

WELSH GOVERNMENT HR GUIDANCE AND PROCEDURES TRANS INCLUSION AND TRANSITIONING AT WORK

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Related Welsh Government Policies / Guidance

[Attendance Management Policy](#)

[Dignity at Work Policy](#)

[Grievance Policy](#)

[Special Leave Policy](#)

[Special Leave Form](#)

[Equality, Diversity & Inclusion Policy](#)

[Recruitment Policy \(see Equality Statement\)](#)

[Workplace Adjustment Passport](#)

[Stress and Mental Wellbeing \(including risk assessment\)](#)

This policy predates the Supreme Court ruling [*For Women Scotland Ltd \(Appellant\) v The Scottish Ministers \(Respondent\)](#). As an employer, we are working to understand the implications of the Supreme Court ruling on our policies and practices and will be guided by the revised statutory EHRC Code of Practice once it is published. This approach will ensure legal compliance and maintain our duty of care to all employees.

1. POLICY PRINCIPLES AND PURPOSE

1.1 This policy and accompanying guidance sets out the principles for trans inclusion in the workplace, including how trans employees, their line managers and colleagues will be supported during the transition process.

1.2 The Welsh Government's policy position is that trans women are women, trans men are men, and non-binary identities are valid.¹ As an employer, the Welsh Government Civil Service aims to be an inclusive and diverse workplace where everyone feels able to be their true selves. All employees deserve the opportunity to reach their full potential, work in a safe and supportive environment, be fairly rewarded at work and have a voice in the organisation. The organisation is proud to be LGBTQ+ inclusive, committed to ensuring that trans and non-binary colleagues are treated with dignity, individual identities are respected, and no one is discriminated against or disadvantaged in the workplace.

1.3 It is important to recognise that transitioning is not necessarily from one binary gender to another. Individuals may be gender fluid or non-binary. There are multiple identities that people may have, and an individual might choose to change their identity over time to a different identity on multiple occasions.

1.4 All HR policies and guidance are fully inclusive of all staff regardless of age, marriage and civil partnership (both same sex and opposite sex), pregnancy and maternity, race, religion or belief, sex, sexual orientation, whether they have an impairment or health condition, are neurodivergent or use British Sign Language, their gender identity or gender expression. We acknowledge that the terms 'gender identity' and 'gender expression' are not protected characteristics as defined by the Equality Act 2010, however, we believe that Government policy which includes provision for those persons who identify within the 'trans' umbrella (rather than on the basis of binary gender) is a more inclusive approach and one which ensures the Welsh Ministers are in a position to comply with all their statutory duties related to equality and the promotion of well-being in Wales. If you have any feedback on the inclusivity of this policy, please email EqualityintheWorkplaceTeam@gov.wales

2. SCOPE

2.1 This policy and guidance covers all employees, contracted and temporary workers and job applicants. It applies to all stages of the employment relationship.

2.2 This policy and guidance is aligned to both the [Equality, Diversity & Inclusion Policy](#) and [Dignity at Work Policy](#). The roles, responsibilities and expectations of behaviour set out in those policies are applicable to the principles outlined in this policy. Failure to take account of this policy may result in disciplinary action being taken.

3. TERMINOLOGY

3.1 Terminology around gender identity is evolving as awareness increases and more people feel comfortable coming out. Transgender or trans is an umbrella term describing the diverse range of people whose gender identity differs from the sex that they were assigned at birth. This includes all binary and non-binary gender identities and those who have an absence of gender identity. Identities of people

¹ [LGBTQ Action Plan English purple and green](#), p.13

whose genders don't match the sex they were assigned at birth have existed throughout history and across cultures.

3.2 Transitioning is a term used to describe the process and steps an individual takes to live in the gender with which they identify. Transitioning is a unique process for each individual and may include any number of changes to a person's life. There is no 'right' or 'wrong' way to transition. There can be social aspects of transitioning, including using different pronouns, dressing differently, or telling friends and family about the transition. There can also be legal ways to transition, such as changing gender markers on official documents. For some, there may be medical aspects to their transition, such as hormone therapy and surgeries, but not for others. Additionally, different social or cultural factors may influence people's experiences and wishes throughout their transition. Once they have transitioned, some people see their trans identity as part of their past. There is often an assumption that transitioning involves moving from one binary gender to another (for example, man to woman). This isn't always the case. For example, many trans people identify as non-binary, meaning their gender identity doesn't sit comfortably within the categories of male or female.

3.3 A full list of useful terminology is provided at Annex D.

4. THE LEGAL FRAMEWORK

4.1.1 The Equality Act 2010 [Equality Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Trans people are protected under law in the Equality Act 2010 ("the 2010 Act"), with the term "gender reassignment" being one of the nine protected characteristics. The 2010 Act protects a person from discrimination, harassment and victimisation if they are "proposing to undergo, are undergoing, or have undergone a process (or part of a process) of gender reassignment". (Transitioning is the now more acceptable term.) There is no requirement for the person to be under medical supervision to be protected. Under the 2010 Act, a person who takes time off work to transition must not be treated less favourably in respect of employment decisions, for example by being denied access to training or promotion opportunities. The 2010 Act also protects anyone who is perceived to have the characteristic of "gender reassignment" or is associated with someone who has the protected characteristic of "gender reassignment", such as an individual's partner, parent, child or friend.

