# Guidance on supporting trans colleagues

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## Introduction

At Barnardo’s, we want to ensure that trans colleagues work in an environment where they feel valued and respected and are treated equally to colleagues who do not share this characteristic.

We support and embrace the rights of colleagues to express their own gender identity through all stages of transition and want colleagues to feel comfortable, open and safe about doing so.

This guidance should be read in conjunction with the [Equality, Diversity and Inclusion (EDI) policy](https://inside.barnardos.org.uk/equality-diversity-and-inclusion-policy) and the [EDI Code of Conduct](https://inside.barnardos.org.uk/equality-diversity-and-inclusion-code-conduct).  Its purpose is to provide managers and colleagues with good practice information to support and be inclusive of trans colleagues in the workplace. It also sets out how line managers can support trans colleagues in a way that is relevant and appropriate for them and by treating any issues of harassment, victimisation or discrimination extremely seriously. Please see our colleague [Resolution Policy](https://inside.barnardos.org.uk/resolution-policy) for more information.

For further guidance, please contact a member of the EDI Team at [ask.edi@barnardos.org.uk](mailto:ask.edi@barnardos.org.uk)

## Terms

‘Trans’ is a term for people whose gender identity is not the same as their sex assigned at birth. It is an umbrella term covering individuals who:

* Are intending to undergo, are undergoing (sometimes referred to as transitioning), or have undergone gender reassignment at any stage;
* Are non-binary – they are not solely male or female as they may define themselves as both, neither or something entirely different.  They may or may not have had medical interventions to align their body with their non-binary gender identity.

It is both necessary and respectful to acknowledge a person’s gender identity as an authentic and legitimate expression of who they are as an individual.

**Intersectionality** is a term used to recognise our many different identities, each of which is connected.  We are members of more than one community, and this can be linked, for example, to gender, sexual orientation, disability or race.

Different people can face different kinds of prejudice in their communities even if they share some of the same identities.  For example, Black and Minoritised Ethnic trans people could be more likely to experience discrimination because of the way their race, gender and religion intersect.  Acknowledging intersectionality enables us to empathise with people with multiple identities and the many obstacles they face.

## Promoting trans equality

Barnardo’s is committed to ensuring a safe, supportive and inclusive working culture for trans colleagues and aims to achieve this by striving to gain a strong awareness and understanding of issues that impact and affect them.

As well as ensuring that our trans colleagues are fully supported, our commitment to trans equality is demonstrated in the following ways, including but not limited to:

* Including trans equality within Barnardo’s EDI agenda and objectives;
* Marking important dates such as Trans Day of Visibility (31 March), International Non-Binary People’s Day (14 July) and Transgender Day of Remembrance (20 November) seeking the views and input from the LGBT+ network;
* Endeavour to deliver LGBT+ training courses, including both face-to-face and e-learning, that is fully inclusive of trans people;
* Including trans people in publicity and marketing materials;
* Preparing, wherever possible, Barnardo’s forms and surveys using trans-inclusive language, for example when collecting demographic information from colleagues and the children, young people and families we support;
* Removing, wherever we can, binary gender specific descriptors from our policies and processes and using gender neutral language wherever applicable;
* Applying a fair and inclusive recruitment process;
* Creating working environments where colleagues feel safe and open about their gender identity and comfortable in bringing their full, authentic selves to work by confidently expressing their gender in affirming ways; and
* Investigating any issues of harassment, victimisation, or discrimination in relation to trans identity under the relevant colleague [Resolution Policy](https://inside.barnardos.org.uk/resolution-policy) or Volunteer Concerns Procedure.

## Dealing with allegations of transphobia

All colleagues are responsible for providing and helping to sustain a safe, welcoming and inclusive work environment, whether virtually or in a physical location.

Allegations of any form of transphobia – negative or harmful attitudes, feelings or behaviour towards being a trans person, including bullying, harassment and discrimination, will be taken extremely seriously and regarded as potential gross misconduct.

These allegations will be investigated and addressed in accordance with our colleague [Resolution Policy | Inside Barnardos](https://inside.barnardos.org.uk/resolution-policy) or our Volunteer Concerns procedure, the outcome of which could result in the end of your employment/volunteering with us.

Bullying and harassment against trans people can manifest in several ways, including, but not limited to:

* Refusing to work with a colleague because they have transitioned;
* Excluding a trans colleague from conversations or from social events;
* Threatening behaviour or physical abuse;
* Verbal abuse, such as derogatory jokes or belittling comments;
* Asking intrusive questions (for example about any surgery a colleague may or may not have had);
* Deliberately ignoring or disregarding a colleague’s confirmed pronouns; or
* Deliberately referring to a trans colleague by their birth name or name used prior to transitioning.

