

## Guidance on supporting trans staff and students

The University is committed to creating and sustaining a positive and supportive working environment for our staff and an excellent teaching and learning experience for our students, where staff are equally valued and respected, and students are encouraged to thrive academically. As a provider of employment and education, we value the diversity of our staff and students and remain committed to creating a culture that is inclusive of trans and non-binary members of our University community where discrimination is not tolerated and where individuals are able to reach their full potential.

*“Trans and non-binary colleagues and students are an important and integral part of our community. The perspectives and experiences of trans people make our University a richer place to work and study. It’s been a privilege to have been able to mentor trans members of the community and facilitate some of our students to attend Trans Pride in Brighton over the last couple of years. I look forward to taking future opportunities to be an ally for trans people at Bristol.”*

**Robert Kerse, Chief Operating Officer**

This guidance document has been prepared by the Equality, Diversity and Inclusion (EDI) Team for all University staff particularly those who work frontline with students, manage staff or work in support roles. Some terms in this document may be new to many readers so a glossary has been provided in Section 8 to use as a reference as you read this guidance.

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## 1. Context

In the UK there are around 300,000 people who identify as transgender which is roughly 0.5% of the population. However, this figure is estimated to be higher to include individuals who have chosen not to disclose their identity due to fear of oppression or discrimination.

Transgender (or 'trans' for short) is an umbrella term that incorporates a wide spectrum of gender identities. A trans person is someone whose physical and sexual characteristics they were assigned at birth do not match up with their deeply personal sense of identity, for example someone who was born physically male but feels that they are in fact female. The media often describe this as 'someone born into the wrong body,' although this term is quite a generalisation. Society traditionally likes people to fit into a gender binary of male or female but many trans people sit outside of this (you may hear someone identify as 'non-binary') and identify as something anywhere across the gender spectrum.

Trans people can exist in many different platforms across the spectrum of gender. Many trans people choose to have hormone replacement therapy (HRT), surgery or other treatments to help their physical characteristics fit more comfortably with their correct and chosen gender, where some choose not to do this. People who identify as trans but don't have any physical treatment are still trans, the term encompasses anyone who does not agree with the gender and sex they were assigned at birth. People may choose not to have physical treatment for any number of reasons, so it is important to remember that all trans people are individuals with their own identities.

## 2. Legal context

The Equality Act 2010 lists gender reassignment as one of the 'protected characteristics' on the grounds of which people are protected against unlawful discrimination, harassment and victimisation. This applies in education, employment and the provision of goods and services. It is not necessary for an individual to be under medical supervision, or to undertake reassignment surgery, to benefit from the legal protection, which commences from the point at which they first indicate their intention to transition. Employers have a responsibility to protect their employees from harassment and bullying, including in relation to gender reassignment. It is unlawful to discriminate against someone because they are perceived to be trans, whether the perception is accurate. It is also unlawful to discriminate against someone because they associate with a trans person. These forms of discrimination are illegal under the hate crime act.

The University, as a public authority, also has equality duties to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Gender Recognition Act 2004 allows individuals who have undergone gender reassignment to obtain a Gender Recognition Certificate (GRC). This means that they are legally recognised for all purposes in their confirmed (correct) gender. It is a criminal offence under this legislation to disclose information relating to the individual's gender history obtained in an official capacity (i.e. as part of a person's work role). To obtain the

GRC an individual must provide evidence to satisfy the Gender Recognition Panel that they are at least 18 years of age, have or have had gender dysphoria, have fully lived in their confirmed gender for at least two years, are not married or in a civil partnership and intend to live permanently in their confirmed gender.

Obtaining a GRC means that a person is:

- Entitled to be issued with a new birth certificate reflecting their changed gender
- Legally recognised as belonging to their confirmed gender ‘for all purposes’ including the criminal law
- Entitled to state benefits and occupational pension schemes based on their acquired gender;
- Able to marry someone of a different gender or enter into a civil partnership with someone of the same gender.

It is illegal to ask to see a Gender Recognition Certificate. If they need to prove identity, other documents should be requested, such as a birth certificate or passport.

