Commitment to Equality in Employment Policy

Policy and Procedures 2023 - 2026

Head of Human Resources

Publication Date: September 2023

Review Date: August 2026

COMMITMENT TO EQUALITY IN EMPLOYMENT

Context

The College believes that it is in our best interest to make sure people, their talents and skills available throughout the community, are considered when employment opportunities arise and will therefore endeavour to treat people in a fair, consistent and non-discriminatory way.

Introduction

The City of Wolverhampton College actively promotes equality and diversity and safeguarding, which are intrinsically linked by separate Equality and Safeguarding legislation.

The College is committed to the promotion of equality of opportunity in all of its activities and encouraging access to the College from all groups, in accordance with legislative requirements as set out in the Equality Act 2010, paying due regard to the protective characteristics:

- Age
- Disability (or because of something connected with their disability)
- Sex
- Gender reassignment/recognition
- Marital or civil partnership status
- Religion or belief
- Race (including colour, nationality, ethnic or national origins)
- Sexual orientation
- Pregnancy and maternity

The College is working to create an environment in which cultural diversity and individual differences are positively valued in an atmosphere free from unfair treatment, harassment, bullying and discrimination. The College welcomes diversity amongst its students, colleagues and visitors (all persons), recognising the particular contributions to the achievement of the College's mission that can be made by individuals from a wide range of backgrounds and experiences.

The College requires that all colleagues are afforded equal opportunities within employment and that entry into employment with the College and progression within employment will be determined only by the candidate meeting the person specification and other criteria which are related to the duties of each particular post and the relevant salary structure. The College may take positive action in recruitment and promotion where appropriate, for example, if faced with two or more candidates who are "as qualified" as each other the College will have the option to choose a candidate from a group that is under-represented in the workforce, using specific strap lines on recruitment advertisements for locally recruited staff or advertising in minority publications both to signpost and produce specific adverts. In all cases, ability to perform the role in accordance with the College values and behaviours is the primary consideration. Subject to statutory provisions, no applicant or colleague will be treated less favourably than another because of their age, disability, sex, gender reassignment, marital/civil partnership status, religion or belief, sexual orientation, pregnancy and maternity (refer to the Recruitment and Selection Policy).

The College is opposed to all forms of unlawful and unfair discrimination, harassment and bullying. All job applicants, employees and others who work for the College will be treated fairly and will not be discriminated against on any of the above grounds. Decisions about recruitment and selection, promotion, training or any other benefit will be made objectively and without unlawful discrimination.

The College will continually monitor its workforce profile and community profile to work towards a workforce that is reflective of the diverse community it serves.

The College is committed to achieving equality of opportunity for all staff in career development, training/promotion and will monitor outcomes and set targets to achieve improvement.

In terms of the Data Protection Act 2018 (encompassing General Data Protection Regulation (EU) (2017/679) (GDPR)), reference should be made to the College's "Data Protection" and "Data Retention and Erasure" policies for clarification regarding how individuals' personal data is collected, managed and stored as a result of following this policy.

Scope
Our commitment applies to all colleagues who are employed by the City of Wolverhampton College in a paid or voluntary capacity. This commitment and its supporting procedures facilitate a consistent approach across the College.

Equality Commitments
The College is committed to:

- Promoting equality of opportunity for all persons
- Promoting a good and harmonious working environment in which all persons are treated with respect
- Preventing occurrences of unlawful direct discrimination e.g.) seeking job applications from persons under 27 years of age with five year's post-graduate experience; indirect discrimination e.g.) demanding technical qualifications for a job which are not strictly necessary; harassment and victimisation (see section on Dignity at Work)
- Fulfilling all our legal obligations under the equality legislation and associated codes of practice
- Taking lawful affirmative or positive action, where appropriate
- Regarding all breaches of equality as misconduct which could lead to disciplinary proceedings
- Creating a diverse and representative workforce in all areas and at different grades

All colleagues have a responsibility to support this commitment and to help create an equality environment which is World Class.