Managers should be aware that trans colleagues could face harassment or discrimination from members of the public or the children, young people and families that we support. If this occurs, managers need to support colleagues appropriately and, wherever possible, be clear to those responsible that such abusive behaviour will not be tolerated under any circumstances.

If an incident involves a child, young person or their family, it will need to be escalated and reported as a safeguarding incident, see [Serious Safeguarding Incident Form.](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Finside.barnardos.org.uk%2Fsites%2Fdefault%2Ffiles%2F2023-07%2FSerious%2520Safeguarding%2520Incident%2520Form%2520%2528for%2520service%2520users%2529_July%25202023.doc&wdOrigin=BROWSELINK)  Please contact your Safeguarding Lead in the first instance. Guidance is also available for practitioners at [Safeguarding children policy (children’s services) | Inside Barnardos.](https://inside.barnardos.org.uk/safeguarding/safeguarding-children-policy-childrens-services)

## How to raise concerns

If you feel that you have been harassed or discriminated against please tell your line manager or your manager’s manager if you prefer and they will listen and discuss how to deal with the situation using Barnardo’s  [Resolution Policy | Inside Barnardos](https://inside.barnardos.org.uk/resolution-policy).This includes any unwanted or offensive behaviour that happens outside of the workplace but is still related to your work such as at a social or training event.     
   
You can also contact [UNISON](https://inside.barnardos.org.uk/people-and-culture/unison), if you are a union member and/or the Employee Assistance Programme [(EAP)](http://eap/) confidentially at any time.  

## Guidance for managers supporting colleagues transitioning

To support your colleague appropriately and minimise workplace disruption, you will need to work co-operatively and collaboratively with them to plan their transition at work. You should focus on what they need from you so the process can progress smoothly.

You should draw up an action plan (see Appendix 1) with your colleague if they agree, and regularly revisit it as plans may change.  Seek to establish a potential timescale for different stages of the transition and agree the date when your colleague will start work in their affirmed gender.   
   
Consider whether other colleagues working closely with the colleague would benefit from further guidance or training before this date, if the colleague is happy with this.

It is important to discuss how they intend to handle their transition and let them proceed at their own pace. This needs to be done sensitively, with respect for confidentiality, and led by the colleague so they feel comfortable with the level of information being shared and the way in which it is communicated.  

Regular check-ins during the process should be held to see how things are progressing and enable you to handle any concerns as they arise or deal with any issues that previously may have been overlooked.  

A noticeable dip in performance should be viewed sympathetically, with appropriate guidance and support provided while the colleague gains confidence to perform satisfactorily in their affirmed gender.  You should contact the People Team to discuss the situation and agree an appropriate course of action.

Consideration needs to be given to the potential impact that the process can have on a colleague’s physical and mental health and the possible effects from medication that may affect their work performance. 

## Support for colleagues transitioning

Barnardo’s recognises that transition means different things for each individual and no one's transition journey will be the same as someone else’s.  If you have decided to transition, then we will support you appropriately.   Barnardo’s understands that it is crucial for you to receive the support that is right for you so you can continue to work without fear of discrimination and harassment.

Once we know that you will be starting, or have started, a transitioning process, a suitable point of contact, who should preferably be your line manager but can be a member of the EDI team or the People Team if you prefer, can be identified to help you access any support you may require.

You can also work with your line manager to agree an action plan (see Appendix 1) to help manage your transition and outline the steps that may need to be taken before, during and after your transition. It’s recommended that you meet with your manager regularly to discuss your action plan and see how things are progressing. So, agree a date with your manager for a follow-up meeting and then try to have regular catch - ups with them thereafter.   
   
Use of the action plan is optional, and of course only if your line manager is aware that you are transitioning. Your action plan will be kept confidential, and the content will only be shared on a need-to-know basis and under no circumstances without your explicit consent.

If you would like to request any temporary changes to your job or request flexible working to support your transition, please also discuss this with your line manager so that they can consider and see what can be arranged and agreed with you.

