



SCOTTISH QUALIFICATIONS AUTHORITY

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Why do we need the policy?

This policy and guidance sets out our responsibilities as an employer of trans people, including those with non-binary identities.

Who is it for?

This policy applies to members of staff and associated persons such as board members, contractors, inbound secondees, volunteers, agency workers and ex-employees of SQA. The policy also applies to third parties such as customers, suppliers, visitors or those who are not direct employees of SQA, but whom SQA are dealing with on a business capacity.

Appointees are covered by their own terms and conditions of appointment.

This policy and corresponding guidance covers:

- ◆ trans colleagues' rights
- ◆ transitioning while you are employed with SQA
- ◆ other aspects of the employment lifecycle that may be affected by a trans colleague's status

Contractual obligations

This policy does not form part of your contract of employment, but it does impose obligations on you that you and SQA must observe and comply with.

We may amend this policy and its application at any time through consultation with our trade unions. Please ensure you are using the latest version as currently published on the intranet.

What support is available?

Please see Section 4 of the Policy.

Contents

1. Policy statement	1
2. Introduction	1
3. Purpose and standards	1
4. Support	2
5. Policy	3
5.1 Definitions	3
5.2 Legal protection	3
5.3 Confidentiality	5
5.4 Recruitment	5
6. Toilets and changing facilities	6
7. Roles and responsibilities	6
8. Associated policies	9
Appendix 1: Glossary of terms	10
Appendix 2: Guidance for trans colleagues	12
1. Introduction	12
2. Terminology	12
3. Transitioning	12
4. Time off for treatment	14
5. Confidentiality	14
6. Bullying and harassment on the grounds of gender identity	15
Appendix 3: Guidance for managers	16
1. Introduction	16
2. What do we mean by trans/transgender?	16
3. Transitioning	16
4. Supporting colleagues — what should I do first?	17
5. Time off for treatment	19
6. The importance of confidentiality	20
7. Recruitment	20
8. Bullying and harassment on the grounds of gender identity	21
Appendix 4: Useful External Contacts	22
Appendix 5: Template Transition Action Plan	23

1. Policy statement

SQA is committed to equality of opportunity and to a culture that respects difference. We believe that, as an employer and public body, we can play a leading part in promoting equality, diversity and inclusion by making them an integral part of our decision making. This policy has an Equality Impact Assessment completed on it at the development stage to assess how this policy may impact on equality groups and the findings from this are reflected in this policy.

2. Introduction

Trans people are people whose gender is not the same as, or does not sit comfortably with, their sex registered at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, trans man, trans woman, trans masculine, trans feminine, agender, bigender, gender fluid, genderqueer, non-binary, or two-spirit.

SQA recognises that people perform best when they are able to be their authentic selves. We are committed to promoting equality and diversity among our workforce. We support a culture that actively values differences, recognising that trans people and those with non-binary identities can bring valuable insights and enhance the way we work.

SQA is committed to being an inclusive organisation, providing equal opportunities for all colleagues throughout their employment, from recruitment, through training and development, to career progression.

We are an inclusive organisation and stand against discrimination in all its forms. There is no place for any form of bullying, harassment or hate within SQA. All individuals who engage with our organisation deserve to be treated with dignity and respect — including trans and non-binary people. Harassment, bullying, victimisation, and discrimination on the basis of a person's gender identity, gender expression or gender history will never be acceptable or tolerated and such conduct will always be challenged and addressed. This type of behaviour may constitute criminal behaviour under hate crime legislation. We believe such behaviour is not only unacceptable, but it is also contrary to our values. We expect all colleagues to consistently treat each other with dignity, respect and compassion.

We will take complaints of bullying, harassment, victimisation and discrimination by colleagues, visitors, the public, customers, suppliers, and any others very seriously in the course of the organisation's work activities. Further information on dealing with bullying and harassment is available within the [Dignity at Work Policy](#).

We also recognise that being trans is only one aspect of an individual's identity and therefore it is not a case of 'one size fits all'. Each person will have different needs and as such, we take a person-centred approach.

3. Purpose and standards

The purpose of this policy and procedure is to support the inclusion of trans and non-binary people within our organisation. It will also provide clarity for any colleagues who may be thinking about or who are planning to go through a transition process or update their gender

identity while they are employed by or working for SQA. This policy will also provide advice and guidance to managers or others who need to ensure that colleagues receive the necessary support and guidance in the workplace while going through the transition process.

Our aims are to:

- ◆ recognise that the needs of each colleague in relation to their gender identity will differ
- ◆ recognise that transitioning is a personal process which must be led by the individual
- ◆ provide a supportive environment for individuals who wish their trans or gender non-conforming status to be known. Acting sensitively, we will discreetly and confidentially discuss what support is needed by transitioning individuals to ensure their comfort, safety, and inclusion at work
- ◆ respect the privacy of individuals who wish their trans or non-binary status to remain confidential
- ◆ ensure that colleagues who intend to undergo, are undergoing, or have undergone gender reassignment are treated with fairness and equality during the recruitment process, including their career development and progression
- ◆ ensure that trans colleagues can work in an environment without fear of prejudice, discrimination or harassment

All colleagues have the right to be treated fairly and consistently, regardless of their gender identity. The expected standards of conduct and associated behaviours have been set out in our Dignity at Work Policy.

This policy should be read together with our Dignity At Work and Equality, Diversity and Inclusion Policies.

4. Support

We will treat all queries regarding gender identity in confidence and in line with the needs of colleagues.

