



## **1. Trans Staff Record Policy and Procedure**

### **2. Introduction**

This policy and procedure is part of the University's commitment to equality diversity and inclusion (EDI), specifically positioned to support trans and non-binary staff to be recognised with their affirmed gender identity, acknowledging that there are members of our community who do not identify with the male/female gender binary. Guidance is therefore provided in relation to trans and non-binary staff changing their name on university systems.

### **3. Purpose**

The purpose of this policy and procedure is to remove some institutional barriers in relation to gender identity for staff, improving the potential for positive engagement and interactions. The policy and procedure support a safe environment for trans and non-binary staff who want to change their name, as part of our wider inclusivity agenda.

### **4. Scope**

The Trans Staff Record Policy and Procedure is intended to provide a framework structure for a series of key processes which allow staff to have a staff record which enables them to be recognised with their affirmed gender identity, including any name change. All staff must comply with this procedure at any time it is required to be used throughout the employee lifecycle by any member of staff.

## 5. Policy

The University is committed to complying with the requirements of the UK General Data Protection Regulation (UK GDPR) and any personal data created as part of this policy will be processed in accordance with the University's Data Protection Policy and procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.

Our university application form collects mandated data that feeds into our Higher Education Statistics Agency (HESA) return. Staff are required to complete their diversity data as part of the application process and can disclose at their discretion; with the option of "prefer not to say". We recognise that HESA data monitoring requirements do not currently allow for the recognition of non-binary identities, so the university has provided an option to "self-identify", which generates a free text field to record this.

The University respects the confidentiality of trans people. No information regarding their previous name or identity, transition or Gender Recognition Certificate (GRC) status will be disclosed to any persons without the prior agreement of the person concerned, save where necessary.

In certain circumstances, it can be deemed a criminal offence under the Gender Recognition Act (GRA) 2004 and UK GDPR for a person to disclose information acquired in an official capacity about a person's application for a GRC or about the gender history of a successful applicant.

Any actions taken by an individual to undergo or continue transitioning will be discussed with the individual to agree an individual approach.

Updating of University records shall not be dependent upon individuals providing a GRC, but if they do, this information shall be maintained and confidentiality protected in line with the Gender Recognition Act.

Materials related to the individual's transitioning process, including records of absence for medical reasons, will be stored securely and kept confidential where possible.

## 6. Procedure

### 6.1 Application to work at the University.

When candidates are applying to vacancies on the University's e-recruitment portal, the University confirms and collects 3 pieces of information relating to Sex and Gender, in-keeping with UK GDPR . Candidates are asked to provide their legal sex, their gender identity and to confirm if their gender is the same as assigned at birth.

### 6.2 Pre-Employment.

When candidates are offered a position to work at the University, applicants are required to provide documents to prove their right to work in the UK.

#### 6.2.1 Right to work checks.

All offers of employment require identity and documentation checks. Sometimes the names on a trans person's documentation (such as passport, birth certificate or qualification certificates) do not tally. For complex cases, or where required, staff members should contact the EDI Officer to deal with the documentation sensitively. This will involve retaining only what is needed, ensuring that the data is held securely.

Staff who hold a Gender Recognition Certificate (GRC) will not be required to divulge any previous identity on their application. While it is generally not appropriate to require a trans person to show their GRC, a person may choose to use their GRC as evidence of their identity.

#### 6.2.2 DBS.

If a DBS check is a requirement of the role, the law requires all applicants, including those with a GRC, to disclose all of their previous names and addresses. The DBS has a "Sensitive Application Process" which allows applicants to disclose their previous identities to the DBS only. Transgender applicants have the option to contact the DBS sensitive applications line on 0300 106 1452 or [sensitive@dbs.gsi.gov.uk](mailto:sensitive@dbs.gsi.gov.uk) for further advice about completing the form as noted by the DBS (2023).

### 6.3 Changes during employment.

Should a staff member wish to change their name, title and legal sex during their employment at the University, they should contact their direct line manager and the EDI Officer. A range of guidance can be accessed via [Transgender and Gender Reassignment \(sharepoint.com\)](#),

including [Trans staff and students in HE and colleges: improving experiences | Advance HE \(advance-he.ac.uk\)](#)

Where possible, changes will be actioned without need for evidence other than the written evidence of the request coming from the staff member themselves. This change can include: known as name; forenames; surname and gender. Previous personnel files will remain linked with restricted access.