In order to support this commitment, the College shall;

- Communicate the commitment to employees, job applicants and relevant others (such as students, contract or agency workers)
- Incorporate general and specific duties in respect of our commitment to equality into job descriptions and work objectives of all staff
- Provide equality and diversity training and guidance as appropriate
- Ensure that those who are involved in assessing candidates for recruitment or promotion are trained in non-discriminatory selection techniques
- Incorporate equality practice notices into general communications (eg staff newsletters, intranet)
- Obtain commitments from other persons or organisations such as subcontractors or agencies that they too will comply with the commitment in their dealings with the College and its workforce
- Ensure that adequate resources are made available to fulfil the objectives of this commitment

- Report on progress against equality objectives to Senior Management, Resources Committee, Equality & Diversity Group and the Board of Governors
- We ensure staff recruitment, training, development and promotion are open, transparent and operating within equality guidelines which are monitored and actioned under related policies.

The College's objectives are to:

- Ensure access to the widest labour market and secure the best employees to allow it to become a World Class, quality educational establishment
- Achieve an ability-based workforce which is in line with the working population mix of our learning communities

Types of Discrimination

Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Indirect Discrimination can occur when a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

Associative Discrimination is a form of direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive Discrimination is a form of direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Harassment applies to all protected characteristics except for pregnancy/maternity and marriage/civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainants need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third Party Harassment makes an employer potentially liable for harassment that comes from a third party (for example, a customer or client) if that harassment has occurred on at least two previous occasions, the employer knew about the harassment and had not taken reasonable steps to prevent it from re-occurring.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. A comparator is not required for a claim of victimisation.

Age

The Equality Act 2010 protects employees of all ages and our commitment is to ensure that colleagues during the course of their employment with the College are not discriminated against by virtue of their age.

Age discrimination can be explained as occurring when someone treats a person less favorably because of that person's age and uses this as a basis for prejudice against and unfair treatment of that person. Discrimination on the grounds of age is not acceptable in the College.

Age discrimination can take many forms. In legal terms it follows the same pattern as existing forms of discrimination in law in the UK, namely direct and indirect discrimination, Victimisation and harassment. However, the regulations have a wider impact on other areas of employment law including unfair dismissal and redundancy provisions.

Employment decisions based on age are never justifiable because:

- age is not a genuine employment criterion
- age is a poor predictor of performance
- it is misleading to equate physical and mental ability with age
- when age is used, it tends to be a proxy for underlying factors, for example; health and ability to drive.

The efficient and effective use of people's skills requires that employment decisions should be based on competencies, qualifications, skills, potential and objective job-related criteria obtained through careful analysis of job requirements and job performance.

Managers and colleagues will challenge the use of age and age-related criteria in every aspect of employment decision-making.

Disability

Under the Equality Act 2010 the College has a responsibility to make reasonable adjustments for a disabled person who is applying for employment or who is in employment. Disabled people have a legal right of redress if they feel they have been discriminated against on the grounds of their disability.

The Act covers people who currently have or have had a disability which makes it difficult for them to carry out normal day to day activities. The disability could be physical, sensory, or mental. It must also be substantial and have a long term effect (that means the disability must last or be expected to last for at least 12 months). Conditions which have a slight effect on day to day activities, but are expected to become substantial are covered.

Our commitment is to ensure that colleagues during the course of their employment are not discriminated against on the grounds of their disability whether registered or not. It is generally recognised that disabled people often find it more difficult to obtain suitable employment than people who do not have a disability.

Where there is a substantial disadvantage to an individual, the College has a statutory obligation to make a 'reasonable adjustment' to remove or reduce that disadvantage.

This is an anticipatory duty and requires the College to look for barriers which, if not removed, could cause substantial disadvantage to disabled people trying to access College services and facilities.

The College should take all reasonable steps to find out whether someone is disabled so that they can make adjustments which might have been difficult to anticipate. Not knowing that someone is disabled is not a defence if the adjustment could have been anticipated.

Reasonable Adjustments –The College is committed to ensure that staff have the appropriate equipment and support to enable them to carry out their work safely and effectively. Managers should be aware of the needs of their staff and take a proactive and anticipatory approach to reasonable adjustments including during recruitment and selection processes. Alternatively, staff may themselves request a reasonable adjustment. The following are examples of adjustments the College may have to make to remove a substantial disadvantage to a disabled employee:

- Adjustments to premises
- Allocating some of the disabled person's duties to another person
- Transferring the person to fill an existing vacancy
- Altering the person's working hours
- Assigning the person to a different place of work
- Modifying instructions or reference manuals
- Providing a reader or interpreter
- Providing supervision
- Acquiring or modifying equipment
- Giving the colleague or arranging for them to be given training
- Modifying procedures for testing or assessment

This is not an exhaustive list and reasonable adjustments will be considered and determined around the individual.