4.1.2 Gender reassignment is defined in section 7 of the 2010 Act. A person will have the protected characteristic of 'gender reassignment' if 'they are proposing to undergo, are undergoing or have undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex'. Until the case of *Taylor v Jaguar*, there was no legal authority on the question of whether gender fluid or non-binary individuals fell within the definition of section 7 of the 2010 Act.

4.1.3 In the *Jaguar* case, the court, when looking at the interpretation of section 7 of the 2010 Act, were strongly persuaded that Parliament intended gender re-assignment to be '*a spectrum moving away from birth sex and that a person could be at any point on that spectrum*'. In light of this wider interpretation, the court in the *Jaguar* case ruled that the wording of section 7(1) accommodated the claimant in that case. This decision is an important one for those who identify within the trans

umbrella, because the claimant identified as gender fluid (a gender identity that is neither exclusively man or woman or is in between or beyond both genders).

4.1.4 Unlike some countries/states, the UK does not currently recognise non-binary gender identities. As such, some legal obligations such as security vetting, pensions and taxes will require non-binary staff to be recorded as the sex registered on their current birth certificate. However, this and other related policies are designed where possible to go beyond an interpretation of the legal requirements that act to exclude non-binary people.

4.1.5 The organisation acknowledges that some employees may hold beliefs which differ from this policy. While individuals have the right to hold and express their personal beliefs, the way in which they manifest those beliefs must align with the standards of behaviour and ethos of respect and inclusion outlined in the Dignity at Work Policy.

4.1.6 This policy will be reviewed regularly and updated as necessary to ensure compliance with current legislation and alignment with best practices.

4.2 Gender Recognition Act 2004 [Gender Recognition Act 2004 \(legislation.gov.uk\)](https://legislation.gov.uk)

The Gender Recognition Act (GRA) 2004 allows an individual to apply for a Gender Recognition Certificate (GRC), which will give them legal recognition in their affirmed gender and enables them to obtain a new birth certificate. The Act safeguards the privacy of an individual with a GRC by defining information relating to the gender recognition process as “protected information” and, except “in certain specific circumstances” (for example, for the purpose of preventing or investigating crime), it is a criminal offence to disclose such information without the individual’s consent.

4.2.1 A person does not require a GRC to live in their affirmed gender – the GRA only confers legal recognition of that gender in certain areas. Some trans people will not be able or want to gain this legal recognition. In such cases, the gender at birth continues to apply for some legal purposes, even though they are otherwise entitled to live their lives in their affirmed gender. It is very important to ensure that there is no discrimination against trans people, regardless of if they have a GRC or not. The Welsh Government has a zero-tolerance approach to transphobia and discrimination of any kind. The Welsh Government will amend all records to match an employee’s affirmed gender although HMRC and Pension provisions may only be changed following the receipt of a GRC.

4.3 UK General Data Protection Regulation and Data Protection Act 2018 [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)

In applying this policy and guidance consideration must be given to the UK GDPR and DPA 2018 which set out a data protection framework applying to the processing of personal data.

Under the UKGDPR, information about an individual’s gender identity and gender reassignment constitutes health data and is therefore personal data within a special category. This means that additional conditions must be met for processing. In

determining the conditions for processing advice should be taken from the Information Rights or Legal Services.

5. ROLES AND RESPONSIBILITIES

5.1.1 Employees are responsible for:

- making themselves familiar with this policy and guidance
- completing the relevant e-Forms for change of name; Special Leave requests; updating their Business Directory and requesting changes to security pass; email address and/or any other applicable business documents or applications

5.1.2 Line Managers are responsible for:

- making themselves familiar with this policy and guidance
- supporting the employee throughout the transitioning process and being guided by their wishes as far as possible
- consulting HR Business Partners if they have any queries in relation to the operation of this policy
- being guided by appropriate medical advice given by the employee's doctor and/or the Welsh Government's Occupational Health Adviser via the HR Case Advisory Team (CAT)
- where possible, agreeing in advance the amount of special leave allowable in respect of absences resulting from the process of transitioning and the dates to which it applies. Also considering applications to cover unexpected absences in exceptional cases such as where a doctor unexpectedly orders immediate treatment. It should be recognised that waiting lists for appointments can be very long and appointments can be at short notice and not local. Line managers should therefore be as understanding and flexible as possible
- keeping in touch with the employee during any absences and being guided by their wishes as far as possible
- ensuring that any medical certificates covering absences relating to transitioning are forwarded promptly to the Corporate Shared Service Centre to be annotated on the employee's personnel record
- maintaining confidentiality of individuals who are transitioning/who have transitioned
- Using the Checklist at [Annex B](#) to aid discussion if requested by the employee with the employee and also [Annex C](#) to ensure that all necessary steps are taken – both if preferred by the employee
- Supporting the use of a [Workplace Adjustment Passport](#) and any workplace adjustments, if the employee wishes to use them

5.1.3 Heads of Division are responsible for:

- making themselves familiar with this policy and guidance
- authorising Special Leave requests (if not made via the HR CAT)

5.1.4 The HR Case Advisory Team is responsible for:

- seeking Occupational Health advice as and when necessary and advising employees and managers

