

GENDER REASSIGNMENT POLICY STATEMENT

1 Context

This policy statement sets out how Doncaster College will work towards the promotion of gender reassignment in all of its activities. It outlines how the College will ensure that gender discrimination is challenged and eliminated through legislation and good practice.

This policy statement needs to be viewed in the context of the Equality Act 2010 and the Public Sector Equality Duty 2011 and the extent of protection it provides in the context of gender reassignment - a protected characteristic.

This policy needs to be read in conjunction with the College's:

- Annual Inclusion Report
- Equality and Diversity Strategy
- Anti Harassment and Anti Bullying Policy (Staff and Students)
- Widening Participation Strategy
- Equality and Diversity Framework: An Ethical Framework
- Equality and Diversity Policy
- Strategic Equality and Diversity Action Plan 2014-17
- Equality and Diversity Framework: Charter for Staff
- Community Involvement Strategy.

2 Definition

The Equality Act 2010 makes discrimination on the grounds of gender reassignment unlawful in employment and education and training.

Transsexual applies to someone who decides to live permanently as the opposite sex assigned to at birth because they do not feel that their gender identity matches that assignment. Gender Reassignment is the process of changing to the new gender identity. This may involve surgical treatment but some transsexual people may not have surgery for personal reasons.

A transsexual no longer has to undergo medical treatment/supervision to receive protection.

Transgender people do not receive protection from the legislation as they have no permanent intention to live as the opposite sex.

Equality means ensuring that everyone is treated equally i.e. in the context of learners, that all students have the same right of access to resources. Consequently to ensure equality of opportunity, individuals / groups may be treated differently.

Diversity is recognising that individuals and groups of people are different and that it is important to value and celebrate difference.

Direct Discrimination is treating someone less favourably than he/she would treat others because of a protected characteristic.

[The individual does not need to possess the protected characteristic]

Indirect Discrimination is where an employer/provider has a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who have a protected characteristic. [It can be justified if it is proportionate means of achieving legitimate reason]

Associative Discrimination is directed discrimination against someone who associates with another person that possesses a protected characteristic.

Perceptive Discrimination is direct discrimination against some one because they are thought (wrongly) to possess a protected characteristic.

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of violating an employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. .

Victimisation is where an individual is subjected to a detriment because they make, or are suspected of making, or supporting a complaint or grievance under the Equality Act 2010. [No protection if a complaint has been maliciously made or supported an untrue complaint].

Third Party Discrimination protects employees who are harassed by clients, contractors of the employer/provider. An employer is liable if the conduct has occurred on at two previous occasions, is aware it had taken place and had not taken reasonable steps to prevent it occurring.

3 Guiding Principles

Doncaster College wishes to be recognised by the community as an organisation which provides good employment and educational opportunities for people undergoing gender reassignments and we wish individuals who apply to us as a student or employee to know that they will receive fair treatment and be treated solely on their ability.

Therefore our policies aim to ensure that transsexual and transgender people receive treatment that is fair, equitable and consistent with their skills and abilities.

Doncaster College is fully committed to promoting equality of opportunity in gender reassignments. All people have a right of equality of opportunity irrespective of gender reassignment.

Our practices are reviewed and impact assessed regularly to ensure they provide equality of opportunity through compliance with current legislation, good practice guidance and user feedback, with targets set for improvement through our Strategic Equality and Diversity Action Plan.

Wherever possible the College will use AOC good practice guidelines.

Doncaster College does not tolerate and prejudicial behaviour by any member of the College.

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The College will not ask questions about gender identity status and job applicants/student applicants are not required to volunteer information about it, unless a genuine occupational qualification makes this relevant. A job applicant/student applicant with a gender recognition certificate will not be required to disclose his/her gender history.

If during the recruitment process information is disclosed about an applicant's gender history, for example because certain documents are in a previous name, the College will keep the applicant's gender history confidential and will not take this into account in the selection process, unless a genuine occupational qualification makes this relevant. In accordance with its Equality and Diversity Policy, the College will assess candidates for employment objectively against the requirements that are necessary for the effective performance of the job. All policies and practices will be assessed for their impact on equality for trans staff and students.

If disclosure from the Disclosure and Barring Service (DBS) is required as part of the recruitment process, applicants must disclose any previous names and/or gender to the DBS. Transgender applicants may make use of the special application procedure established by the DBS so that their previous name is not disclosed to the College.

The gender history of an employee with a gender recognition certificate will never be relevant to employment decisions. An employee with a gender recognition certificate will be treated in accordance with his/her acquired gender for all employment benefits including pensions and insurance.

An employee who has undergone gender reassignment but does not have a gender recognition certificate may be required to disclose their gender history for insurance or pension purposes. This information will be passed only to those people who require it for these purposes and will be kept confidential.

The College will make it clear in information about insurance whether the insurance providers require disclosure of gender history. A transgender employee has an obligation to disclose necessary information to the insurance company if the College is not aware of the employee's gender history. If the College is aware of the employee's gender history, the College can supply the information to the insurance company with the employee's consent.

4 Legislative Framework

The College will operate within the legislative framework of the Equality Act 2010 and Public Sector Equality Duty 2011 and strive, where possible to go beyond legal compliance.

Within the College's Strategic Equality and Diversity Action Plan 2014-17 the College will take action to:

- Promote equality between people of different genders and eliminate discrimination towards people who may be transitioning from one gender to another Eliminate discrimination that is unlawful on the basis of gender reassignment that is unlawful under the Equality Act 2010
- Eliminate harassment of people transitioning from one gender to another

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- Promote positive attitudes towards people of different genders and those transitioning from one gender to another
- Encourage participation of people of different genders and those transitioning from one gender to another

The College recognises the legal protection afforded to the protected characteristic of gender reassignment.

The College has a zero tolerance to bullying, harassment and victimisation.

The College is committed to ensure that it does not discriminate either directly or indirectly in the provision of goods, facilities, services or employment on the grounds of gender reassignment.

Consequently, the College will not tolerate any forms of discrimination on the basis of gender reassignment based upon:

- Direct Discrimination
- Indirect Discrimination
- Associative Discrimination
- Perceptive Discrimination
- Indirect Discrimination
- Harassment
- Third Party Harassment
- Victimisation

The College recognises that the legislation makes it unlawful on the grounds of gender reassignment to discriminate on the basis of:

- A person is in the process of gender reassignment (transsexual)
- If they are perceived to be transitioning from one gender to another
- If they associate with someone who is transitioning from one gender to another

The College recognises that the Equality Act 2010 prohibits both direct and indirect discrimination on the grounds of gender reassignment.

It extends protection in relation to associative perceptive and third party harassment.

The College supports good decision making by encouraging staff to understand how different people will be affected by their activities so that our policies and services are appropriate and acceptable to all and meet different people's needs.