Gender Equality
The Equality Act 2010 continues to protect both men and women against discrimination on the grounds of their gender. Our commitment covers discrimination on the grounds of gender and is intended to help employees avoid any kind of indirect discrimination. Individuals should be treated the same as a person of the opposite sex regarding pay and terms and conditions of employment where they are employed on like for like work or work which is of equal value.

The College audits gender pay and reports these to the Association of Colleges to inform the sector against pay issues. The audit is also reported to Governors each year on our staff monitoring report.

Transgender/Gender Identity
Under the Equality Act 2010, it is discriminatory to treat people less favourably who propose to start to or have completed a process to change their gender. This provides rather a narrow protection for people who going through Gender Re-assignment and the College has a commitment to colleagues who would classify under the wider definition of Transgender (see below for explanation of this term).

Our wider commitment is consistent with the Women and Equality Committee's Transgender Equality report in January 2016, that found that although the protection for trans people under the Equality Act 2010 was a huge step forward, the terms "gender reassignment" and "transsexual" in the Act are outdated and misleading; and may not cover wider members of the trans community. The Committee found that the protected characteristic should be amended to that of "gender identity".

Transgender people are people who have a gender identity, or gender expression, that differs from their assigned sex. Each of us is at birth assigned a sex (male or female), based on our

physical characteristics. Most people's gender identity (the gender with which they associate themselves) and gender expression (how they outwardly show their gender) will not differ from that typically associated with their assigned sex. Trans people, however, have a gender identity which differs from that of their (assigned) birth sex. Trans identities take a wide diversity of forms. Trans identity can be "non-binary" in character, located at a (fixed or variable) point along a continuum between male and female; or "non-gendered", i.e. involving identification as neither male nor female.

Many trans people change their gender presentation to bring it into alignment with their gender identity. This process is known as "transition". Transitioning may involve various types of medical treatment, to bring a person's physical characteristics more into conformity with their gender identity and presentation. The NHS uses a (mental-health) diagnosis of "gender dysphoria", which is defined as the experiencing of discomfort or distress because there is a mismatch between one's biological sex and one's gender identity. However, transitioning need not involve any form of medical intervention. There are further guidelines for transition at Appendix 1.

Many trans people still choose not to express their feelings in the workplace because they fear a transphobic reaction from their employers and colleagues. This causes great stress so they are unlikely to perform to the best of their ability. A workplace in which diversity, including different gender identities, is celebrated, ensures that valuable staff are recruited and retained - an approach that benefits everyone, not just the groups targeted. In addition to some trans colleagues having protection under The Equality Act 2010, they also have protection afforded by the Data Protection Act 1998, and Human Rights Act 1998. A small minority of trans people are also protected under the Gender Recognition Act 2004.

The College will support all Colleagues in terms of their preferred gender identity and seek to eliminate discrimination, harassment, victimisation and any other conduct that has a negative influence on any individual because of their gender identity. Training and support for colleagues will also be provided to ensure that equality of opportunity and good relations is fostered at all times within the workplace and that different gender identities are celebrated within our organisation.

Race Equality

The Equality Act 2010 makes it unlawful for a person to discriminate against another person on racial grounds i.e. race, colour, nationality, or ethnic or national origin and has a 'due regard' to the need to eliminate racial discrimination, advance equality of opportunity and foster good relations.

The College will ensure therefore that in the conduct of all its activities, steps are taken to avoid the occurrence of racial discrimination, whether direct or indirect and to promote good relations between different racial groups. The College will work towards the elimination of racism whether overt, or by omission and will ensure that individuals and communities have equal access to the College's learning programmes and facilities.

As a College we strive to ensure that whatever the heritage and origins of members of the College community, everyone is equally valued and treat one another with respect.

Religion or Belief

The Equality Act 2010 makes it unlawful to discriminate against individuals because of religion or belief. Regulations extend beyond the more well-known religions and faiths to include

beliefs such as Paganism and Humanism. The Regulations also cover those without religious or similar beliefs.

The College aims to operate in an environment where the religious and non-religious beliefs of all individuals are respected and provides a diverse environment, to encourage discussion and embrace the critical exploration of questions concerning religion, belief and non-belief. The College expects individuals and groups to respect the freedom of others to express their convictions, religious beliefs or non-belief in their own terms and prevents discrimination on the grounds of religion or belief.