As of July 2018, the GRA 2004 is currently under review in Parliament as the requirements for obtaining a GRC are widely regarded as outdated by the LGBT+ community. The document as it currently stands is still legislation, however an amended and updated document is expected to be produced soon.

### 3. Information on data, name changing and records

A trans person in the process of transitioning often opts to have their name and title changed via Deed Poll, the same process a person may use to change their name after marriage or separation. Some trans people choose a new name and like it to be used before their Deed Poll is returned and it is important that this is respected outside of any official documentation. When a Deed Poll is obtained (the individual signs their certificate and form, has it countersigned then sent off for registration, much like a passport), the individuals new and legal names and title must be updated on their personal files. This does not mean an individual’s sex can be updated - this can currently only be done under provision of a Gender Recognition Certificate.

The rest of section 3 is aimed many at people who handle personal individual data, such as line managers, heads of faculty/department, HR, student admissions etc.

- **Data protection and confidentiality**

Information relating to a person who is trans is special category data under the Data Protection Act 2018. An extra level of confidentiality is required in relation to trans people and consent (usually written) is almost always required from the individual concerned prior to information disclosure to another party. The University also has a responsibility under the Data Protection Act to ensure that personal information is accurate and up to date, so it is important that the University holds a correct title as well as legal and preferred names. A preferred name may be entirely different to their legal one, individuals are usually approachable for clarification (Abigail may legally still be called Abigail but would like to be referred to as James in general conversation, or before their Deed Poll documents are returned).

- **University Records**

Records should be changed from the date that the individual notifies the University of their new name and/or title. It may however be necessary to retain some information relating to an individual’s previous identity for other purposes, such as financial regulation. Such records should be held confidentially for the minimum time required, with access strictly limited to only those members of staff who require access for a specific purpose.

When amending records, the following principles should be followed, with further advice being sought from the University's Information Governance Manager where necessary:

Ensure records are not changed without the permission of the staff member or student concerned. If an individual discloses their status as a trans person or gives notification of their intent to transition during their employment or education, the date from which their gender is changed on all staff/student records must be agreed with the individual. This includes any public references, identification passes, library cards, contact details, email addresses, formal records, website references, and so on.

Consideration should be given to agreeing the date from which a student applicant's name and gender will change at the pre-enrolment stage, ensuring that UCAS or other application forms are amended. This will enable all subsequent identification to be produced accordingly. The applicant will need to notify the student loans company and other funding bodies to ensure payment and enrolment records match. Care may be required if the applicant has not notified their current school or parents for example, of their intention to transition but this can be discussed directly with any individuals this applies to.

Subject to the agreement of the individual, and except for degree certificates, a written notification of intent to transition is sufficient for the gender and name on staff and student records to be changed. This is necessary to enable the person to go about their daily life as a staff member or student without their sex assigned at birth being known.

- **Medical Information for records**

Asking a trans person to provide medical evidence of transition before changing their name and gender on records is not appropriate, as not all trans people opt to medically transition. When dealing with external organisations on matters related to areas such as taxes, national insurance, pensions, and visas this must be based on the sex on their birth certificate (unless an official gender recognition certificate has been issued) and not their gender identity.

When/if a trans person receives a gender recognition certificate/GRC (some trans people will not be applying for this certificate, that is perfectly normal), they are sent information on how to obtain a new birth certificate and provided with details of who should be informed. The individual will now have the right to request that all references to their former name and gender are removed from previous records to ensure their former identity is not revealed. For example, a person's original birth certificate will need to be replaced with their new one. Similarly, if the person has changed their name, their original offer letter will need to be replaced with an offer letter in their new name. Nothing should remain on file that would disclose to a third person that a name change has occurred. When a member of staff provides a copy of their new birth certificate, HR/Payroll should check if their change of gender affects their National Insurance contributions.

For changes to staff or student records to take place, it may be necessary to discuss with others in the University the fact that the person is transitioning. However, it is essential that the individual provides written consent for their status as a trans person to be discussed with others.