If you need advice on trans equality issues or information on transitioning at work, you can reach out to the following for support and advice:

HR support can be sought by contacting the HR Shared Service team at hr.shared.service@sqa.org.uk or by calling 6060.

The [employee assistance programme](#) can provide you with confidential support and guidance, 24 hours a day, seven days a week.

Trade union representatives can provide members with advice, help and support. Information about Unite and Unison can be found on the intranet homepage under [A-Z](#).

Our occupational health provider offers medical advice and support on staying healthy at work. You can contact them during normal office hours. Further information can be found on our [Benefits — Health and wellbeing intranet page](#), and in our Attendance Management Policy.

Our LGBTQ+ employee-led network, the Rainbow Network, provides advocacy and support to LGBTQ+ colleagues, whether they are 'out' at work or not. They offer a safe and welcoming space for LGBTQ+ colleagues and our allies to meet, socialise, and access peer support. You can find out more information and contact details on their [dedicated intranet webpage](#).

Our employee-led Appreciate Culture and Ethnicity (ACE) Network exists to provide support, create a sense of belonging that may not exist elsewhere in the organisation, share experiences, provide feedback and recommendations, and support practical and clear steps we can all make to create a diverse and inclusive workplace. You can find out more information and contact details on their [dedicated intranet webpage](#).

Additional useful contacts or further resources can be found in [Appendix 5](#).

5. Policy

We are committed to ensuring SQA is a supportive and inclusive workplace for trans and gender diverse colleagues.

5.1 Definitions

'Trans' is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, their sex registered at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, trans man, trans woman, trans masculine, trans feminine, agender, bigender, gender fluid, genderqueer, non-binary and two-spirit.

'Transitioning' involves 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, it 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.

Please see the glossary of terms ([Appendix 1](#)) for further information.

5.2 Legal protection

5.2.1 The Equality Act 2010

The Equality Act 2010 prohibits discrimination in employment for on the grounds of gender reassignment. Gender reassignment is one of the nine protected characteristics of the Act and is also part of the Public Sector Equality Duty.

The Act gives protection to a person who has the protected characteristic of gender reassignment, which is defined as a person who 'is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of re-assigning the person's sex by changing physiological or other attributes of sex'.

The Act also protects:

- ◆ trans people who are not under medical supervision
- ◆ people who experience discrimination because they are perceived to be trans
- ◆ people from discrimination by association because of gender reassignment (this means being treated less favourably than others because a friend, spouse, partner, parent or other person with whom you are associated with is trans)

Harassment or bullying because a person is proposing to transition, is transitioning, or has transitioned is unlawful discrimination.

Trans people may experience some or all of the following examples of discriminatory behaviours and practices:

- ◆ People may refuse to associate or work with them because of their trans status.
- ◆ Not being addressed in the gender in which they are living or not having their name or pronouns used.
- ◆ Having their personal life and relationships probed into.
- ◆ Having malicious gossip spread about them.
- ◆ Having confidential information relating to their trans status released without their consent.
- ◆ Not being allowed to use toilets and other facilities that are appropriate to the gender in which they live.
- ◆ Being treated less favourably than others in relation to sickness or other absences.
- ◆ Being refused access to facilities or premises due to prejudice from colleagues or customers.
- ◆ Being verbally abused or physically assaulted because of their trans status.

SQA and your manager will aim to ensure that you do not suffer detriment, bullying or harassment as a result of transitioning.

5.2.2 The Gender Recognition Act 2004

The Gender Recognition Act 2004 allows individuals who have transitioned to apply for a Gender Recognition Certificate (GRC). It is not necessary for you to obtain legal recognition of your affirmed gender to be protected by the Equality Act 2010, but the Gender Recognition Act 2004 allows trans people to gain legal recognition of their affirmed gender by registering for a GRC. There are laws protecting the privacy of someone who has a GRC: a person may commit a criminal offence if they disclose information about the gender history of someone with a GRC without that person's consent. An individual should never be asked if they have a GRC and to do so could be considered harassment.

5.2.3 The Human Rights Act 1998

The Human Rights Act 1998 provides protection to trans people, principally under the right to a private life.

5.3 Confidentiality

If you choose to reveal information about your gender identity history or trans status, the recipient of the information must keep it confidential and not reveal it to anyone without your knowledge and consent. This includes information you provide to your manager when you are transitioning.

Any information pertaining to gender identity history and transitioning is treated as special category data under UK General Data Protection Regulation (GDPR). This means that it merits specific protection and must be treated with greater care. Any processing of special category data, including information about someone's gender identity history or trans status, must be lawful, fair and transparent and comply with all the other principles and requirements of the UK GDPR. SQA's Data Protection Policy provides details on meeting these requirements.

Under the Gender Recognition Act 2004, it is a criminal offence for anyone to disclose information relating to your gender identity history without your consent. Any deliberate or inappropriate release of confidential information regarding your trans status may be dealt with as a disciplinary matter.

5.4 Recruitment

SQA will capture candidates' diversity details as part of our recruitment processes to promote the elimination of unlawful discrimination. All information gathered will be kept confidential and will not be shared with hiring managers.

People who have already transitioned have no obligation to disclose their gender history and it is not a condition of employment to do so. If they choose to disclose, this is not in itself a reason for not offering employment, and non-disclosure or subsequent disclosure is not grounds for dismissal. Appointing managers who become aware that an applicant is trans will maintain full confidentiality in relation to this.