The College, wherever possible and practical will seek to facilitate a quiet space at certain times of the working day for colleagues who may wish to pray or seek reflection. Within the room discreet facilities will be available for the storage of ceremonial objects.

Religion or belief is not explicitly defined in the Regulations. In most cases it will be clear what is, or is not a religion or similar belief. Many religions or beliefs have special festival or spiritual observance days. A colleague may request a holiday in order to celebrate festivals or attend ceremonies. Managers should sympathetically consider such a request where it is reasonable and practical for the colleague to be away from work and that they have sufficient holiday entitlement.

There are clear, reasonable procedures for handling leave requests and all colleagues should adhere to these procedures. Colleagues should give as much notice as possible when requesting leave and in doing so should consider that there may be a number of their colleagues who would like leave at the same time. Some religious or belief festivals are aligned with lunar phases and therefore dates change from year to year. The dates of some festivals do not become clear until quite close to the actual date. Discussion and flexibility between colleagues and managers will usually result in a mutually acceptable compromise. Managers should take care not to disadvantage those who do not hold any specific religion or belief.

Some religions or beliefs have specific dietary requirements. If colleagues bring food into the workplace they may need to store and heat food separately from other food. It is good practice to consult with employees on such issues and find a mutually acceptable solution to any dietary requirements.

Sexual Orientation
Under the Equality Act 2010 it unlawful to discriminate against workers because of sexual orientation.

Within the regulations, sexual orientation is defined as:

- Orientation towards persons of the same sex (lesbians and gay men)
- Orientation towards persons of the opposite sex (heterosexual)
- Orientation towards persons of the same sex and the opposite sex (bisexual)

This definition also protects heterosexual persons who become the subject of stereotypical homophobic assumptions about appearance or manner, the places they visit or the people they associate with.

Behaviour which is offensive, frightening or in any way distressing, be it intentional bullying, which is obvious or violent or unintentional, subtle and insidious, including nicknames, teasing, name calling or other behaviour which is not with malicious intent but which is upsetting, will not be tolerated by the College.

Dignity at Work

The College is committed to eliminating harassment and bullying and opposes all forms of unlawful and unfair discrimination to create a productive environment where everyone is treated with respect and works in accordance with agreed College values. We believe that all people have the right to be treated with dignity and respect.

Where there is a concern about individuals in the College's employment who pose a risk to vulnerable groups, the appropriate action would be taken under the Safeguarding Policy located on the College intranet (see following paragraph overleaf).

The College will not tolerate retaliation against or victimisation of any colleague involved in the bringing of a complaint of harassment or bullying under the College's Grievance procedure. If a colleague has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so or it is suspected that they intend to do so. Such retaliation or victimisation will itself constitute a disciplinary offence, which may in appropriate circumstances, through the College's Disciplinary procedure, lead to dismissal. Where harassment and bullying occurs, it can cause serious repercussions for the employer and employees and this can affect peoples' health, work performance and the success of the College. Bullying, as a cause of stress at work, should be regarded as a workplace health and safety hazard.

The legal position with regard to bullying is complex as there is no separate piece of legislation which deals with work place bullying in isolation. Bullying might be part of discriminatory behaviour, or related to different legal principles, for example:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Employment Rights Act 1996
- Protection for Whistle-blowers under the Public Interest Disclosure Act 1998
- Protection from Harassment Act 1997
- Human Rights Act 1998

Under the Equality Act 2010, the College can be held responsible for the actions of their staff as well as colleagues being individually responsible. If harassment takes place in the workplace or at a time and place associated with the workplace (for example an office social gathering) the College and individuals may be held vicariously liable for that employee's act.

The College can also be held responsible for harassment from a third party, for example, customers, clients, students, suppliers, contractors, visitors to College premises.

What is harassment? – Harassment means verbal, non-verbal or physical conduct which:

- is of a sexual nature or on the grounds of a person's age, disability, gender, race, colour, ethnic origin, religion, belief, sexual orientation or other personal characteristic; and
- is unwanted; and
- has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person

Harassment also means less favourable treatment of a person because they have rejected or submitted to the type of conduct described above.