- **Degree certificates**

Degree certificates are legal documents therefore legal proof of a change of name is required to issue or to reissue a degree certificate in a name different to the name in which the student originally registered. Forms of legal proof of a name change can include:

- Deed Poll certificate
- Passport
- Birth Certificate (if the individual has also received a Gender Recognition Certificate)

The University does not charge a fee to update or reissue a certificate with a change of name. This request can be made by contacting the Education Process Improvement and Records Team.

#### 4. Responding to a disclosure

Below is some summarising guidance that will be useful if a student or staff member discloses details of their transition to you.

- Try not act any differently
- Ask them how they want to be referred to including which name and which pronouns you should use. Use these all the time, not just when in the company of the person.  
*James doesn't become Abigail again just because they are not in the same room, if they have chosen to called James this is their name.*
- If you make a mistake with pronouns, apologise, correct yourself, and then quickly move on. It is quite normal to make an honest mistake and individuals will appreciate an apology but not lingering on the subject.
- Respect their privacy. Do not tell others about a person's history. If documents must be kept that have the person's old name and gender on them, keep them confidential as outlined in section 3.
- Respect people's boundaries and consider whether it is appropriate to ask a personal question.

- **Dress code and appearance**

When someone starts to live as their correct gender, they may be very sensitive to the ways in which their physical appearance differs from others. It is inappropriate to discuss someone's appearance and it is never appropriate to judge someone by how they look. Trans individuals are free to dress however they are most comfortable at work, just like anybody else, provided their attire is suitable for their role. It is important not to make a trans individual 'stand out' by commenting on their clothing or appearance and complimentary remarks should be kept professional when talking to any individual whether trans or not.

#### 5. Supporting a trans individual

- **Point of contact**

There should be a single point of contact who can support the individual and provide a positive and supportive environment where issues connected to their transition can be discussed. It also might be helpful to agree with the individual who else might need to be involved in supporting the individual in their transition, either in terms of active involvement or involvement in an advisory capacity (for example HR, EDI Team, Student

Wellbeing Advisor, member of the Student Inclusion Team, a member of the Staff LGBT+ Committee or a Bristol SU Advisor).

The main point of contact should work in partnership with the individual to develop a plan of support needed and how it might be provided to assist in the transition process. Any information disclosed must be treated in the strictest of confidence and must not be shared without the express consent of the individual concerned.

This bit is vital – **you could be the very first person an individual tells about their intent to transition**. Treat their decision to tell you first honourably as it can take unrivalled amounts of courage for an individual to come out for the first time. If you must speak about the conversation to another colleague for support after, the individual must remain anonymous.

- **Planning support**

Successful support and management of a person's transition depends crucially on taking account of their views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise. It is therefore important at an early stage to discuss and agree on an 'action plan.' Key elements may include:

- The anticipated point in time of change of name, personal details and gender
- Whether an employee wishes to stay in their current post or explore the possibility of redeployment, on a temporary or permanent basis
- Whether a student wishes to stay on their current programme, suspend studies or explore the possibility of transferring to another programme
- An anticipation of time off for medical appointments, treatments and surgical procedures and how any such absences will be managed
- Who needs to be informed of the transition, the method(s) of communication and the timescales for this (see 'informing others' below)
- How to handle any harassment or hostile reactions. For example, would some training on gender identity issues be helpful

- **Informing others**

Consent from a trans person **must** be gained before communicating their transition to other colleagues or people. The approach taken will depend on how the individual wants to progress and their decision on this will be final. It may not be necessary to inform those who have no direct contact with the individual, although you should be aware that informal information and 'gossip' can travel fast and wide, so it may be preferable to include such people to avoid mis-information. Things like pronouns are important to communicate to extended parties as part of this, to avoid gender assumption. Support during this time for the individual is essential as some colleagues or other students may have never met a trans person before and often ask clumsy or poorly worded questions. It is advised that a way of dealing with these issues is discussed prior to disclosure of intent to transition.

Many trans people are not known to be such, having changed gender before commencing their education or employment. Respect for privacy is of utmost importance. Some trans people will wish to keep their status as private as possible, even though others are willing to discuss it either confidentially with close friends or openly. It is important that neither management nor colleagues breach the personal privacy of employees and students, recognising that the right to disclose or discuss their medical history is the prerogative of the

individual. Such disclosure may constitute an offence under the Gender Recognition Act (see comment re 'outing' above....)