Where formal documents are required before commencing employment or enrolment process, confidentiality should be emphasised when asking for a birth certificate or passport because if a trans person has not yet been issued with new identification, their birth certificate will clearly show their original name and gender. The same situation can arise with a passport from another country that does not have the same legislative provisions as the UK. Therefore, some flexibility may be required in which documentation is asked for.

5.4.1 References

Where a reference request is received for an existing or former colleague who has transitioned, SQA will respect the colleague's privacy and only respond using the colleague's affirmed name and gender in the reference.

Disclosure on sickness absence will not include time taken off for medical appointments related to transition. This information is strictly confidential.

When we request a reference, we will make the request using the prospective employee's affirmed name and gender since transitioning. We will not mention previous names or gender identity, unless specifically asked to do so (in writing) by the prospective employee.

5.4.2 Criminal record checks/disclosure and barring

If the appointment requires criminal record checks, we will highlight to all applicants the confidential procedure available to trans people outlined by [Disclosure Scotland](#).

5.4.3 Professional registration

If your job involves professional registration, you will be required to check whether the registration body has a specific, confidential process for gender transition.

5.4.4 Pensions and national insurance

Where pensions, national insurance contributions or other benefits are dependent on legal sex, trans people will be advised of the different implications of whether they do or do not have a GRC.

6. Toilets and changing facilities

SQA supports the use of single-sex facilities for trans people according to the gender they identify with.

7. Roles and responsibilities

Your roles and responsibilities, along with those of managers and Human Resources, and other relevant areas are defined below.

We will ensure all managers involved in this process are aware of this policy and their responsibilities under it.

Your manager	All colleagues
<ul style="list-style-type: none"> ◆ Support and contribute to creating an environment and culture of respect and dignity within teams by valuing diversity, promoting understanding, and developing a pattern of listening to and valuing all voices within their teams. ◆ Challenge anyone who discriminates and ensure that the relevant procedures are followed, ie Dignity at Work. ◆ Support colleagues reporting to you to challenge discrimination from other colleagues, appointees, customers or the public. ◆ Access learning opportunities to increase their awareness of trans issues. ◆ Agree a plan with the colleague who is planning to transition, maintaining an open dialogue with the individual to understand their needs and support them throughout the process, seeking advice from HR on implementation and monitoring. ◆ Maintain the confidentiality of any member of staff who is planning to transition, is transitioning, or has transitioned in the past, in line with both this policy and the guidance available in Appendix 3: Guidance for Managers. ◆ Maintain the confidentiality of any member of staff who is planning to transition, is transitioning, or has transitioned in the past, in line with this policy guidance and relevant legislation. ◆ Ensure that any trans person is addressed and treated as the gender they identify with (including pronouns). ◆ Seek advice and support from HR colleagues to investigate any discrimination or harassment in relation to gender identity promptly and through SQA's Dignity at Work Policy and Equality, Diversity and Inclusion policies. 	<ul style="list-style-type: none"> ◆ Treat trans colleagues with dignity and respect, in accordance with this policy, Dignity at Work, and Equality, Diversity and Inclusion policies. ◆ Respect your colleagues' self-identified gender, name and pronouns. ◆ Respect your colleagues' right to privacy, maintaining confidentiality where this is in accordance with colleagues' wishes. It is never appropriate to inform colleagues, clients and the public that another colleague has undergone gender reassignment. Such disclosure may result in a criminal offence if the person concerned has a GRC and if it is done without their explicit consent. It is best practice to assume that all those who have transitioned to their acquired gender have a GRC. ◆ Challenge discrimination, harassment, victimisation or any other unacceptable behaviour towards all colleagues, including trans colleagues.

Transitioning colleagues	Human Resources
<ul style="list-style-type: none"> ◆ Refer to the guidance document in Appendix 2: Guidance for trans colleagues. ◆ Inform us of any support/adjustments you may need. ◆ Report any instances of harassment, victimisation or discrimination. ◆ Engage with your manager and HR colleagues to agree your transition plan and how your new identity will be communicated to colleagues and/or anyone accessing our services. ◆ Work with your manager, HR colleagues and any other support function that will help with your planning. 	<ul style="list-style-type: none"> ◆ Make sure that organisational policies, procedures, guidance and codes of conduct are adhered to. ◆ Facilitate discussions. ◆ Follow the guidance on maintaining the confidentiality of transitioning individuals. ◆ Seek Occupational Health advice as and when necessary. ◆ Keep appropriate records and ensure these are suitably stored and protected. ◆ Promote positive cultural change within the workplace. ◆ Change names, titles and pronouns on email and other systems.
Reward and Equality	Business Systems
<ul style="list-style-type: none"> ◆ Oversee the development and updates to the Transitioning At Work Policy. ◆ Discuss and seek feedback on proposed changes and updates to this policy with members of the relevant SQA employee-led networks and seek guidance on best practice from any relevant specialist organisations, where appropriate. 	<ul style="list-style-type: none"> ◆ Any changes required for non-HR systems
Facilities	Trade unions
<ul style="list-style-type: none"> ◆ Issue updated security pass/ID badges. 	<ul style="list-style-type: none"> ◆ Support colleagues if they experience harassment, victimisation or discrimination. ◆ Discuss and agree any changes to this policy.