Harassment can take many forms. Examples of harassment not tolerated by the College include:

- verbal abuse or offensive jokes or pranks related to a person's age, disability, gender, race, sexual orientation etc; lewd or suggestive comments; requests for sexual favours or repeated requests for dates
- unnecessary body contact; threatened or actual assault of violence
- deliberate exclusion from conversations or work activities on the basis of age, disability, gender race, sexual orientation, etc
- display of 'pin-ups', pornography, inflammatory or abusive literature or graffiti
- using e-mail, text messaging or the internet for the purpose of bullying or making abusive or offensive remarks related to a person's characteristics such as their age, disability, gender, race, sexual orientation etc or to send pornography or inflammatory literature

This is not an exhaustive list. Some forms of harassment plainly constitute gross misconduct for the purposes of the College's Disciplinary procedure and will normally merit summary dismissal. Where a colleague feels they have been discriminated against on the grounds of a protective characteristic they should refer to the College's Grievance or Disciplinary procedure or seek further advice from the Human Resources Team. Examples of this category would be:

- threatened or actual sexual or racial assaults; and
- suggestions or threats by managers or supervisors that sexual favours or racial origin could affect someone's job security or prospects

Other forms of harassment may constitute gross misconduct depending on the circumstances of the case.

Employees should be aware that, as well as committing a disciplinary offence, an individual found by an employment tribunal to have harassed a fellow colleague on the grounds of race, gender, disability, sexual orientation, age etc in the course of their employment may be personally liable to compensate the victim. In addition, harassment for whatever reason may constitute a crime under the Protection from Harassment Act 1997, punishable by up to six months' imprisonment or a fine.

What is bullying? - Bullying is persistent behaviour directed against an individual or group of individuals which creates a threatening or intimidating environment that undermines the confidence and self-esteem of the recipient(s).

Bullying can take many forms. Examples include:

- ridiculing other colleagues
- verbal abuse, such as shouting or swearing at colleagues
- threatening or insulting colleagues
- abusing power or using unfair sanctions
- physical abuse such as hitting, pushing or jostling
- rummaging through, hiding or damaging personal property
- ostracising or excluding colleagues from work events or social activities

This is not an exhaustive list. Bullying does not include appropriately conducted criticism of a colleague's behaviour or job performance by management.

Harassment or bullying may be by:

- a colleague or subordinate as well as a manager or supervisor
- an individual acting alone
- a group of individuals
- a student (refer to the Student Code of Conduct)

- a third party

Harassment or bullying could take place at work, through a connection with work, during working hours and/or outside the workplace. Whatever the perpetrator's status and wherever it occurs, in the workplace or at a time and place associated with the workplace (for example an office social gathering), the College will not tolerate harassment and bullying of any kind.

It is important to recognise that what one person may find acceptable, another may find totally unacceptable and that the essence of harassment and bullying is that the words or behaviours are unwelcome to the particular person who is the target of the words or behaviour. All employees must treat all colleagues with respect and appropriate sensitivity.

It is expected that all employees will act responsibly regarding this issue. False accusations of harassment and bullying can have a serious effect on innocent individuals. Therefore, should an investigation show that a false accusation has been made maliciously, appropriate disciplinary action, which could include dismissal, will follow. However, an employee who brings a complaint in good faith will not be subjected to any detriment by the College.

Equality Duty

The aim of the Equality Duty is to embed equality considerations into the day to day work of the College, to help tackle discrimination and inequality and contribute to making society fairer. It consists of a general duty and specific duties. The specific duties provide a framework to help the College meet the general duty of having due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups

Under the specific duties, the College is required to set specific, measurable equality objectives /targets and publish information relating to our employees i.e. composition of our workforce by protected groups which is available in the public domain. The information published will show evidence of equality analysis and the impact of decisions and policies on persons who share a relevant protected characteristic who are employees, including frontline staff, trade unions or members of the public (refer to Equality Analysis Policy). The nature of that analysis would be tailored to the particular decision and area of activity, stating what will be done, by whom and when, including monitoring and evaluation of any action plans.

Monitoring will be a continuous process of data gathering, analysis, questioning investigation, proposals and change. The College is committed to the collection of statistics, analysis and presentation of data and monitoring on an ongoing basis ie) workforce data and as employment policy and practices change.

For employment matters, the College will use the two main forms of monitoring ie) the composition of the existing workforce and the recruitment process. To ensure fair employment practice, policies will be regularly reviewed and impact assessed taking into account any suggestions that will aid clarity ensuring discrimination, whether direct or indirect is avoided.

Support Available

Colleagues can seek further information, advice and support from a member of the Human Resources Team. Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with an issue/problem and the circumstances described are serious, the College reserves the right to investigate the situation in accordance

with its duty of care to ensure the safety of all colleagues who may be affected by the alleged behaviour.

