the PSNI's Informal Resolution, Mediation or Grievance procedures as appropriate.
- Additional Support can be obtained through the LGBT+ Network.

8. Process to follow for the Line Manager

What to say when a team member informs you of their transition

- The line manager's reaction is of vital importance as this may be a huge step for the individual. The Line Manager whilst not expected to know everything, is expected to listen and be supportive of the individual. The line manager should reassure that all discussions will remain strictly confidential.
- It is important to treat the individual with respect and just as a line manager would with all other staff and officers personal situations, they should ask the individual how they can support them and help them at work.
- Each individual's journey is different and so the manager should work collaboratively and create a plan specific to their need that takes the individual through the process. This will be a 'live' document and should be revisited as the individual progresses throughout their transition.

What does a Line Manager need to think about?

- The location of the initial meeting, this should be somewhere private where the meeting will not be disturbed.
- Planning the first meeting, in order to do this the line manager should read the relevant documents and policies available and seek any initial background information.
- Will the individual need time off for appointments?

- If the individual wants to inform colleagues, when and how should this be done? Remember that colleagues should not be informed unless the individual expresses a desire to do so.
- Which practical things need to be changed and who is accountable for these? For example, IT systems, warrant cards/security pass, uniform, Stop & Search.
- What options are there for redeployment if the individual wishes to do so? The line manager should ensure that the individual's career progression is not adversely affected.
- What training is available that would be useful for the line manager and their team?
- Keeping a signed record of everything agreed between the line manager and individual.
- Language should also be considered. The line manager should ask the individual what they wish to be referred to as.

What to do if, as the line manager you don't know the answer?

- Listen and be honest. If there is something that the line manager is unsure of then they should find the answer after the meeting. The line manager should inform the individual of when they will be answered, and agree by which method this will be done.
- The PSNI's EDI Team and LGBT+ Network offers a range of support and guidance for members, allies, staff/officers and managers. If unable to directly assist in specific requests, they will be able to source the appropriate guidance.
- Use the support services available for advice. However, be mindful of confidentiality and the danger of inadvertently disclosing details of the individual concerned when asking for help. Always ensure that you have the individual's written permission before speaking about their gender transition with a third party.

Keep a signed record of everything that is agreed between the line manager and individual in all meetings.

- It is important to remember that for an individual, informing their colleagues of their wish to transition or that they are already transitioning may be a huge step, therefore the agreement of organisational support should whilst formal, be empathetic.
- The line manager is responsible for ensuring that there is a clear understanding between both parties around the following -
What support is expected or needed from the line manager;

Timescales with regard to appointments, and if there are any health and safety concerns that the line manager should know about;

What confidentiality is needed for the individual to feel comfortable in the workplace?-e.g. does the individual wish to be open with their immediate team or does there need to be absolute confidentiality between the individual and line manager.

Attendance Management

- The PSNI recognises that a person undergoing treatment associated with the gender reassignment process may require time off. Such absences should be dealt with by line managers in accordance with the Attendance Management procedure, with appropriate support and adjustments being provided to the individual. Additional advice and guidance can be obtained by contacting the EDI Team.

Use of Facilities

- This issue may be a cause of concern for individuals and it is important that it is managed with sensitivity and understanding for all concerned, to achieve an accommodation that works for all those who use the facilities.
- Managers are expected to support the transgender colleague's rights on this issue and may do so by dealing with unreasonable behaviour through communication, discussion, education and adherence to the PSNI's Diversity & Inclusion principles and values.
- Management may consider whether all facilities have to be gender specific, as it may be possible, with the support and agreement of the local management and premises team, that some facilities are allocated as accessible to all. However whether this is possible or not, transgender people should be able to use the facilities allocated to their affirmed gender.
- Some posts may also require the use of showers/changing facilities. The legal position regarding changing facilities is the same as that for toilet facilities. For some transgender individuals, they may need to use accessible facilities for a period of time, and this should be reasonably provided.
- Within the PSNI estate, facilities are usually provided on the basis of female, male and accessible. PSNI supports the right of colleagues to use the facilities they feel best match their gender identity. The manager and individual should discuss and agree the point at which the use of any single sex facilities in the affirmed gender will begin.

- PSNI toilets and changing facilities are being considered currently to provide an inclusive, safe space for everyone.

9. Further Information and Resources

Ongoing Support internally is available for both individuals and line managers by contacting the EDI Team. Additionally, the PSNI's LGBT+ Network offer support for members/allies, including guidance and a social network open to all regardless of sexuality or gender identity.