## Sources of Support

There are a number of sources of support available to you including your line manager and People Team. You can also contact:

* A member of the EDI Team at [ask.edi@barnardos.org.uk](mailto:ask.edi@barnardos.org.uk)
* A member of Barnardo’s LGBT+ Network, which includes a closed Trans+ network. Further details are available on Workplace [LGBT+ Network | Group | Workplace](https://barnardos.workplace.com/groups/133078360798709) or by contacting  [transnetwork@barnardos.org.uk](mailto:transnetwork@barnardos.org.uk)
* [UNISON](https://inside.barnardos.org.uk/people-and-culture/unison), if you are a UNISON member; or
* The Employee Assistance Programme [(EAP)](http://eap/)

External sources of support include:

* Stonewall, a UK charity supporting LGBTQ+ people  [www.stonewall.org.uk](http://www.stonewall.org.uk)
* LGBT Foundation, which contains information for lesbian, gay, bisexual and trans communities [http://lgbt.foundation](http://lgbt.foundation )
* Scottish Transgender Alliance, which works to improve trans equality, rights and inclusion in Scotland [www.scottishtrans.org](http://www.scottishtrans.org )
* Transgender Wales [www.transgenderwales.bravepages.com](http://www.transgenderwales.bravepages.com )
* Transgender Northern Ireland [www.transgenderni.com](http://www.transgenderni.com )
* The Gender Trust, supporting all those affected by gender identity issues [www.gendertrust.org.uk](http://www.gendertrust.org.uk )

## Time off

You may wish to take some time off at the time of your transition before returning to work in your affirmed gender. This might involve a combination of paid annual leave and/or unpaid leave requests, for example. See [Taking time off.](https://inside.barnardos.org.uk/people-and-culture/taking-time) Your manager will try to be flexible and supportive if you ever request time off.  

Appointments

If you decide to undergo medical procedures or interventions to affirm your gender identity, then a reasonable amount of paid time off for appointments relating to the transition process will be provided.  Where possible, appointments should be scheduled at times that minimise the impact on work commitments, though managers should consider the distance colleagues may need to travel for appointments.  Further guidance can be found in [Additional leave (paid and unpaid) policy | Inside Barnardos](https://inside.barnardos.org.uk/people-and-culture/taking-time/additional-leave-paid-and-unpaid-policy) 

Sickness absence

It is important to acknowledge that Barnardo’s does not consider gender reassignment as a sickness although medical aspects of transitioning may come within our sickness absence provisions.

Wherever possible the amount of leave for treatment and recovery should be agreed in advance based on information from your medical practitioner, which should be supported by a fit note for absences longer than 7 calendar days. See our [Sickness absence policy](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/sickness-absence-policy)  

You should agree keeping in touch arrangements to update your manager of the progress towards a return to work and discuss any adjustments to your role which may facilitate this.

 You may wish to discuss the reason stated on your fit note in confidence.  It may be helpful for your manager to be aware of the likely period of absence from work though, but there will be no requirement to upload the details.

If you are unable to return to work as expected, your manager will need to consider what is reasonable and sustainable if your absence continues. If your absence remains ongoing, your circumstances may be more appropriately considered in accordance with the [Sickness absence policy](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/sickness-absence-policy) including review meetings and referral/s to Occupational Health where appropriate.  If a successful return to work is facilitated, sickness absence due to transitioning should not count towards attendance triggers for formal action, so no formal caution for attendance improvement should be considered.    

## Records and confidentiality

Please contact your line manager or People Team if you want to change your name or remove or change your title (e.g. Mr/Mrs/Miss/Ms) from our records, because you don’t need a Gender Recognition Certificate (GRC) to do this. Barnardo’s will also support you if you wish to use the title Mx.

To prevent any direct or inadvertent breach of confidentiality, the charity will update all documents and systems with your affirmed gender when you let us know.   

Information that will need to be changed may include, for example:

* information on Dynamics 365, our HR and Finance system\*;
* IT systems;
* address lists, including telephone listings; and
* ID badges with a new photograph.

To ensure confidentiality is maintained appropriately, you should co-ordinate this process in conjunction with your line manager or People Team.

Any new records will only refer to your new name and affirmed gender.

Wherever possible, previous name and gender details should be deleted: it would be unacceptable and discriminatory not to do so unless there is an appropriate reason, for example information that relates to the twelve-month timeframe for the Performance and Development Cycle or complying with HMRC requirements.

If retention can be justified, access to the records will be restricted to colleagues who require the information to undertake duties associated with their job role.

*\* Note that changing your name on HMRC, national insurance, payroll and pension scheme records will need follow the processes required by HMRC and our Pension provider.*

*So, if you don’t or can’t change your gender legally, we may need to keep some records such as those relating to National Insurance and Pension containing your gender identity at birth.  However, please be assured that we’ll keep this information confidential in line with the General Data Protection Rules (GDPR).*

## Recruitment

A colleague’s gender will have no bearing on recruitment unless a genuine occupational requirement (GOR) is necessary to satisfy the specific requirements of the role. This will be rare, and only in verylimited, specific circumstances.