You are also reminded that external advice can be obtained by contacting our employee assistance provider DAS 24hr Counselling Helpline Service on 0117 934 0105.

Policy agreed with UCU on 02/08/2023
Policy agreed with UNISON on 10/08/2023
Policy agreed with NEU on 07/09/2023

Appendix 1
Transgender Equality and Transitioning at Work Guidelines (Gender Reassignment)

Introduction
Transgender is used as an inclusive term describing all those whose gender expression falls outside the typical gender norms. It is often the preferred term for those who change their role permanently, as well as others who, for example cross-dress intermittently for a variety of reasons. Those who live continuously outside gender norms, sometimes with, and sometimes without, medical intervention are covered by this term

Gender reassignment is a personal, social, and sometimes medical process by which a person's gender appears to others to have changed. Anyone who proposes to, starts or has completed a process to change their gender is protected from discrimination under the Equality Act.

These guidelines provide guidance on operational and employment issues arising from the Gender Recognition Act 2004 (GRA 2004) and Equality Act 2010. The guidance in this document should be seen as a flexible framework to assist with planning a successful transition process as each case will be different.

Gender Reassignment – Managing the Processes
If a colleague informs their line manager or HR that they want to go through or are considering gender reassignment, advice and guidance can be obtained through HR. It is important for HR to meet with the individual wishing to undergo the transition to put together a plan. HR will then produce a memorandum of understanding and will document the arrangement.

HR should discuss with the individual when they want the formal change to take place and how they wish the College to assist in dealing with managing the process. It is reasonable to ask the individual for a realistic timescale, if they are able to provide one. This may help the College to make any plans that may be necessary. The individual can contact occupational health for further advice on medical issues if required or request that HR arrange for the individual to be referred.

Formal Notice of Intention to go through gender reassignment
HR will ask the individual to fill in the declaration form (Appendix 2)

Changing Location
HR should explore whether the individual would like to stay in their current post/location or if they would prefer to move. In some roles, individuals may not be able to move due to the specialised nature of their role or because there are no foreseeable vacancies for the same role, however, each case will be considered individually. If the individual's preference is to move location, then they must be told that we are unable to guarantee that this request can be accommodated. Whilst we will do everything possible to accommodate their request, a move will be made as soon as practically possible as we are unable to 'create' a vacancy.

Using Facilities
HR should discuss and agree the point at which the use of facilities such as changing rooms and toilets should change from one sex to another. An appropriate time for a change in the use of the facilities may be the point at which the individual begins to present permanently in the sex to which they identify. It is not acceptable to insist, for the long term, on a trans colleague using separate facilities, for example a disabled toilet. Such long term use could be seen as a breach of the legislation. Other staff may express concerns but that will not justify, in law, discriminatory treatment. Transgender colleagues are entitled to expect support from

their employer including any necessary discussions and explanations with other members of the workforce or members of the public. Similarly, a trans colleague should be granted access to 'men only' or 'women only' areas according to the sex which they present.

Informing work colleagues
There is no general need of obligation to tell colleagues that an individual is going through gender reassignment. This information is only necessary if the working relationship with someone who knew the person before the change of status is to continue. HR should discuss with the individual how widely they want their decision to be known. As a minimum, the immediate working colleagues will need to be told. It is best done in a structured way, explaining the issues and taking the opportunity to educate relevant staff. Staff may need to be reminded to respect the individual and treat them with dignity. The individual may wish to be involved in this process and their wishes must be respected.

Support Groups
HR should tell the individual about relevant contacts for support.

Amending Personal Records
HR will arrange for the personnel record to be changed to reflect the individual's assumed gender. Records include personal file, training records etc. HR will also inform Payroll and Pensions.

Records must be changed to show the individual's new name and gender from the date of joining.

Individuals in possession of a new birth certificate will be entitled to a full update of their personnel records to reflect their new sex. Trans persons who acquire a new birth certificate will be treated in the same way as every other person of that acquired sex. All records held in a paper file must be checked and transferred to a new file. All papers relating to birth gender should be placed in a sealed folder marked 'restricted access – HR Business Partner only'. Nothing should remain on the personal file to indicate that a change has taken place. If there are current warnings on file, current probation reviews or letters in relation to absence (Managing Attendance Process), this information needs to be transferred to the new file with a label obscuring the old name and address and replacing it with the new (it is important that the original information is completely obliterated). The individual should then sign the label to state that this letter relates to them. As soon as this information is no longer current or is spent, the information needs to be transferred to a sealed file. Personal information must be treated confidentially and with due regard to the Data Protection Act as well as the GRA 2004/Equality Act 2010. Section 22 of the GRA 2004 creates a criminal offence if this information was inappropriately disclosed.