8. Associated policies

Other policies may be invoked where they are deemed more appropriate to the circumstances: The HR policies can be found [on the HR intranet site](#)

- ◆ Attendance Management
- ◆ Code of Conduct
- ◆ Dignity at Work
- ◆ Disciplinary
- ◆ Equality, Diversity and Inclusion
- ◆ Grievance
- ◆ Mental Health, Stress and Wellbeing
- ◆ Recruitment and Selection
- ◆ Staff Leave

Appendix 1: Glossary of terms

Cisgender or cis — someone whose gender identity is the same as their sex registered at birth. Non-trans is also used by some people.

Cross-dressing — describes a person who wears clothing and/or makeup and accessories usually associated with the 'opposite sex'. This is seen as a form of gender expression.

Cross-dressing is a form of gender expression that is not necessarily indicative of a person's gender identity or sexual orientation. Many people who cross-dress are comfortable with their sex registered at birth and generally do not wish to change it.

Colleagues who cross-dress some of the time may fear that discovery of their cross-dressing, even when on personal time, may lead to discrimination or harassment at work. While cross-dressing off-duty is not related to a colleague's job performance, a person who cross-dresses off-duty is still protected by our equality policy prohibiting discrimination or harassment based on gender identity.

Gender dysphoria — used to describe when a person experiences discomfort or distress because there is a mismatch between their sex registered at birth and their gender identity. This is also the clinical diagnosis for someone whose gender is not the same as, or does not sit comfortably with, their sex registered 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 their sex registered at birth.

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 at work or to legally change your gender on other documents such as your passport.

Non-binary — an umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely.

Pronouns — words we use to refer to people's gender in conversation, for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as 'they/their' and 'ze/zir'.

Sexual orientation — a person's sexual attraction to other people, or lack thereof. Along with romantic orientation, this forms a person's orientation identity.

Trans (also referred to as transgender) — an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, their sex registered at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, trans man, trans woman, trans masculine, trans feminine, agender, bigender, gender fluid, genderqueer, non-binary, two-spirit.

Transgender man — describes someone who is registered as 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 — describes someone who is registered as 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, it involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this.

Transitioning also might include telling friends and family, dressing differently and changing official documents.

Transsexual — this was used in the past as a more medical term to refer to someone whose gender is not the same as, or does not sit comfortably with, their sex registered at birth.

This term is still used by some although many people prefer the term trans or transgender.

Appendix 2: Guidance for trans colleagues

1. Introduction

This guidance is primarily for trans colleagues and has been produced to help navigate the process of transitioning while employed at SQA. It should be read in conjunction with the Gender Identity and Transitioning at Work Policy.

We recognise that, for trans people, the decision to transition to the gender with which they identify, live and present themselves can be a daunting prospect, for many reasons, not least how they'll be perceived by colleagues in the workplace. While it can be daunting, it can also be an affirmative life changing process too and we at SQA want to do our best to be a supportive employer and make this a positive experience.

While gender reassignment, or transitioning, is becoming more common, some managers may not have worked with, or managed, trans colleagues. A guidance document similar to this one has been produced for managers because we recognise the importance of supporting trans colleagues before, during and after their transition and doing so will encourage them to continue working with SQA.

We understand that for many trans people, confidentiality is crucial. Please be assured that everything possible will be done to ensure that your privacy is respected and maintained. This is covered in more detail later in this document.

2. Terminology

It is recognised that the inappropriate use of language can cause offence or upset and therefore, the guidance document that has been prepared for managers signposts them to the glossary in [Appendix 1](#) to help them familiarise themselves with trans terminology and outline the language that should be used. While it is likely you will already be familiar with the terminology, you may want to know what information has been provided to managers.

3. Transitioning

3.1 Transition prior to joining SQA

If you changed gender prior to joining SQA, you are under no obligation to let your manager or colleagues know.

3.2 Transitioning while employed at SQA

Once you've made the decision to transition you should make your manager aware. In order to help you live in the gender you identify with there are a number of things we will do.

How your transition is handled at work will be very much led by you but should be a negotiated approach between you and your manager. We will do everything we can to help you and maintain confidentiality. However, in order to plan ahead, there are a small number of people that, with your consent, your manager will need to liaise with. This will be agreed with you in advance.

We expect managers to be supportive of trans colleagues and do everything they can to help smooth the transitioning process at work. Please help your manager to help you by being as open with them as you feel comfortable with, as this will hopefully prove beneficial

to you both. There are a number of things that will need to be done and your manager will be advised to draw up an action plan with you. It can be helpful to agree what steps need to be taken before, during and after your transition and capturing this in an action plan allows both you and your manager to review how things are progressing and ensure the right support is in place. A suggested template can be found in [Appendix 5](#).

Some of the things to discuss and plan for are as follows:

Name and title change

You can informally change your name and title without going through any legal process, simply by providing your manager with a signed statement saying that you wish to change your name, title, and pronouns; what these will be and when they will be effective from. Once you've done this, your manager will need to let a member of the HR Team know, so that your records can be amended and a new personnel file created. This won't be done without your consent though, so your manager will discuss this with you in advance.

As well as informing the HR Team, consideration should be given to informing:

IT colleagues — to allow changes to be made to email addresses and any information that is held on SQA's intranet/internet site, as well as equipment. This will need to be done by your manager.

Facilities — to allow arrangements to be made for you to have a new identification badge(s) and a replacement for any other passes that contain reference to your previous name.

HMRC/Strathclyde Pension Fund — to update personal details held with HMRC or the Strathclyde Pension Fund, SQA's pension provider. This will need to be done by you directly.

Disclosure Scotland — if you are required to get a Disclosure or criminal records check to carry out your role you do not need to disclose any previous names on your application, you'll need to provide these to Disclosure Scotland separately. Additional information for transgender disclosure applicants can be found on the [mygov.scot website](http://mygov.scot).