- arranging and approving special leave for transitioning individuals who would prefer CAT to do so rather than their line manager and/or Head of Division (HoD)
- assist the individual with communicating their transition to the line manager and wider team if the individual wishes, at the point the individual wishes (note that the individual might only have involved CAT in their transition to date)
- maintaining confidentiality of individuals who are transitioning/have transitioned

5.1.5 The Corporate Shared Service Centre is responsible for:

- processing requests for special leave were authorised by the line manager, HoD or CAT
- keeping a record of the amount of special leave taken
- making the necessary changes e.g. name and title for HR and pay systems
- maintaining confidentiality of individuals who are transitioning/have transitioned

5.1.6 HR Business Partners are responsible for:

- advising employees and line managers on this policy and signposting to relevant guidance and support mechanisms
- maintaining confidentiality of individuals who are transitioning/have transitioned

5.2 Confidentiality

5.2.1 The Welsh Government will not disclose if anyone is trans or that they have gone through, propose to or are transitioning unless it obtains their written consent to do so and will treat them no differently or less favourably from any other employee. It is a criminal offence for a person who has acquired protected information (information which relates to a person's application for a Gender Recognition Certificate, or which identifies a person with a Gender Recognition Certificate as transgender) in an official capacity to disclose that information to any other person.

5.2.2 The employee may want to tell their manager so that they can provide support, but the manager must not tell anyone else without the employee's express written permission. If an individual is content for colleagues to be told, then the manager should discuss with them the method, and agree a communication plan in writing (see [Annex B](#)).

5.2.3 Employees who require special leave to transition, where no one in their work area, including their manager, is aware of this, or who prefers not to disclose their status should contact the HR Case Advisory Team (HR CAT) - HRCaseAdviserTeam@gov.wales; [HR Case Advisory team \(sharepoint.com\)](#)

5.2.4 All records that include details of an employee's trans history will be destroyed/deleted in a secure manner unless there is a specific reason for retaining them (in which case the employee will be made aware of this and told why). If other people in the organisation need to be aware of the employee's transition to make a change to a particular record, we will obtain the employee's written consent and restrict the information to those who need to know.

5.2.5 Where there is a need to retain documentation that shows someone's trans history, this information will be stored confidentially in line with the requirements of data protection legislation. The information will be held electronically in a secure

environment (for example, encrypted or password protected) that can be accessed only with the consent of the individual concerned. Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action and/or prosecution. Care will be taken to ensure that any search of the organisation's records by others will not inadvertently reveal an employee's trans history.

5.2.6 It is an individual's decision whether to reveal their trans history and we will respect their right to privacy. The right to privacy applies regardless of whether the individual has a GRC. Where an employee discloses information about their trans history or status (verbally or in writing), this will be treated as confidential. This includes any information provided to the line manager or HR. Such information will not be shared with others unless there is a specific reason and then not without the written consent of the individual concerned. Disclosure of the gender history of someone with a GRC without their specific permission is a criminal offence.

5.2.7 Information relating to an employee's trans history or status will not be disclosed to a third party without the individual's written consent.

5.3. Discrimination, Intimidation, Victimisation, Bullying or Harassment

5.3.1 The Welsh Government will not tolerate discrimination, intimidation, victimisation, bullying or harassment on the grounds of transitioning, gender identity or gender expression and will treat any complaint of discrimination on these grounds seriously. Discrimination, intimidation, or harassment on the grounds of transitioning, gender identity or gender expression will lead to disciplinary procedures being instigated which may result in action up to and including the dismissal of any employee who is found to have acted in this way.

5.3.2 Discrimination by association or perception is also unlawful under the Equality Act 2010. For more information on discrimination and harassment please see our [Dignity at Work Policy](#).

6. SUPPORTING TRANS EQUALITY AND TRANSITIONING EMPLOYEES

6.1 Recruitment

6.1.1 We wish to attract applicants from as diverse a talent pool as possible. The recruitment process is designed to be inclusive for all applicants, including people with diverse gender identities and gender expressions.

6.1.2 Job advertisements should make clear that opportunities are open to all suitably qualified applicants. If this statement makes explicit reference to not discriminating on particular grounds, this reference should extend to all of the protected characteristics, including gender identity and expression. Where an application form is used, this should not include a question about previous names as this may deter an individual who has transitioned from applying.

6.1.3 Managers should not ask questions about an applicant's gender identity or history. If an individual chooses to mention this during the interview, they should be informed that we support trans employees and be assured that the disclosure will have no bearing on the outcome of the interview, will not be revealed outside the interview room or noted on the interview record.

6.1.4 The requirement to provide proof of identity to confirm the right to work in the UK can be particularly sensitive for a trans applicant whose identification documentation may be in their previous names. The Welsh Government will always ensure that an applicant is made aware of the full range of permissible identification documents and that the process of checking is handled sensitively and with respect for the privacy of the individual.

6.1.5 Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the written permission of the individual. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.

6.1.6 The Disclosure and Barring Service (DBS) offers a confidential checking service for trans applicants in accordance with the Gender Recognition Act 2004. This is known as the sensitive applications route and is available for all levels of DBS check - basic, standard, and enhanced. (Some staff with advanced DBS might need to renew them regularly). The sensitive applications route gives trans applicants the choice not to have any gender or name information disclosed on their DBS certificate, which could reveal their previous identity/gender. To contact the sensitive applications team, please telephone 0151 676 1452 or email sensitive@dbb.gov.uk. Please note, that the telephone number also has an out-of-hours answering machine where you can leave your details, and a member of the team will call you back.