IT Systems
HR will arrange for IT to ensure that emails are forwarded as appropriate to the new name.

Uniform
A new uniform will be issued if appropriate and although some flexibility may be allowed during the period of reassignment (i.e. hair length and style, make-up, jewellery), once the change has taken place all aspects of the dress code should be observed.

Privacy
There is no need or obligation for individuals to disclose their Transgender status as a condition of employment nor is there an obligation on the employer to inform colleagues and the public that a member of staff is intending to undergo, is undergoing or has undergone

gender reassignment. This is only necessary if the relationship with the individual before their change of gender is to continue.

The Gender Reassignment Act 2004 made it a criminal offence in respect of disclosing a successful applicant's gender history to somebody else. Section 22 of the Gender Recognition Act says that it is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person.

"Protected information" means information which relates to a person who has made an application under the Gender Recognition Act. This covers both the fact of the application itself and, if the application was successful, the fact that the individual was previously of the opposite gender to the one in which they are now legally recognised.

In practical terms, it will be very difficult for an employee who works in close proximity to others, to continue to work operationally without their colleagues knowing that they have gone through gender reassignment, but the wishes of the individual should be respected as far as possible. It may be of benefit for to update the individual's colleague's knowledge of gender reassignment and to deal with questions while helping to focus on supporting the individual.

Employment references requested for a Transgender member of staff must be provided when requested without indicating that the person has had a change of gender.

Agreement with transitioning individuals
This should cover:

- A copy of the notification to undertake permanent gender reassignment
- Time off for medical treatment
- Use of single sex facilities
- Form of address
- Timings of the transition process
- Communication with and training for colleagues and other staff
- Uniform change
- Confidentiality/Privacy of personal information, location of copies and access

The Transgender member of staff and their Manager should sign this document. It should then be reviewed every 3 months and also reassessed at each significant stage of the process. It is not enough to start the process in the right manner, but to manage it also. We need to ensure that the wellbeing of the individual is taken into account and ensure that no discriminatory behaviour occurs.

Recruitment & Selection
Since 2004, a potential employer must see an applicant's proof of identity and the right to work in the UK (Section 8 Asylum and Immigration Act). This includes a UK/EEC passport or a full birth certificate and a P45, P60, National Insurance card or a letter from a Government agency. Some Transgender people may not have any identification documents in their acquired gender and may have to disclose their Transgender identity. This information will remain 'confidential' and the disclosure of this information will be restricted to those personnel closely involved who will be expected to honour that confidentiality.

APPENDIX 2

Notification of Intention to Undertake Permanent Gender Reassignment

To: Line Manager …… (Name)

I wish to give formal notification of my intention to undertake permanent gender reassignment.

The effective date of change will be …… and from that date I wish to be known as …….. I authorise City of Wolverhampton College to amend all my internal records and use my new identity when dealing with external agencies.

Name ……

Job Title ……

Signature ……

Date ……

Useful Contacts (not exhaustive list)

Clare Project 07464 229395 www.clareproject.org.uk	Supporting Transgender non-binary and intersex adults
Depend www.depend.org.uk	Offers support for family members in the UK who have a trans partner, friend or adult family member
FTM Network www.transgenderzone.com	The FTM network is an informal and ad hoc self-help group, open to all female to make transgender and Transgender people, or those exploring this aspect of their gender
Gender Recognition Panel www.gov.uk/apply-gender-recognition-certificate	Information about the Gender Recognition Act 2004 and related legislation, frequently asked questions, contact details, relevant publications and useful links. Responsible for the Gender Recognition Act 2004 and Government policy on Transgender people
The Beaumont Society www.beaumontsociety.org.uk	As well as being a support network, the society keenly promotes the better understanding of the conditions of transgender, transvestism and gender dysphoria in society thereby creating and improving tolerance and acceptance of these conditions by a wider public. They have a small number of dedicated personnel who are available to give talks and presentations on transgender issues to Health Services, Police, Samaritans, Social Services