Where it does apply, Barnardo’s will welcome applications from anyone identifying or affirming with the gender stated.   Further guidance regarding a genuine occupational requirement can be obtained by contacting the EDI Team at [ask.edi@barnardos.org.uk](mailto:ask.edi@barnardos.org.uk )

You do not need to tell us about your gender history at any point during the recruitment process. If the role you are applying for requires a criminal records check and you are based in England or Wales, you can use the Disclosure and Barring Service confidential checking process (see [Transgender applications - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/transgender-applications) , which assists applicants who do not wish to disclose their name or gender they were assigned at birth.  Similarly, if you are based in Northern Ireland or Scotland you can refer to <https://www.mygov.scot/transgender-disclosure-application> or <https://www.nidirect.gov.uk/articles/using-criminal-record-check#toc-3> for the equivalent process.  

All new employment offers will involve identity and documentation checks and sometimes the names or gender on your documentation may not tally. Barnardo’s is required by law to carry out right to work checks to make sure that all colleagues have the right to work in the UK. The Home Office stipulate what documents are required to evidence this, see [Prove your right to work to an employer: Using immigration documents - GOV.UK (www.gov.uk)](https://www.gov.uk/prove-right-to-work/using-immigration-documents) However, please be assured that any necessary information that you provide will only be processed to evidence and support this requirement. You can use the name and gender of your choice internally (see Records and Confidentiality).   
   
If giving a reference for someone moving to a new job, the referee must use the colleague's current name and not refer to a former name or gender identity.

## Use of facilities

Barnardo’s premises will try to contain gender neutral facilities where this is possible and use symbols or signage indicating urinals or cubicles that identify toilet facilities. 

You will not be expected to use toilet facilities relating to your sex assigned at birth. You are entitled to access and use facilities, such as toilets or changing rooms, that you feel most safe and comfortable using and we will support you in the choice you make.

If you work on premises not owned by Barnardo’s please speak to your line manager to see how you can access facilities you feel safe and comfortable using.

Should any difficulties arise and if objections are raised by other colleagues, these matters will be handled sensitively and professionally. All colleagues should respect the dignity of other colleagues. Any unacceptable or inappropriate comments by other colleagues will not be tolerated and will be viewed as potential harassment or discrimination and investigated under our [Resolution Policy.](https://inside.barnardos.org.uk/resolution-policy)

## Dress

Barnardo’s encourages and supports the right for you to dress in a way that is consistent with your gender presentation and expression.  You will be supported in wearing clothing that is most appropriate and comfortable for you. If you work in an area of the charity that has a uniform/dress policy, you should discuss any new items that you require with your manager.    
   
If you are changing your name, you should agree with your manager when you want to start using your affirmed name so they can make sure that a new name badge can be prepared if you need one.

## Use of pronouns

Pronouns are words we use in everyday language to refer to ourselves or others. They can be an important way to express gender identity. ‘She/her’, ‘he/him’ and ‘they/their’ are some examples of pronouns.

Using pronouns correctly is important in helping all colleagues feel included at work because they should not be assumed from anyone’s appearance.  Pronouns and names are personal, and individuals have the right to choose and define how they wish to be addressed. 

* If you’re not sure what a colleague’s pronouns are, ask them politely or listen to what pronouns they use. You can also use gender neutral pronouns to refer to someone you’ve not had contact with yet or simply refer to them by their name.
* Use a colleague’s correct pronouns or form of address once you’ve been made aware. It may feel simpler to refer to everyone with gender neutral pronouns (e.g. they/them), but you should be aware that you could accidentally misgender someone by doing so.
* If you make a mistake when referring to a colleague, correct yourself and ensure you use the colleague’s preferred pronouns going forward. Try practising referring to your colleague by their correct pronouns. For example: ‘This is my colleague Rhiannon, she booked the meeting room earlier.’