When someone transitions this may challenge other members of staff and students who have a fixed idea of gender identity, one where they see gender as a binary or one where they see trans people as lesser members of society. The EDI Team based in HR should be consulted if this is the case as training can often be provided to anyone who has queries with a trans person's identity.

- **Access to facilities**

A trans person should have access to 'men-only' and 'women-only' areas – such as changing rooms and toilets – according to whichever they feel most comfortable with. This may mean that a person changes the facilities they use at some point throughout their transition. In some situations, it may be helpful to explain the situation to work colleagues or other students who use the facilities. This should only be done following full consultation with the trans person, and only if the trans person concerned wants this conversation to take place. It is not acceptable to restrict a trans person to using disabled toilets or other gender-neutral facilities; they have every right to use which ever facilities they are most comfortable with.

## 6. Titles, pronouns and addressing trans people

Addressing trans people can be somewhat of a minefield, especially for individuals who have not actually spoken to someone who is trans. Trans people often change their name and title to something they are more comfortable with, one that identifies them correctly. You may come across the title 'Mx' (pronounced mix) on some databases or documents where a title is required. Mx is mainly reserved for people who don't want their title to be gendered.

Assuming one's gender with the use of 'he' or 'she' in conversation also adds to the minefield. If you believe you may be about to refer to an individual with the wrong pronoun (or title) then the best thing to do is, ask the individual in question how they would like to be addressed. Their chosen pronoun – he, she, they, or ze for example – should be respected and used, however if you make a mistake a simple apology to the individual is often greatly appreciated. It can be dangerous to assume a trans person's gender, mis-gendering and mistitling a trans person can sometimes be quite traumatic for the individual.

Expanding briefly on this, one must never ask for a trans person's 'real' name, if they introduce themselves as James, for example, then that is how they should be addressed. If a colleague or student called Abigail comes out as trans and wants to now be called James, this must be respected. An adjustment period is often expected and again, simple apologies and corrections if you call them Abigail are widely appreciated.

## 7. Contacts, further guidance and information

Below is a list of websites that provide guidance for universities and related institutions on supporting trans individuals:

- [Equality Challenge Unit](#)
- [GIRES](#) – Gender Identity Research and Education Society, who produce guidance on the correct use of names and pronouns, how to react positively to the disclosure of a trans individual to you, confidentiality & informing others and how to support trans individuals
- [Government Equalities Office](#), who provide legal advice and guidance on current legislation surrounding transgender people and equality in employment including the [Equality Act 2010](#)
- [Stonewall](#), a charity who campaign for many LGBT+ causes including the rights and freedoms of trans people

For quick reference help you can contact any of the following people at the University for support:

- The Equality, Diversity and Inclusion team can provide support and advice for a staff member or student transitioning. Can also offer advice to a staff member who teaches or works with a trans individual. This team also works on LGBT+ campaigns and training.
- Staff should speak to their Human Resources Team and students should seek support from the Student Wellbeing Service.
- [Staff LGBT+ Network](#), particularly the trans rep who is currently a transgender employee at the university with extensive experience on supporting trans individuals (for staff queries)
- Bristol SU, has an [LGBT+](#) and [Trans Network](#) have chairs that were democratically elected to represent these communities and it's free to join. There's also a [LGBT+ society](#) you can join with a small membership fee.

## 8. Glossary

The trans community has many terms that relate to the people within it. Below is a list of a few common terms, more that are related to the wider LGBT+ community can found under [‘LGBT+ Writing: A Glossary’](#) on the University website.

**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) transgender, non-binary, genderqueer (GQ).

**Transgender 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.

**Transgender 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.

**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 also might involve things such as telling friends and family, dressing differently and changing official documents.

**Gender identity** – a person’s internal sense of their own gender, whether male, female or anything in between

**Sex** – assigned to a person based on primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms ‘sex’ and ‘gender’ are interchanged to mean ‘male’ or ‘female’. Sex and gender are not the same thing.

**Non-binary** – an umbrella term for a person who does not identify as male or female.

**Intersex** – a term used to describe 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 can identify as male, female or non-binary.

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