

**Flexible Worker Guidelines**

**Gender Reassignment**

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## 1. Scope

These guidelines have been created to provide guidance for all NHS Professionals (NHSP) Ltd Flexible Workers (FW's) regarding Gender Reassignment in the workplace.

These guidelines have been written in accordance with:

- The Sex Discrimination (Gender Reassignment) Regulations 1999 (SI 1999/1102) – which stipulate that individuals have the right not to be discriminated against because they are proposing to undergo, or are undergoing Gender Reassignment
- The Gender Recognition Act 2004 – which provides individuals with the legal right to change gender by means of a Gender Recognition Certificate.

## 2. Key Definitions:

<b>Gender Reassignment</b>	The process whereby a person's physical sexual characteristics are changed by means of medical procedures such as surgery or hormone treatment.
<b>Gender</b>	The social and cultural identification and perception of masculinity and femininity as opposed to physical/biological sex. Social gender is the gender in which an individual lives their day to day life. This is likely to affect the name they choose to be called by and how they dress.
<b>Acquired gender</b>	The new gender of a person who has socially transitioned and had their gender reassigned and/or legally recognised.
<b>Trans (Transgender)</b>	'Trans' is an umbrella term used politically and collectively - it is generic and captures the variety of trans identities without being limiting. Trans refers to a diverse and inclusive community of people ranging from part-time cross dressers to transsexual people who undergo gender reassignment surgeries.
<b>Protected Characteristics</b>	This guideline is intended to protect FWs from unfair treatment, regardless of their background. Our definition of 'protected characteristics' is based on those set out in the Equality Act 2010. The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation
<b>Gender Dysphoria</b>	The dissatisfaction with one's physical sex which is at conflict with one's birth gender.
<b>Sexual Orientation</b>	The direction of one's sexual interest toward members of the same, opposite, or both sexes
<b>Gender Recognition Certificate</b>	This is a new birth certificate, affording people with gender dysphoria legal recognition as members of the sex appropriate to their gender full recognition of their acquired sex in law for all purposes, including marriage.

## 3 Responsibilities

### 3.1 NHSP

- Duty of care to its FWs to prevent discrimination on the grounds of sexual orientation and treatment in the workplace.
- Maintain the strictest confidence when providing support to FWs during and after gender reassignment.

### 3.2 FW

- Notify the FWHR Team in writing at [fwhumanresources@nhsprofessionals.nhs.uk](mailto:fwhumanresources@nhsprofessionals.nhs.uk) that they are considering or commencing gender reassignment.

## 4. Process

### 4.1 For FW's who are considering or have commenced Gender Reassignment.

A FW considering or having commenced Gender Reassignment must:

- Notify NHSP FWHR team in writing that they are considering or commencing Gender Reassignment. A member of the FWHR team will be assigned to answer any queries which may arise throughout the process.
- Confirm the expected timescale of medical and or surgical procedures, if any.
- Advise of time off required for medical treatment which will mean the FW is not able to undertake assignments.
- Indicate whether they wish to inform the Trust Manager where they undertake assignments and colleagues themselves of the transition, or if they would prefer this to be managed by the nominated support within FWHR. If the latter, discussion will be had regarding the means of doing so.

### 4.2 During the Process

The nominated FWHR Support will then contact (via telephone or face to face meeting if FW prefers) the FW to:

- Confirm receipt of written notification of transition from FW.
- Discuss and agree an action plan to be followed during the process.
- Discuss and agree how the FW wishes to notify the Trust(s) where they undertake assignments of their Gender Reassignment.
- Discuss any Occupational Health requirements.
- Confirm the date on which the FW anticipates returning to work in their new gender. This may include briefing sessions with the Local NHSP Client Relations Team. Discussions may include dates on which the FW will commence the use of single sex facilities in their new gender (i.e. toilets, locker rooms etc.).
- Agree flexibility in dress codes for the transition period and agree when new uniforms (if required) should be provided.
- Agree if lockers need to be reallocated.

FWs who have prebooked shifts will not be paid for any prebooked shifts not worked during the Gender Reassignment process.

### 4.3 Completion of Gender Reassignment

**Once the process has been completed, the FW:**

- Must provide FWHR with documents evidencing Gender Reassignment in order that the relevant NHSP records may be amended. Such documentation may include proof of name change via deed poll, NI number, passport documentation and Gender Recognition Certificate.

**NHSP/FWHR will:**

- Provide FW with a new uniform if required.
- Will ensure that all necessary changes are made to the FW's personal records as required.

**5. Record keeping**

Confidentiality will be maintained at all stages of the process and information provided and discussed will be treated in strictest confidence.

In accordance with the Data Protection Act 1998, all records must be kept in safe storage and in confidence at all times. At the conclusion of the Gender Reassignment process, all records and documentation must be stored confidentially on the FWs personal file, accessible only through the FWHR department.

NHSP is committed to ensuring that, as far as is reasonably practicable, the way we provide services to client Trusts and the way we treat our FWs reflects their individual needs and does not discriminate against individuals or groups in any way.