6.2 Monitoring

6.2.1 In line with our [Equality, Diversity & Inclusion Strategy](#) and our obligations under the Equality Act 2010, the Welsh Government will gather and analyse information relating to the diversity of the workforce and applicants for employment and promotion. Equality monitoring enables us to identify underrepresentation and where there are barriers to inclusion. This helps inform priorities for action and provides a baseline for measuring progress. Gender reassignment is included among other protected characteristics.

6.2.2. Any information disclosed will be treated in confidence, stored securely, and used only to provide statistics for monitoring purposes in accordance with UK GDPR and Data Protection Act 2018 and our Privacy Notices. When communicating monitoring data, the Welsh Government will ensure that it is anonymised to avoid potentially identifying any individuals. Any externally published data is rounded to the nearest 10 and is suppressed when numbers are below 5.

[HR Data Privacy Notice \(English\)](#) [HR Data Privacy Notice \(Welsh\)](#)

6.3 Names and pronouns

6.3.1 All necessary steps will be taken to ensure that an individual's change of name is respected. A GRC is not required to enable someone to change their name, and an individual will not be asked to provide a GRC to verify a name change.

6.3.2 All staff are expected to respect colleagues' preferred pronouns and names. Consistently addressing a trans employee by their previous name and/or an

inappropriate or incorrect pronoun may be regarded as harassment and subsequently dealt with accordingly under the [Dignity at Work Policy](#).

6.4 Changing employee records

6.4.1 An individual does not need a GRC to request that their details are updated on their employment records. The individual will be treated in the same way as other employees wishing to update their details. HR will agree with the individual what paper and electronic records need to be updated by the Shared Service Centre. These will include those records that may contain names, titles, and other personal identifiers such as photographs on security passes and our intranet. See Roles and Responsibilities above and [Annex B](#) for further information.

6.5 Communication

6.5.1 Where an employee chooses to transition while working for the Welsh Government, they will advise on who will be told and by whom, and when and how this will happen. The most important consideration is that the employee feels safe in the workplace.

6.5.2 The employee may wish to tell colleagues about their transition or may prefer for this to be done by someone else on their behalf. The individual will be supported to do what is best for them and, if the employee is not ready to tell anyone at the early stages, the employee's wishes will be respected.

6.5.3 Where an employee has a public or client-facing role, the individual should advise on what third parties need to know and how this should be handled.

6.5.4 In accordance with the [Confidentiality, Security & Official Information Policy](#), civil servants are not permitted to speak to the media about their role. Should the media take an interest in the transitioning of an employee, the individual concerned (or anyone else approached) should **not** speak to the media. If any media approaches cause distress, the HR CAT and/or EAP should be contacted. If a request is made under the Freedom of Information Act 2000 for information about the transitioning of an employee legal advice must be taken. However, it is very unlikely the Welsh Government would be legally required to disclose such information.

6.5.5 The **optional** transitioning template at [Annex B](#) might be of assistance in informing colleagues and others.

6.6 Dress Codes / Uniforms

6.6.1 The Welsh Government does not have a dress code, and employees are able to wear clothing that they feel most comfortable in, is appropriate for the workplace and suits their gender identity.

6.6.2 Where employees are required to wear a uniform, they will be provided with a uniform appropriate to their gender identity. Where gendered items are part of the uniform, staff can mix and match as they wish. Where non-binary staff require both a "uniform A" and "uniform B", this will be provided. Alternatively, uniform should be non-gendered and tailored to fit appropriately.

6.7 Working overseas

6.7.1 Where there is a possibility of working overseas, it is important to be alert to any issues that may arise in local jurisdictions where the law does not protect against discrimination because of gender identity. A risk assessment should be conducted and discussed with the employee to agree an outcome.

6.8 Toilets and facilities

6.8.1 Trans employees are entitled to use the facilities they feel most comfortable in using. Employees cannot be asked to use alternative facilities, such as the accessible or gender-neutral toilet. There are gender-neutral toilets in some of our offices (all single-user toilets are gender-neutral.)

6.8.2 The Welsh Government has a [Gender Neutral and Accessible Toilets Policy](#).

6.9 Absences arising from the transitioning process

6.9.1 Absences resulting directly from the process of transitioning will be dealt with as paid special leave, unless the absence is for half a day or less, in which case it may be recorded as a flexi credit.

6.9.2 This will remove any disadvantage associated with such absences as, where granted, the absence will not count towards reduced pay or absence management procedures.

6.9.3 Special leave is not available to cover any other sickness absence, even if indirectly due to transitioning. For further examples of what is covered and what is not, refer to the table at [Annex A](#). Where the position remains unclear, employees and managers can seek further advice from the occupational health advisor via the HR CAT.

6.9.4 Paid special leave for absences arising directly from transitioning does not affect an employee's entitlement to special leave for other reasons. Applications for special leave for other reasons should be considered under the [Special Leave Policy](#), disregarding any special leave for transitioning.