You can include your pronouns on your email signature [Change an email signature - Microsoft Support](https://support.microsoft.com/en-us/office/change-an-email-signature-86597769-e4df-4320-b219-39d6e1a9e87b) and M365 profile [BS-DT TechnologyTransformation - Setting your Pronouns on your M365 Profile](https://barnardosorguk.sharepoint.com/sites/BS-DT-TechnologyTransformation/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FBS%2DDT%2DTechnologyTransformation%2FShared%20Documents%2FCommunications%20and%20Collaboration%2FMS%20Teams%2FUserGuides%2FSetting%20your%20Pronouns%20on%20your%20M365%20Profile%2Epdf&parent=%2Fsites%2FBS%2DDT%2DTechnologyTransformation%2FShared%20Documents%2FCommunications%20and%20Collaboration%2FMS%20Teams%2FUserGuides&p=true&wdLOR=c53510F97%2DCEA1%2D4FF7%2DBA6B%2D549ED1A129F5&ct=1683105632476&or=Outlook%2DBody&cid=90BBD104%2DCF03%2D4669%2D96C3%2D9BF2F7D9FFED&ga=1) if you wish as this can help to raise awareness. Think also about promoting inclusion by sharing pronoun use during introductions at meetings.

## Legal framework considerations

The information referred to in this guidance complies with the Equality Act 2010, the Gender Recognition Act 2004, the General Data Protection Regulation (GDPR) and all relevant equality legislation in Northern Ireland (i.e., Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999).

Equality Act 2010

Gender reassignment is classed as a protected characteristic, which means trans people, including those who are non-binary or gender diverse, are granted legal protection against direct discrimination, indirect discrimination, harassment, discrimination based on perception (i.e. if it is assumed a person is trans), discrimination by association (i.e. if a partner, parent, sibling or friend is trans), victimisation and harassment.

It is unlawful to treat someone less favourably than others on the grounds that they propose to, have commenced or have undertaken a process to affirm their gender and a colleague is protected from discrimination as soon as they declare their intention to do so.  You do not have to evidence that you are under medical supervision, and it is recognised that each individual’s transition journey will include and comprise different aspects.

Outcomes from case law have established that it can be acceptable to hold gender critical beliefs, for example that biological sex is immutable (i.e. cannot be reversed) under the protected characteristic for Religion or Belief.

However, protected beliefs under the Equality Act, including any strongly held religious convictions, cannot be used as a basis to harass or discriminate against trans people.  People cannot, therefore, express their opinions in a way that potentially creates an intimidating, hostile, degrading, humiliating or offensive environment for another person. Such behaviour is unlawful and in Barnardo’s could also be a breach of [Barnardo’s EDI policy](https://inside.barnardos.org.uk/equality-diversity-and-inclusion-policy) and [EDI Code of Conduct.](https://inside.barnardos.org.uk/equality-diversity-and-inclusion-code-conduct)

Sex Discrimination (Gender Reassignment) Regulations (Northern Ireland) 1999

This legislation protects people from direct discrimination, harassment and victimisation if they have transitioned, are transitioning, or planning to transition. Colleagues are protected from unfair treatment in recruitment and through all aspects of employment.  A person does not need to undergo any treatment or surgery to receive legal protection.

Gender Recognition Act 2004

A GRC enables trans people to acquire a replacement birth certificate which reflects their affirmed sex with legal rights and responsibilities aligned accordingly.

A GRC is not required for employment and not all trans people will apply for one.  It is not permissible to ask a trans person for a GRC because this could amount to discrimination or harassment and breach their privacy rights.

It is a criminal offence to have obtained information relating to a person’s application for a GRC, or their gender history before a GRC was issued, and subsequently reveal the information. It is also illegal to ‘out’ someone’s trans status by divulging details of their background without their permission.

General Data Protection Regulation (GDPR)

Information regarding trans status is considered sensitive personal data and subject to tighter controls than other personal data. Explicit consent is required before it can be processed.

Trans colleagues are entitled to have their privacy protected and not be subject to workplace gossip, including unnecessary or unacceptable discussions around their personal circumstances.  Many trans people wish to keep their status private though others may be willing to talk about it openly or in confidence.  It is essential that co-workers respect each other’s privacy and decisions.

## Appendix 1- Action Plan

|  |  |  |
| --- | --- | --- |
| Area of discussion | Action/s to be taken | Date to be completed by |
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Some of the things you may want to think about when devising an action plan with your manager include, for example:

* When and how you will present in your affirmed gender;
* The point at which other colleagues, particularly any direct reports, and any external contacts/suppliers will be told and how;
* If and how any children and young people you work with will be informed;
* Any other support you might need including requests for time off;
* Whether you would benefit from having a mentor who identifies as trans;
* Any temporary role changes that you might want to request;
* Any anxieties around how to manage others’ reactions; and/or
* Arrangements for changing your name on records and systems.

The above does not form an exhaustive list and the points contained in your action plan should be relevant to you and your needs so you are supported appropriately.