Pronouns

As well as letting your manager know your new name, you should also let them know how you would prefer to be addressed. You may prefer to be referred to as he/him, she/her, they/them and/or zim/zer.

Informing colleagues

You may wish to let your colleagues know about your transition., however we recognise that the prospect of telling them may be a little daunting. If you wish, your manager can support you to do this. Give some thought to who you wish to tell and how much you want to divulge. There are various ways this could be done, either verbally or in writing. If you would prefer not to tell them yourself, your manager could hold a team meeting and tell the team on your behalf. There are lots of ways to handle this, and it will be for you to decide which method you feel most comfortable with.

If your manager lets your colleagues know on your behalf, you should give some thought to whether you're happy to discuss the matter with them, or answer any questions they may have that are respectful and not intrusive or abusive. This can help to make the process easier, but it is entirely your choice, and we will ensure that your decision is respected.

Informing others

You should also discuss with your manager whether you would like other colleagues and associates to be informed. This can be done by your manager or by you, or indeed you can choose not to tell your wider circle of colleagues.

Dress code

SQA does not have a formal dress code. All colleagues are simply expected to dress appropriately regardless of their gender identity or gender expression. We would therefore fully support any trans colleague with regard to the clothing they feel best represents their gender identity.

Toilets and changing facilities

SQA supports the use of single-sex facilities for trans people in accordance with the gender with which you identify.

4. Time off for treatment

It is recognised that you may need time off during your transition. We recognise that if you are having surgery, you may need time off to recover and if so, this will normally be recorded as an operation with subsequent rehabilitation period, which comes under the definition of long-term absence as noted in the [Attendance Management Policy](#). This is to allow you to complete your transition without those absences counting towards an attendance review checkpoint.

If you are returning to work after treatment, you may benefit from a phased return, altered hours or amended duties and if this is the case, your manager will be encouraged to seek advice from our occupational health provider. Normally this would be recorded as a phased return and you will receive payment for your phased return in line with our Attendance Management Policy. Similarly, time off to attend appointments for treatment that allows you to undergo your transition process will also be recorded as time off for medical appointments, the same as other hospital or GP appointments. This should be arranged and recorded in line with our [Staff Leave Policy](#).

Periods of authorised absence will need to be recorded on Business World and approved by your manager.

5. Confidentiality

We understand that confidentiality may be a concern for you. As documented in the Gender Identity and Transitioning at Work Policy, an individual's trans status is protected under the Equality Act 2010 and the Gender Recognition Act 2004. Disclosing a person's trans status without their permission could result in criminal charges under the Gender Recognition Act 2004.

The guidance document for managers ([Appendix 3](#)) outlines the strict requirement for confidentiality and the circumstances under which they can speak to others about your transition. Information should only be provided to others on a 'need to know' basis and must be done with your knowledge and consent.

Records that reflect your previous name, title and gender will be amended accordingly. The HR Team will amend your personnel file or where it would be more appropriate to do so, create a new one. Some records relating to your transition, ie emails, notes of meetings or the action plan prepared by you and your manager are likely to be retained, however these will be held in an electronic file accessible only by HR colleagues. Where there is no requirement to retain information relating to your transition, it will be securely destroyed.

6. Bullying and harassment on the grounds of gender identity

Harassment is completely unacceptable, whether it is by colleagues or third parties. It will not be tolerated and should be dealt with seriously and quickly. There is no place for bullying or harassment within SQA and your manager should be alert to any form of harassment and take the appropriate steps to stop it and then deal with it. If you encounter transphobic harassment or bullying, please let your manager know, to ensure it is dealt with promptly.

Examples of transphobic behaviour include but are not limited to:

- ◆ intentionally and/or regularly using the wrong pronoun to describe a trans person, such as referring to a trans woman as 'he'
- ◆ 'outing' someone or referring to their trans history when they haven't 'come out'
- ◆ using derogatory/transphobic language when referring to a trans person

Further information on dealing with bullying and harassment is available within the [Dignity at Work Policy](#).

Appendix 3: Guidance for managers

1. Introduction

This guidance is primarily for managers and has been produced to help them support trans colleagues outlining what SQA expects of them. It should be read in conjunction with the Gender Identity and Transitioning at Work Policy.

While transitioning is becoming more common, some managers may not have worked with, or managed, trans colleagues. The organisation expects you to be supportive of trans colleagues and do everything you can to help smooth the transitioning process at work by following the guidance provided in this document.

2. What do we mean by trans/transgender?

For most of us, our innate sense of our gender identity is the same as our sex registered at birth. For some of us this isn't the case, and we are referred to as transgender or trans. Many will undergo the process of aligning their life and physical identity to match the gender they identify with and this is known as transitioning.

Understanding the terminology that exists to describe gender identity is important as the inappropriate use of language may cause offence or upset. It is important that you become familiar with the terminology included in Section 5.1 of the policy and the glossary in [Appendix 1](#).

3. Transitioning

Transitioning is the process of changing from sex registered at birth to the gender they identify with. This will involve living everyday life in the gender the person identifies with. For some, it will also include undergoing other types of treatment such as surgical treatment or procedures and/or taking hormone treatment, however, not all trans people will choose to undergo this treatment.

This can be an anxious time for the individual and working with them to ensure the journey is as smooth as possible can play a significant part in easing these anxieties and making their transition a positive experience. You must remember the importance of being led by the colleague; when they choose to transition is entirely their choice and your role is to support them.

