



## TRANS POLICY

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Date of next review	May 2024 (or before, in the event of an update to legislation)

### Key Acronyms and Definitions

**Team Members:** Staff, Volunteers and Trustees

See also APPENDIX A for terminology

### INTRODUCTION

It is SARSAS's aim to create an inclusive service where no current or prospective Team Members or service users are subject to discrimination, harassment, or victimisation as a result of their gender identity.

Through recognising and supporting a person's self-identified gender, SARSAS strives to demonstrate its commitment to ensuring that trans people are treated with respect and that we value diversity.

SARSAS aims to ensure that our services are safe and supportive for all survivors who use them including trans survivors and we acknowledge that incidents of sexual violence and sexual harm are more prevalent for trans people<sup>i</sup> yet many do not seek, nor receive, adequate support following sexual violence.

This policy details how SARSAS, as an organisation, will put this commitment into practice. This policy is an important aspect of SARSAS's overall commitment to equality, diversity and inclusion in all parts of its services and is intended to support and complement other equal opportunity and employment policies and procedures as good practice.



Appendix provides a list of how we understand and use the various terms within this policy.

## **LEGISLATIVE FRAMEWORK**

The Equality Act (2010) ensures it is unlawful to discriminate, either directly or indirectly, on grounds of protected characteristics including sex, marriage or civil partnership, or gender reassignment, in access to employment, training, working conditions, treatment at work, promotion or dismissal. The Equality Act (2010) requires that trans people must legally be treated as their affirmed gender they identify in all areas of life including access to service provision. The Equality Act (2010) protects a trans person who intends to undergo, is undergoing or has undergone, gender reassignment from the moment they decide to start the process. The Act makes it quite clear that the definition of gender reassignment as a protected characteristic for the purpose of reassigning the person's sex by changing physiological or other attributes of sex is to be considered a social process and not a medical process. As such, the Act protects anyone who is intending to undergo, is undergoing, or has undergone, gender reassignment even if they have not had or do not intend to have any medical treatments, for example socially transitioning by changing names, pronouns, telling friends and family, changing official documents, dressing differently and living in their self-identified gender. It makes it unlawful for an organisation to treat a person less favourably by reason of their undergoing gender reassignment, or to harass them. The person must also not be treated less favourably by reason of their absence from work while undergoing gender reassignment, in comparison with someone absent due to illness or for some other similar reason. The Gender Recognition Act (2004) makes it a criminal offence to pass information about a person's trans status to a third person without the consent of the trans person.

## **NON-BINARY AND INTERSEX PEOPLE**

Despite being a marginalised group, non-binary and intersex individuals do not currently meet the definitions entitling them to protection under the Equality Act (2010). However, taking the Equality Act (2010) with Section 3 of the Human Rights Act, which states that legislation should be read in a way which is compatible with the European Convention on Human Rights, it is possible to argue that non-binary and intersex people are covered by the existing legislation, and SARSAS's position would fully support the inclusion of non-binary and intersex individuals.

## **ACCESS TO SARSAS's SERVICES**

SARSAS is committed to supporting people who have experienced rape or any kind of sexual abuse, at any time in their lives. Anyone can be a victim of sexual violence or



abuse, but women are disproportionately affected. Therefore, we provide women only services in a women-only safe space, alongside our other services.

Being an inclusive organisation is really important to us and we will continue to do everything we can to make all survivors feel welcome, safe and supported.

We listen, believe and provide specialist support services for *all genders including girls, boys, women, men, cis, trans and non-binary people.*”

SARSAS consider trans-inclusive feminism to be key to our values and central to our services. SARSAS considers the lack of services and funding for people of all genders to also be a feminist issue and looks to build partnerships to address this.

SARSAS fully complies with the Equality Act (2010) and we provide support to people of all genders.

SARSAS recognises that some service users may not self-define as either female or male. Many of our services are open to those who identify as non-binary, intersex, genderfluid, genderqueer, gender variant, genderless, agender, nongender and other identities. Some of SARSAS’ services are single gender services so if people are unsure what service is right for them, we encourage them to contact us to discuss their individual support needs.

SARSAS maintain female only spaces as part of a trauma informed approach to gender based violence and due to funding specifications, some SARSAS services are single sex. In light of this, SARSAS reserves the right, under the Equality Act 2010 (schedule 3, part 7<sup>1</sup>) to provide certain services only to women.

Anyone approaching the service who is not eligible for provision will be given information and signposting to an appropriate service to meet their needs.

## **DATA PROTECTION & CONFIDENTIALITY**

Section 22 of the Gender Recognition Act 2004 defines any information relating to a trans person’s trans identity as ‘protected information’ and makes it a criminal offence, subject to a £5000 fine and/or up to six months in prison, for any person to inappropriately disclose information which they have acquired in an official capacity about an individual’s gender history. **SARSAS’s Privacy and Data Protection Policy** will be adhered to in relation to all information recorded in the same way that it relates to service users. SARSAS does record information provided by service users about

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<sup>1</sup> [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)



protected characteristics on file to allow us to monitor the effectiveness of equal opportunities within the agency, and to meet service users' individual needs.