6.9.5 Employees may apply for paid special leave where

- they advise of their intention to transition, are transitioning and/or have transitioned
- the period of absence is directly due to transitioning

6.9.6 Employees who wish to apply for special leave for absences resulting from the process of transitioning, must first have advised their manager of their intention to transition (except where the HR CAT have been involved as set out in paragraph 5.2.3). Employees can apply to their manager (or Head of Division if the line manager is below Grade 7) using the [Special Leave E-Form](#) for special leave to cover such absences. These can be granted in principle even if the period of absence is not known in advance of the start of the absence period and needs to be established on return to work. Since the E-Form application automatically sends a notification to the line manager, the HR CAT will support the employee to make an application manually where required.

6.9.7 Employees should provide a Fit Note for any absences over 7 calendar days and keep their manager informed about the period of absence while they are off work. To protect confidentiality, medical certificates should not specify detail of the transitioning, e.g. the cause of absence may show "operation" rather than "transitioning surgery".

6.9.8 Although the majority of these absences should be approved in advance, managers (at Grade 7 and above), HoDs (or the HR CAT) may approve special leave in respect of absences resulting from the process of transitioning after an absence has been taken:

- to cover unexpected absences in exceptional circumstances, for example, surgery is arranged at short notice due to a cancellation, or
- where the manager/HoD (or the HR CAT) was not able to make a decision in advance.

6.9.9 In such cases, employees should write to their manager/HoD (or the HR CAT), as soon as possible, stating the reasons why they believe the absence should be granted as special leave.

6.9.10 The exact amount of paid special leave will vary as managers/HoD (or the HR CAT) will consider each case on an individual basis. Overall, the maximum normally allowable is 13 weeks in any 12-month period but a greater amount may be allowed in the 12-month period following major surgery, subject to Occupational Health advice, which will be provided via the HR CAT.

6.9.11 All periods of absence resulting directly from the process of transitioning and dealt with as special leave will not be considered in poor performance issues or count as poor attendance. However, managers and the HR CAT will take any absence not resulting from the process of transitioning into account when deciding whether or not to apply poor attendance procedures.

6.9.12 Welsh Government's policy on special leave and carers includes provision for staff to apply for up to 5 days' paid special leave in the event of a 'care crisis' – i.e. an emergency, unplanned event such as an emergency hospital admission or if they need to provide short-term care at home for their dependant following surgery or as a result of illness. Carers are also entitled to apply for some paid special leave to protect their own wellbeing if 'suffering from fatigue and 'burnout' because of balancing work and significant caring responsibilities or the aftermath of a care crisis". For caring responsibilities, the maximum amount on offer per year is 5 days. We expect time off for planned / routine caring responsibilities to be covered by SmartWorking, flexi or annual leave (or unpaid leave if someone wants an extended amount of time off work). **Our special leave policy has extended our definition of a 'carer' to include staff who provide support to someone during their transition.** <https://wales365uk.sharepoint.com/sites/Intranet-Human-Resources/SitePages/Special-leave-and-other-arrangements.aspx>

Annex A

Absences eligible for Special Leave when transitioning at work

Reason for absence which ARE eligible for Special Leave
1. Appointments with psychiatrists, psychologists or counsellors regarding gender identity and transitioning
2. Appointments with healthcare professionals for blood tests, blood pressure monitoring, hormone therapy consultations and treatment for transitioning purposes
3. Surgical interventions that will help the individual to live in their affirmed gender To include the surgery itself, any hospital stay and the immediate recovery period (the period for which a specialist explicitly instructs a patient to restrict their activities and not return to work in order to not jeopardise the benefit of the procedure) and any complications directly arising from the operation.
4. Appointments required for pre-surgical assessment and post-surgical follow-up.
5. Hair removal for transitioning purposes
6. Speech therapy for transitioning purposes
7. Any other treatment specifically for transitioning purposes
Reasons for absence which ARE NOT eligible for SL
8. Appointments with healthcare professionals for a: • general check up • reason unconnected with transitioning
9. Treatment for any illness or condition not directly related to the process of transitioning.

TRANSITIONING TEMPLATE

These notes, accompanying the transitioning template, are written from the perspective of the individual undergoing transitioning, but are equally intended to assist the manager of such an individual.

Please note: The use of the template is **optional**, and the level of detail entered is purely a matter for the individual. The individual and manager may use it simply as an aide-memoire of the possible steps which transitioning may take, or they may fill it in together as the individual's plans for transitioning emerge. Managers should not impose the use of the template on an individual nor use it to dictate the pace of all or any part of the transitioning process. **The individual should store the template on their personal drive. The manager should not retain a copy.**

Under no circumstances should this information be passed to anyone else without the express written permission of the individual transitioning.