It should be noted that the first contact may be just to 'sound out options'. Some trans people may take several months or years to gradually explore the possibility of transitioning.

When a colleague considers embarking on gender transition, the initial point of contact may vary according to the nature of the workplace and preference of the individual, but could be an immediate line manager, a senior manager, a member of HR, or any other appropriate colleague. At this stage, it may be that the individual does not wish this to be discussed any further and their decision must be respected.

4. Supporting colleagues — what should I do first?

Firstly, and perhaps most importantly, it would be helpful to re-assure the colleague who is transitioning that you're there to help. A positive experience at this stage is essential.

It is best practice to assume any trans person has a GRC and to treat them accordingly.

Confidentiality can be of significant concern to a colleague going through, or preparing to go through, the transitioning process. This is covered in more detail later in this document but it is highlighted here because, although it will be necessary to inform others within the organisation, mostly due to the change in the person's name, this must not happen without their knowledge and consent.

The colleague should always lead the process. However, it can be helpful to agree what steps need to be taken before, during and after their transition. Capturing this in an action plan or written agreement is advisable, as is holding regular review meetings to ensure the right support is in place. A suggested template can be found in [Appendix 5](#), but you may wish to use a different format.

If a colleague is transitioning, it is good practice for you to consult with them sensitively about their needs in the workplace and whether there are any reasonable and practical steps that can be taken to help them as they undergo their transition.

Some of the things to discuss and plan for are as follows:

(the colleague might not want to do all of these things and may want to do some that are not on the list, but this is a helpful place to start thinking about the process)

Name and title change

One of the first things to establish is when the colleague wishes to change their name and what their new name will be. They can informally change their name without any legal process, simply by providing you with a signed statement saying they wish to change their name, the date they wish this to be effective from and what their new full name, including preferred title, will be. Once this has been confirmed, you should seek the colleague's consent to advise your HR Business Partner. The HR Business Partner will liaise with other teams within the HR Team on your behalf, ensuring the colleague's records are amended and a new personnel file is created. It is however important to gain the colleague's consent as informing anyone of the intention to undergo gender reassignment without their permission is a breach of UK GDPR and the Gender Recognition Act 2004 and can also cause significant distress.

Pronouns

Another aspect that a transitioning colleague may wish to change is the pronouns by which they are referred to (for example from he/him to she/her). Many trans people will use the most common pronouns to describe themselves, ie he or she, however others may prefer more neutral pronouns, such as they/them or zim/zer.

Informing colleagues

Once the colleague knows when they intend to change their name and present in their new gender, consideration should be given to whether they want to let other people know. Some people will prefer to let as few people as possible know — perhaps just their immediate team/colleagues. Others will be happy to let a wider circle of colleagues know. Similarly, some may want to tell people themselves and others may choose to email their colleagues or ask you to let them know. How much they choose to tell people is entirely up to them. Again, you should keep in mind that telling anyone without the colleague's consent is a breach of confidentiality and may result in a criminal offence under the Gender Recognition Act 2004 (if the person concerned has a GRC and it is done without their explicit consent). It is best practice to assume that everyone who has transitioned holds a GRC. You must not inform colleagues, customers or the public that a colleague is intending to undergo, is undergoing, or has undergone gender reassignment without the colleague's explicit written agreement.

Consideration also needs to be given to how colleagues should interact once they've been made aware, especially if you are telling them on behalf of the individual. Does the employee feel comfortable with their colleagues talking to them about it or asking questions? It may help if colleagues feel they can speak with them about it although it is important that any questions are respectful, and not intrusive or abusive. It should, however, be driven by what the individual wants to happen and if they do not wish to discuss it with colleagues then that decision must be respected.

Informing others

As well as informing your HR Business Partner, you should also create a list of who else needs to be informed. This will vary depending on where the colleague works, who they are required to interact with and importantly, who they want to have notified. The action plan lists some of the teams that will need to be notified, such as IT, who will need to amend their email address and any information that is held on the intranet. This should not be considered an exhaustive list and it will be for you and the colleague to tailor this list as is necessary. It may be helpful to re-assure the colleague that anyone who is informed will be made aware of their obligations under UK GDPR and the Gender Recognition Act 2004.

The colleague will need to contact HMRC and the pension provider (Strathclyde Pension Fund) to update the personal details held by both organisations. This must be done by the employee.

A new identification pass and/or more than one pass for gender fluid colleagues will be necessary, and any other passes or equipment that contain references to the colleague's previous name will be replaced in time for their transition date. It may be useful to capture this information in the action plan so that it can be monitored and accelerated, if required, as the date approaches.

For colleagues in public-facing roles, their gender transition may be unavoidably visible to the public, especially in the early stages of the transition process. Although many people's physical appearance will begin to match the gender they identify with as transition progresses, there are others for whom this will not be the case.

There is no general need or obligation to inform colleagues, customers or the public that a person is transitioning. However, such information may be considered appropriate where the relationship with that colleague was established before their change of gender and the relationship is to continue. However, this should only be done with the consent of the colleague who is transitioning. Each situation is different and the ways of informing people should be delivered on a needs-led basis. Examples of a range of statements which can be used, dependant on circumstances, can be found in [Appendix 5](#). These however can only be used with prior consent of the colleague concerned.

In such a case an explanation may be considered necessary; however, you should discuss and agree with the transitioning colleague if and how the information should be shared.