Confidentiality about the trans service user will be maintained in line with SARSAS's **Confidentiality Policy** in the same way as for all other service users. This means that SARSAS will follow the procedures for breaching confidentiality and sharing information when necessary in relation to safeguarding adults at risk, and children and young people.

In the event that information about the service user needs to be shared with another professional, this will be with the prior consent of the service user where possible and will be in relation to the issue of concern and not the gender identity of the service user. Section 22 of the Gender Recognition Act (2004) makes it clear however, that confidentiality can be breached in the following circumstances in line with the Data Protection Act 1998 and General Data Protection Regulations 2018 (GDPR):

- a) the information does not enable the person to be identified
- b) the person has agreed to the disclosure of the information
- c) the disclosure is made by a person, who does not know or believe that a full gender recognition certificate has been issued
- d) the disclosure is in accordance with an order of the court or tribunal
- e) the disclosure is for the purpose of instituting or otherwise for the purposes of, proceedings before a court or tribunal
- f) the disclosure is for the purpose of preventing or investigating crime

Any sharing of information must not be undertaken without the consent of the SARSAS CEO/ Head of Services. Any concerns should be raised with the CEO/ Head of Services.

## **EMPLOYMENT AND VOLUNTEERING AT SARSAS**

SARSAS is committed to recruiting, retaining and developing staff and volunteers from the range of backgrounds that reflect the diverse communities served including Team Members of different age, disability, gender identity, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity status.

Where appropriate for a specific role as there is a Genuine Occupational Requirement (GOR) to employ a person of a particular sex, SARSAS reserves the right to recruit women only under Schedule 9 (Part 1) of the Equality Act (2010).



We also recognise that the Equality Act (2010) requires that trans people must legally be treated as their acquired gender in all areas of life including employment and volunteering.

It is not expected that all applicants and interviewees would wish to disclose their (trans) gender status or gender history and it is not a question that will be asked at interview. SARSAS acknowledges that a trans person may apply for a post, be offered and take up their post without their transgender status being disclosed. There is no obligation for a trans person to disclose this status as a condition of employment.

At SARSAS we believe in a person's right to self-identification and do not require a Gender Recognition Certificate.

### **Personnel Records**

Records maintained in personnel files will not overtly refer to the gender assigned at birth of any Team Member. Any information relating to a Team Member's trans identity or history is 'protected information'. Team Members who have this information will be on a strictly "need to know" basis.

Section 22 of the Gender Recognition Act (2004) defines any information relating to a trans person's gender reassignment as 'protected information' and makes it a criminal offence, subject to a £5000 fine and/or up to six months in prison, for any person to inappropriately disclose information which they have acquired in an official capacity about an individual's gender history except in the following circumstances in line with the Data Protection Act 1998 and General Data Protection Regulations 2018 (GDPR):

- a) the information does not enable the person to be identified,
- b) the person has agreed to the disclosure of the information
- c) the disclosure is made by a person, who does not know or believe that a full gender recognition certificate has been issued
- d) the disclosure is in accordance with an order of the court or tribunal
- e) the disclosure is for the purpose of instituting or otherwise for the purposes of, proceedings before a court or tribunal
- f) the disclosure is for the purpose of preventing or investigating crime

### **Existing Team Member's Transition from Women to Male or Non-Binary**

SARSAS recognises that it can take a long time for an individual to decide to live in a gender different to the one assigned at birth. Support, through line management and our employee assistance scheme, will be offered by the organisation to individuals who



have made the decision to reassign gender during the course of their employment or volunteering and also for their colleagues as and when appropriate.

Individuals who have decided to transition their gender identity should contact their manager in the first instance to discuss the support mechanisms available and how they would like their transition to be managed in the workplace. The Team Member has a right to privacy and to decide who is informed about their transition. If they chose to inform colleagues they will be supported by their manager in doing so but the Team Member retains the right to decide who is informed and how. If requested by the Team Member the manager can hold a team meeting which includes everyone the Team Member frequently works with and wishes to invite. Managers can support the Team Member in the meeting if the Team Member so chooses and managers should make it clear that the Team Member has management's full support in transitioning. They should also explain the timescales and details of transition and explain that the status of the individual undergoing transition is not to be discussed with any third party without the prior, explicit consent of the Team Member as stipulated in the Gender Recognition Act (2004).

Employees who decide to transition and require time away from employment in order to seek medical and/or surgical treatment for the purposes of transitioning will be able to take time off in line with SARSAS's **Sickness Policy**. They will be treated in the same way as anyone who requires time off for any other medical reason.

If any team member is in a role that has a genuine occupational requirement to be female only, we will work with the team members, after they have transitioned, to consider suitable alternative employment/ volunteering opportunities within SARSAS.