Things to think about:

1. Information before you disclose your intentions:

If you wish to talk to other trans people about their experience in the workplace, you can contact PRISM the WG Staff LBGT+ network, who can provide peer support [PRISM \(sharepoint.com\)](https://prism.sharepoint.com) Email prism@gov.wales

There are external organisations that can provide support. (Please note that this is for information only and not a recommendation or endorsement):

- TSMU – The Transsocial Meet Up [The Transsocial Meet Up | Trans Unite](#), a trans social group that meets in Transport House, 1 Cathedral Road, Cardiff, CF11 9SD, and are available to contact via their Facebook Page
- Unique Transgender Network - UNIQUE Transgender Network is a voluntary group supporting Trans* people in North Wales & West Cheshire www.uniquetg.org.uk
- Transgender Mid Wales – A voluntary group supporting trans and gender-questioning people and close family in Mid Wales, available to contact via their Facebook Page
- a:gender, the Civil Service trans and intersex diversity network at [Home | Main \(agender.org.uk\)](#) agender@homeoffice.gov.uk
- The Beaumont Society, 27 Old Gloucester Street London WC1N 3XX - [The Beaumont Society | Help and support for the transgendered community](#) Info Line 01582 412220 email enquiries@beaumontsociety.org.uk
- [Individual Help – Gender Identity Research & Education Society \(gires.org.uk\)](#)

2. Telling people about your situation:

Who to tell first? It is entirely up to you. You have a choice:

- Your manager

- HR Business Partner
- A close colleague who can act as your mentor/project manager
- PRISM
- Your union representative
- Colleagues - colleagues are obliged to keep your information confidential unless you give permission to do otherwise. If telling close colleagues, you should ask them to keep the matter confidential if this is what you wish.

3. Planning your transition:

It helps everyone if you can plan your transition at work. It won't be possible to be too precise to start with and much will remain flexible around any medical treatments and your own intentions. You should not feel pressured to transition at work until **you** are ready. Similarly, you should not be pressured in any way to unnecessarily delay your transition.

You can make plans directly with your manager if you are happy to do so, or you might prefer to have someone else at work as a confidential contact and co-ordinator for your transition at work (a sort of personal project manager or mentor).

Try to plan the following. Each of these is dealt with in further detail below:

- telling colleagues
- getting ready for your first day in your new affirmed identity
- changing things to your new name
- any medical appointments and absences

The template may be used to help you and your manager (or mentor/project manager), to make sure things get done when you need them to, and people get to know what they need to know about your plans when they need to know them.

4. Your medical appointments and absences

You may require medical assistance and undergo a variety of medical interventions which are included in the template, though you may not require or want them all as part of your transitioning.

At the date of your transition at work, you are unlikely to know what forms of intervention you will need or when, although you may have some idea. As your treatment plan develops with your own medical advisers, you will be able to provide more detail as time goes on, so that your manager or mentor/project manager can be given precise dates on which you will be absent.

The Welsh Government has an interest in helping you develop confidently in your affirmed gender and will support you as far as possible in doing so. You can help this by planning your absences around your work as far as possible in advance. We recognise that some hospital appointments cannot be changed without jeopardising your treatment schedule.

Our guidance on transitioning absences provides for special leave to cover such absences up to a limit, but only where the absence is directly arising from the transitioning process. Time off for the absences that result from these causes should be dealt with as set out in this guidance. Please refer to this (above) for more information, including a list of the types of absence that are regarded as arising as a result of transitioning.

5. Informing colleagues (and clients/stakeholders/business contacts etc.)

Your line manager or mentor can help you here. (If you have not informed your line manager yet, the HR CAT can help you to do so.) Only tell your colleagues when you are sure you are ready. It is impossible to cover all the possible courses of action, but here are a few ideas to help you work out an approach that will suit you:

- **tell people - virtually or face-to-face, individually or in groups.** You may want to tell people your news personally, particularly if they are close colleagues. It can be difficult and emotionally stressful. It can also be a positive and affirming experience.
- **ask your line manager or mentor to tell people for you.** Your manager/mentor could tell people you work with, in a group or at their own team meetings. The content of such news should always be agreed with you first, and the occasion agreed by you as appropriate.
- **pass on your news in other ways.** You could for example use a newsletter, intranet site, e-mail, or instant message to let people know, but you should discuss and agree with your manager beforehand what you wish to do.
- **hold awareness sessions (these could be virtually or in person).** These could be arranged to inform colleagues. Experienced trans people from PRISM or other support networks may be able to assist if required. You do not have to present the session yourself. Your colleagues should know that PRISM can also support them.
- **answering questions.** People may be naturally curious and may ask intrusive questions. It is helpful for people to be well-informed, but it is up to you what you feel you wish to tell people and when.

Whilst some colleagues may ask inappropriate questions due to a lack of knowledge, the Welsh Government will not tolerate discrimination or harassment on the grounds of gender identity or trans status and will treat a complaint of discrimination on these grounds seriously. If you feel that continued mistakes or intrusive/offensive questions and comments amount to harassment, you should initiate proceedings under the [Dignity at Work Policy](#)

- **informing other contacts.** Ask your manager or mentor/project manager to help, or other supportive colleagues if you want to inform other contacts. Remember it is up to you if or when you do this.

6. Getting ready for your first day in your affirmed gender identity

This will be your first day at work in your affirmed gender identity. From this date, you can expect colleagues to call you by your new name and pronouns and hope for lots of support.