You should be willing to explore equitable solutions. Colleagues may also benefit from advice on how to contribute.

Some colleagues may elect to move to another role during transition, however, they cannot be required to do so. Similarly, the way someone looks and the negative reactions this might be expected to elicit from certain members of the public must not be a barrier to people undertaking a public-facing role.

Dress code

SQA does not have a formal dress code. All colleagues are simply expected to dress appropriately regardless of their gender identity or gender expression. We would therefore fully support any trans colleague with regard to the clothing they feel best represents their gender identity.

Toilets and changing facilities

SQA supports the use of single-sex facilities for trans people in accordance with the gender they identify with. Their preference should be discussed in advance.

5. Time off for treatment

The length of time a person's transition process takes will vary from person to person and will depend on a number of factors including whether they are undergoing any medical treatment. Some people transition without any surgery at all, and the transition will involve changing their name, pronouns and how they present themselves.

For those who do undergo surgery, it can be an invasive process and like any surgical procedure, an element of recovery time will be required.

SQA will record time off for gender reassignment treatment as an operation with subsequent rehabilitation period (which comes under the definition of long-term absence) in line with the [Attendance Management Policy](#). This allows the colleague to complete their transition or gender reassignment process without those absences counting towards attendance review check points. A colleague returning to work after treatment may initially be unable to work their full/contracted hours or undertake their full range of duties. Normally this would be recorded as a phased return, in line with our Attendance Management Policy (insert link), and the colleague will not be regarded as being on sickness absence and will receive full pay for a period of up to four weeks.

Advice regarding the type and range of duties the colleague can undertake should always be sought from GP fit notes and/or our occupational health provider. Keep in mind though that as these absences will not be recorded as sickness absence, there is no requirement to process or record any GP fit notes.

Time off to attend appointments for treatment that allows a colleague to undergo their transition process, should be recorded as time off for medical appointments, the same as other hospital or GP appointments. This should be arranged and recorded in line with the Staff Leave Policy.

6. The importance of confidentiality

As outlined earlier, maintaining confidentiality is essential. Gender reassignment and any information relating to an individual's gender history is to be treated as special category data under UK GDPR. Processing this information must be done lawfully, fairly and transparently and comply with all the other principles and requirements of UK GDPR. This means that it can only be processed for certain specified reasons. An example of this is when you inform the HR Business Partner of the colleagues' intention to transition, and their new name, for the purposes of updating their personnel records and requesting a replacement identification badge(s). Although this is permitted, you must, nevertheless, seek the colleague's consent in advance of notifying anyone, explaining why this information needs to be passed on and what will happen to it.

As documented in the Gender Identity and Transitioning at Work Policy, an individual's trans status is protected under the Equality Act 2010 and the Gender Recognition Act 2004. Disclosing a person's trans status without their permission could result in criminal charges under the Gender Recognition Act 2004. Therefore, anyone who is informed of the colleague's trans status must keep this in the strictest confidence. Information should only be provided to others on a 'need to know' basis and must be done with the knowledge and consent of the colleague.

6.1. Updating and retention of records

Any information pertaining to gender identity history and transitioning is treated as special category data under UK GDPR. All records with the colleague's previous name and title should, wherever possible, be updated or replaced. This will include amending or creating a new personnel file. It may be useful to retain documents relating to the transition, for example the action plan, notes of meetings, etc. However, these should be placed in an electronic file accessible only by Human Resource colleagues. As manager, you should liaise with your HR Business Partner to agree what information should be retained and where. The HR Business Partner will then liaise with the appropriate individual(s) within the Human Resources Team to have Business World and the colleague's file updated. It is also important to let the transitioning colleague know what documents are being kept and why.

7. Recruitment

This document has been produced primarily to help you support a trans colleague in the workplace, however this section focuses on recruitment and contains general guidance on supporting trans applicants in the recruitment process.

Significant barriers can exist for trans people and in turn, you could miss the opportunity to find the right candidates for the role if you do not have awareness of trans matters. You should bear in mind that many trans applicants may not wish to disclose their gender history at the recruitment and selection stages, and should not be asked about it.

In line with SQA's [Recruitment and Selection Policy](#) any appointment should be made on merit, on the basis of fair and open recruitment, regardless of individual differences. You should be aware of personal unconscious bias and ensure these biases are excluded from your decision-making process.

If a candidate chooses to disclose their gender history during the recruitment process, you should:

- ◆ thank the individual for their openness
- ◆ re-assure them that SQA offers an inclusive culture and that recruitment and selection decisions are based on an individual's relevant skills and experience for the role
- ◆ treat the information in the strictest of confidence

8. Bullying and harassment on the grounds of gender identity

Harassment is completely unacceptable and SQA operates a zero-tolerance approach to all forms of harassment, whether by colleagues or third parties. As a manager, you should be alert to any form of harassment and take the appropriate steps to stop it and deal with it immediately. Further advice and guidance on this can be obtained from the [Dignity at Work Policy](#) however it is worth reiterating that transphobic bullying or harassment cannot be tolerated and as the trans colleague's manager, you must take immediate action to deal with such behaviour.