## **Equal Opportunities, Bullying and Harassment**

Trans individuals are entitled to be treated with the same respect as all other Team Members and to perform their jobs free from harassment and discrimination. SARSAS views harassment or discrimination against any Team Member on any grounds as a serious disciplinary offence. SARSAS's Equality and Diversity Policy and Anti Bullying and Harassment Policy apply.

## **Training**

SARSAS will work closely with relevant organisations such as Diversity Trust and Mindline Trans+ to work towards becoming more trans positive and inclusive. SARSAS will provide mandatory training for all Team Members on Trans Awareness. SARSAS will strive to raise awareness of trans issues as part of our commitment to LGBT+ equality, and appoint an LGBT+/Trans Champion on the Equality, Diversity and Inclusion committee to ensure issues remain on the agenda.

## **APPENDIX A: DEFINITIONS**

It is important to note that language is constantly evolving, and preferred terminology changes in line with society. SARSAS will follow best practice in asking for individual's own identified terms, without making assumptions. We have used Stonewall's definitions of terms below:

### **Bi-gender**

Moving between feminine and masculine gender identities

### **Cisgender or Cis**

Someone who agrees with the gender identity they were given at birth. Non-trans may also be used.

### **Gender**

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth

### **Gender Dysphoria**

Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. Also the clinical diagnosis for someone who doesn't feel comfortable with the sex they were assigned 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), which may or may not correspond to the sex assigned at birth,

### **Gender Reassignment**

Another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in the self-identified gender.

### **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

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

### **Genderqueer**

A catch-all term of all gender identities other than male and female.

### **Genderless / agender/ non-gendered / neutrois**

Being without any gender identity

### **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 may identify as male, female or non-binary.

### **LGBT+**

Lesbian, Gay, Bisexual and Trans. Often seen as LGBTQIA to include Queer and/or Questioning, Intersex and Asexual, the + denotes a wider umbrella term.

### **Non-Binary**

An umbrella term for people whose gender identity does not 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 used to refer to people's gender in conversation – e.g. he/him/his or she/her/hers. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir, other may use a combination e.g. they/her.

### **Sex**

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions

### **Third gender**

Neither male nor female, as well as the social category present in those societies who recognize three or more genders

### **Trans**

An umbrella term used 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 wider variety of terms, including (but not limited to) transgender, gender-queer, gender-fluid, non-binary, gender-variant, genderless,



agenda, nongender, third gender, bi-gender, cross dresser, trans man, trans woman, trans masculine, trans feminine and neutrois.

## **Transgender**

An umbrella term for people whose gender identity and/or gender expression diverges in some way from the sex they were assigned at birth.

## **Transsexual**

Outdated medical term (similar to homosexual), used to refer to a person whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

## **Transvestite**

A person who sometimes wears clothes traditionally worn by and associated with the opposite sex; generally seen as derogatory. Cross-dresser is a synonym. Neither term applies to trans people.

## **Trans or transgender man**

A term used to describe someone who is assigned female at birth but identifies and lives as a man. Transitioned from Female to Male (sometimes shortened to FTM) may also be used.

## **Trans woman**

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. Transitioned from Male to Female (sometimes shortened to MTF) may also be used.

## **Transitioning**

The steps a trans person may take to live in the gender with which they identify. Each person's transition will be different. For some this involves medical transition, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve telling friends and family, dressing differently and changing official documents.

## **Transphobia**

The fear of dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it. Transphobia may be targeted at people who are, or who are perceived to be, trans.

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<sup>i</sup> *Sally Rymer and Valentina Cartei, 2015, Supporting transgender survivors of sexual violence: learning from users' experiences*

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## **APPENDIX B**

### **Further Resources :**

- **LGBT Foundation:**  
Guide for Trans People affected by sexual violence  
<https://lgbt.foundation/who-we-help/trans-people/resources-for-trans-people/lgbt-foundation-resources-for-trans-people>
- **Stonewall:**  
Supporting Trans Women in Domestic and Sexual Violence Services  
<https://www.stonewall.org.uk/supporting-trans-women-domestic-and-sexual-violence-services>
- **LGBT Domestic Abuse:**  
Stronger Together - Guidance for Women's Services on the inclusion of transgender women  
[https://www.lgbtdomesticabuse.org.uk/media/1167/stronger\\_together\\_-\\_september\\_2015.pdf](https://www.lgbtdomesticabuse.org.uk/media/1167/stronger_together_-_september_2015.pdf)
- **Straight for Equality:**  
Guide to Being a Trans Ally  
<https://pflag.org/sites/default/files/2020-Trans%20Ally%20Guide%20Revised.pdf>
- **Galop, the LGBT+ Anti-violence charity:**  
Shining the light: 10 ways to become a trans positive organisation  
[final-shine-report-low-res.pdf \(galop.org.uk\)](https://www.galop.org.uk/final-shine-report-low-res.pdf)
- **Equality and Human Rights Commission:**  
Collecting Information on Gender Identity  
<https://www.equalityhumanrights.com/en/publication-download/collecting-information-gender-identity>