- **When and where will it be?** At some stage you will need to decide when and where you will start work (remotely or in the office/other workplace) in your affirmed gender. You may discuss this with your medical adviser/counsellor, and with your line manager and/or mentor in making your decision. You will need to tell your colleagues when to expect you (see 5 above).
- **Changing your records** - There are some things you need to change before you start work in your affirmed identity, but others can wait - look at 7 below for more detail.
- **Do you need a change of role?** Your work may involve you in meeting people or talking on the phone. You may or may not feel confident enough to perform these duties in your affirmed gender identity from the outset. You should discuss this point with your manager as early as possible if you feel you may need a temporary change of role, but you should not be pressured to change your role if you feel this is unnecessary.
- **Are you ready?** Starting work in your affirmed gender – whether remotely or in an office - can be challenging. Do not start in your affirmed identity until you are ready. Utilise our [SmartWorking Policy](#) and other flexible ways of working if you would feel more comfortable working remotely and meeting colleagues virtually initially. If you are ready to work in the office, a colleague may be willing accompany you in on your first day if this helps.
- **Are your colleagues ready?** You might wish to meet people virtually in your affirmed gender or meet them outside the office before you first come in for work, perhaps for lunch or at a social function. These might be colleagues who have agreed to support your transition in some way.
- **Can you get into work OK?** Make sure you have your travel and work pass organised before your first day back in the office to avoid any unnecessary problems on your way to work.
- **Use of facilities.** Employees can choose the facilities that they are most comfortable using. Employees cannot be asked to use alternative facilities, such as the accessible or gender-neutral toilet.
- **The Media:** Sometimes the media take an interest in transitioning. If you or any colleague are approached by the media about your role in the Welsh Government, do **not** talk to them.

7. Changing records for your affirmed identity

You may also want to change all your records. Some you need to do before or on your first day. Others can be done afterwards. See Annex C for full details with contacts.

8. If you are using the template below as a planning document for your own personal use, don't forget to keep your plan up to date.

CONFIDENTIAL TRANSITIONING TEMPLATE (OPTIONAL)

	What, who or how?	When?
1. Information before you disclose your intentions:		
Have you read the Welsh Government's Policy on trans inclusion and transitioning at work?		
2. Telling people about your situation. Who have you told: How will you tell them?		
HR		
Your line manager		
Your mentor		
Close colleagues		
Your union rep		
PRISM member		
Anyone else		
3. Planning your transition:		
Your new name (in full) including title and preferred pronouns		
Your office/ working location		
Name of line manager		
Name of confidential contact/ /mentor		

Preferred place of work during early transition agreed		
(If relevant) Medical adviser's name		
(If relevant) Medical adviser's contact phone number		
4. Appointments and absences directly related to transitioning		
5. Informing colleagues and other contacts		
Tell people - remotely or face-to-face, individually or in groups		
Ask your manager to tell people for you.		
Pass on your news in other ways		
Carry out awareness sessions (virtually or in person.) Ask PRISM to help?		
Answering questions		
Informing other contacts		
6. Getting ready for your first day in your affirmed gender		

When will it be?		
Where will it be?		
Do you need a change of role?		
Are you ready?		
Are your colleagues ready?		
Can you get into work OK?		
Do you want a colleague to escort you?		
7. Changing everything into your new identity		
Your travel pass & photo		
Your work pass & photo		
Your Business Directory photo		
Your MS Teams and Outlook photo		
Your name, title and pronouns:		
do your colleagues know it?		
telephone lists		
letter templates		
business cards		
what else?		

Your e-mail		
Your HR records		
Your pay records		
Your SAP username		
Your pension record		

*Medical appointments may be recurring at regular intervals. You will first want to identify which ones are likely to apply to you. Eventually you will get your first appointment. After that, you should be able to let your manager/project manager know:

- the likely frequency of appointments of this type
- whether you need official time off to attend them
- if you need official time off in order to travel to or from the appointment (which may itself have been arranged outside of work time)

CHANGES TO RECORDS RESULTING FROM TRANSITIONING

You will need to arrange for all your records to be changed. Some you need to do before or on your first day. Others can be done afterwards.

- **Your travel pass & photo:** do this before your first day, to enable an easier journey in to work.
- **Your work pass & photo:** you can email CP.Security.Admin@gov.wales with a new photo and name change information to get a new security pass in your affirmed gender. Or you can contact security for them to take a photo of you and issue a new pass. You should do one of these as soon as possible. You should keep your photo updated to reflect changes that might affect people that need to recognise you. If you can't come in before your first official day at work to get your new pass, arrange for someone to escort you into your building on your first day and to organise your new pass as soon as possible.

Gender fluid staff are able to request two security passes if they wish, although only one can be active at any time. Staff wishing to do so should contact the EqualityintheWorkplaceTeam@gov.wales who will liaise with Facilities and Security.

- **Your Business Directory photo:** Email the [Business Directory mailbox](#) to ask them to update your entry when you have a new security pass photo taken. You can also request that they remove your current photo before your security pass is updated if you wish.
- **Your MS Teams and Outlook photo:** you can do this yourself through the application settings
- **Your name:** complete the [Change of name form](#). You may also need to change your name badges, telephone lists, letter templates, business cards and all sorts of things in your office. You will also need to let your colleagues know by what name you are to be called.
- **Your e-mail:** the ICT Helpdesk (0300 025 5555 / 0800 260 6720 or [MyIT - Catalog \(onbmc.com\)](#)) will be able to set up a new e-mail address for you in your new name while retaining access to the old e-mail address for a temporary period until people stop sending mail to your former account.
- **Your HR² and pay records, including iPayview:** Make sure the Corporate Shared Service Centre (CSSC) knows when you want to start using your new name. The CSSC will advise the HRMI Team and will update Snowdrop records as necessary. Please note your payroll number and HR Self Service (previously U-Access) number will remain unchanged.