Examples of transphobic behaviour include:

- ◆ intentionally and/or regularly using the wrong pronoun to describe a trans person – for example referring to a transgender woman as 'he'
- ◆ 'outing' someone or referring to their trans history when they haven't 'come out'
- ◆ using derogatory/transphobic language when referring to a trans person

Appendix 4: Useful External Contacts

Scottish Transgender Alliance
<https://www.scottishtrans.org/>

Stonewall Scotland
<https://www.stonewallscotland.org.uk/>
<https://www.stonewallscotland.org.uk/help-advice/transitioning>

Equality and Human Rights Commission
<https://www.equalityhumanrights.com/en/commission-scotland>

The Gender Trust
<http://www.gendertrust.org.uk/>

Gender identity Research and Education Society
<https://www.gires.org.uk/>

a:gender
<https://www.agender.org.uk/>

Press for Change
<http://www.pfc.org.uk/>

Gender Recognition Panel
<https://www.gov.uk/apply-gender-recognition-certificate>
(Note: <http://www.grp.org.uk> can't be reached)

Appendix 5: Template Transition Action Plan

This form provides a template for meetings between a manager and a member of staff planning to transition and sets out key areas relating to the transition process which would be helpful for the colleague and manager to discuss and agree on. It is not a requirement to use this form.

This form is part of our policy and guidance on transitioning for colleagues and managers. The transition process should be colleague-led as far as possible, and it is for the individual colleague to decide how this form can assist and be adapted where required. The manager and colleague should sign the template after meetings, particularly when key elements have been agreed and the colleague is giving control to their manager to communicate on their behalf or agreeing that certain information can be shared with relevant individuals or groups. The manager should ensure that this form and any other information or notes relating to the colleague's transition process are stored confidentially and password protected.

It is recommended that the information should be reviewed regularly — at least every three months (or more regularly during key parts of the colleagues' transition) or as agreed with the colleague.

Support needed	Notes
What level of support will be required from your manager? <ul style="list-style-type: none"> ◆ Manager availability during key transition events ◆ Frequency of meetings Is further support required from HR, OH, Rainbow Network or a Trade Union?	

Plans for transition	Notes
What is the likely timetable for transition? <ul style="list-style-type: none"> ◆ Dates for name change (individual to identify preferred name) ◆ Use of facilities (toilets, changing rooms) ◆ Change of presentation, eg from a suit to a dress or a change of uniform attire? ◆ Change of records 	

The job and work environment	Notes
Are any job changes required during the transition process?	

What are these and when do they need to take effect?	
Job role: Can this be fulfilled during transition? If not, do adjustments need to be considered? What are the timescales relating to this?	
Is a health and safety risk assessment required?	
Timing and use of toilet and changing facilities.	

Changing records	Notes
<p>You and your manager should make a list of the records and documents which will need to be changed.</p> <p>You and your manager should work with your relevant HR Business Partner to facilitate the required changes to records. This should include agreeing who needs to be involved and how it will be communicated to them that confidentiality must be maintained at all times.</p> <p>Express consent should be acknowledged, either within this document by noting verbal consent (including the date, time and words used to consent to sharing this information with agreed upon parties) or the colleague should provide written authorisation where special category data is required to be shared with others.</p> <p>The list below sets out records and data that will need to be amended and the role of the HR Business Partner in liaising with other colleagues/business areas to make the necessary changes. This is not an exhaustive list as there may be other records and documents that may need to be updated.</p> <p>Facilities Manager</p> <ul style="list-style-type: none"> ◆ ID – name badge/photo ◆ Contact details (internal and external information) 	

<p>Service Operations Manager</p> <ul style="list-style-type: none"> ◆ Email address ◆ Work-based internet details ◆ Work-based intranet details ◆ Work-based social media details ◆ IT systems ◆ Colleague photos (eg Microsoft Teams) ◆ Voicemail <p>HR Business Partner, HR Co-ordinator and Reward Manager</p> <ul style="list-style-type: none"> ◆ HR records <p>Payroll Manager</p> <ul style="list-style-type: none"> ◆ Payroll (and banking details) <p>Colleague to take care of notifying and updating:</p> <ul style="list-style-type: none"> ◆ Internal committees and working groups (at agreed time) ◆ Pension records ◆ Professional bodies ◆ Trade Union membership ◆ Intranet data and profiles for Power BI Users, Mental Health First Aiders, Fire Marshalls and Employee Network details 	
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Communications	Notes
<p>You and your manager should make a list of work contacts who will need to be informed of your transition.</p> <p>You should agree the specific nature and content of the communications, who should be included, timing, how the information will be shared and who should tell the identified contacts.</p> <p>A sample list is set out below:</p> <ul style="list-style-type: none"> ◆ HR Business Partner ◆ Immediate team and colleagues ◆ Other colleagues in the business area ◆ Other colleagues outside the business area ◆ External contacts ◆ Facilities 	

<ul style="list-style-type: none"> ◆ Payroll ◆ Pension 	
Awareness raising with close teams/colleagues	Notes
You and your manager should consider whether there are any further awareness training needs requirements and how these might be delivered including timing. The Rainbow Network can support you with this.	

Time off/absence from work	Notes
<ul style="list-style-type: none"> ◆ Are you having planned surgery? Recovery may take between one to 12 weeks. Sickness absence recording process should be in line with SQA's Attendance Management Policy. ◆ What arrangements have been put in place to support your return to work? Occupational Health may support phased return. ◆ Is time off needed for medical appointments (which may need to be taken during normal working hours)? ◆ Are you taking any extended time off? Is this additional paid/unpaid leave? ◆ Is a referral to Occupational Health or Employee Assistance Programme (EAP) required? You can access confidential counselling/support through the EAP. 	

Needs following transition	Notes
Level of support required following transition and frequency of meetings.	

Details of meetings where key elements are agreed:

Date	Comment	Action	Date of next meeting