² Note re: HR Self Service – Under 'My Personal Details' and 'More' (in line at top of page) and 'Diversity Data' there is the question 'Is your gender identity the same as the gender you were assigned at birth' which can be completed along with other diversity data

- **Your SAP username:** You can change your username via the 'User Profile Form'. This can be found on the ERP Support Hub:
<https://wales365uk.sharepoint.com/sites/Intranet-Money/SitePages/ERP-SAP-System-Support.aspx>
- **Your pension record:** until you obtain recognition in your affirmed gender under the provisions of the Gender Recognition Act, your pension entitlement will remain that of your birth gender, which currently affects, for example, the cost of Additional Voluntary Contributions You should write to the [Corporate Shared Service Centre](#) to inform them of your change of name and title, even if you are not changing your legal gender. If you are married and intend to remain so, it may be worth submitting your marriage certificate at the same time, to ensure that no difficulties arise over your spouse's entitlement should you die. Write to the Pensions Manager (via the Corporate Shared Service Centre) to let them know if:

(i) you **do not** hold a Gender Recognition Certificate, but you have assumed a different gender and/or are known by a different name. The Pension Administrators will update your records and correspond with you in your new name and title. Your pension entitlement will be calculated in the gender assigned to you at birth.

(ii) you **do** hold a Gender Recognition Certificate. The CSSC will arrange for your records to be updated to reflect your new legal gender. A change in gender may have an impact on different pension elements, for example Widow(er)'s Pension Scheme Contributions, Actuarial factors, buying Added Years (Added Pension) and Spouse's benefits. It is therefore very important that you contact the CSSC to eliminate the possibility of any problems when you finally leave the Welsh Government. Civil Service Pensions will update pension details with receipt of a scanned copy of a GRC. No further information is required, unless the employee has also changed their name, then the change of name deed will also be required. Only a handful of individuals on the CSP Quality and Training Support team will have access to the member's pension record. The email address for the Quality and Training Support team is SPU@mycsp.co.uk

Annex D

Useful Terminology

Affirmed gender - The gender that a person identifies with after transition, it is different to the sex which they were assigned at birth.

Assigned sex – The sex assigned to a person when they are born.

Equality Act 2010 - legislation which protects trans people from discrimination, harassment and victimisation.

Gender - The state of being male or female as expressed by social or cultural distinctions and differences, rather than biological ones; the collective attributes or traits associated with a particular sex or determined as a result of one's sex. Also: a (male or female) group characterised in this way.

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 the sex assigned at birth. It refers to an individual's personal concept about their gender and how they feel inside. It is a deeply held internal sense of self and is typically self-identified.

Gender reassignment – Describing a person's transition: the process by which an individual changes their perceived gender, with the intention that it is permanent. This may or may not involve medical intervention or surgery and can also mean changing names, pronouns, dressing differently and living in their self-identified/affirmed gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.

Gender Recognition Act 2004 - Legislation which enables a trans person to obtain a Gender Recognition Certificate and new birth certificate so that they can enjoy specific rights and responsibilities appropriate to their affirmed 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. Where a GRC is issued to a person, the person's gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman).

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.

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.

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. This can include

- binary male or female genders when not the same as sex registered at birth
- non-binary genders such as those on a continuum between male and female
- non-gendered identities (neither male nor female).

Transgender - A term designating a person whose sense of personal identity and gender does not correspond to that person's sex at birth, or which does not otherwise conform to conventional notions of sex and gender.

Trans man - Used to describe someone who is assigned female at birth but identifies and lives as a man.

Trans woman - Used to describe someone who is assigned male at birth but identifies and lives as a woman.

Transition – A more common term for gender reassignment. 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.

Transphobia – Irrational fear of, aversion to, prejudice or discrimination against trans people.

Transsexual - This term is used in the Equality Act. It is an older term used to describe a person who intends to undergo, is undergoing or has in the past undergone gender reassignment (which may or may not involve hormone therapy or surgery). The term is no longer used widely and can cause offense.

Useful Links

Welsh Government - [PRISM - LGBT+ staff network](#)

External - These are external organisations that can provide support. (Please note that this is for information only and not a recommendation or endorsement) -

[A:gender – the civil service support network for trans employees](#)

[T455 - The General Guide for all Users - Gender Recognition Act 2004 \(publishing.service.gov.uk\)](#)

[Apply for a Gender Recognition Certificate - GOV.UK \(www.gov.uk\)](#)

[Providing Services for Transgender Customers](#)

[You and Your Wellbeing \(sharepoint.com\)](#)

[Employee Assistance Programme](#)

[Occupational Health](#)

[Supporting trans employees in the workplace | Acas](#)

[Welsh Gender Service - Cardiff and Vale University Health Board \(nhs.wales\)](#)

[Gender Identity Research & Education Society – Improving the Lives of Trans People \(gires.org.uk\)](#)

[Change your name by deed poll - GOV.UK \(www.gov.uk\)](#)

[Transgender people: equal treatment for State Pension - GOV.UK \(www.gov.uk\)](#)