If a trans staff member changes their name under which they are registered at the institution, they will also need to notify the EDI Officer who will liaise with the IT Service Desk Manager in order for their email address to be updated accordingly.

## **7. Roles and Responsibilities**

It is the responsibility of:

- The University Board to follow the policy and procedure.
- The Equality Diversity Inclusion and Wellbeing (EDIW) Committee to review and monitor the policy and procedure., with onward reporting to University Board via People Performance and Culture Committee (PPCC) and Business Assurance Board (BAB) or Joint Negotiation and Consultation Committee (JNCC) where appropriate.
- The Equality Diversity and Inclusion (EDI) Officer to lead on reviewing the policy and procedure and to be the main point of contact for any related support.
- Directors to ensure all areas engage with this policy and procedure, by raising awareness of this version and future iterations.
- Managers to ensure their staff engage with EDI training and updates to ensure that they are able to adhere to this policy and procedure with all staff and students.
- The staff member to discuss and agree an individual approach for any changes outside of the University systems e.g. Bank, Doctor, Funding Body and any other affiliated organisations.
- External stakeholders to adhere to this policy when dealing with University of Cumbria members.

## 8. Related Policies and Procedures

- Trans Student Record Procedure
- [Equality, Diversity & Inclusion Policy - University of Cumbria](#)
- University Inclusivity Statement [Equality, Diversity & Inclusion - University of Cumbria](#)
- [Policy for Preventing and Addressing Bullying Harassment and Sexual Misconduct](#)
- [Data-Protection-Policy.pdf \(cumbria.ac.uk\)](#)
- Family Friendly Policy
- Sickness Absence Policy

## 9. Approval, Publication, Implementation & Review

The EDIW Committee is responsible for approving, implementing and reviewing this policy and the related procedures. The policy and procedures will be hosted on our external website at [Useful Links, Guidance & Signposting - University of Cumbria](#) and internally on sharepoint as part of our People and Culture and EDI sections.

The EDI Officer is responsible for reviewing the policy and procedure, undertaking consultation and an Equality Impact Assessment as part of the process, on a 3-year review period. The policy and procedure will be reviewed by our EDIW Committee and relevant onward reporting.

The policy and procedure is supported by wider LGBTQ+ training and awareness raising that includes Trans specific focus, advice and guidance.

## 10. Document Control Information

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|--------------------------|---|
| <b>Document Name</b>     | Trans Staff Record Policy and Procedure.  |
| <b>Owner</b>             | Lee McDermott, EDI Officer, People and Culture<br><a href="mailto:Lee.mcdermott@cumbria.ac.uk">Lee.mcdermott@cumbria.ac.uk</a>                |
| <b>Document Location</b> | <a href="#">Useful Links, Guidance &amp; Signposting - University of Cumbria</a> and on relevant internal People and Culture and EDI webpages |
| <b>Lead contact</b>      | Lee McDermott, EDI Officer, People and Culture  |

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| <b>Approved By</b>                                    | VCE   |
| <b>Approval Date</b>                                  | 1.0 December 2021<br>1.1 December 2024  |
| <b>Version Number &amp; Key Amendment</b>             | 1.0 December 2021<br>1.1 December 2024<br>Key amends: <ul style="list-style-type: none"> <li>• Transitioned to new policy template</li> <li>• Merged the policy and procedures together</li> <li>• Updated University logo</li> <li>• Updated narrative throughout as part of merged documents and Weightman’s legal guidance, reducing repetition</li> <li>• Updated 6.3 with EDI Officer as key contact</li> <li>• Updated section 7 noting EDIW Committee and EDI Officer roles</li> <li>• Updated links in Section 8</li> <li>• Glossary removed and signposting added to Sharepoint</li> </ul> |
| <b>Date of Last Review</b>                            | December 2023   |
| <b>Date for Next Review</b>                           | July 2027   |
| <b>Related University Policy Documents</b>            | <ul style="list-style-type: none"> <li>• Trans Student Record Policy and procedure.</li> <li>• <a href="#">Equality, Diversity &amp; Inclusion Policy - University of Cumbria</a></li> <li>• University Inclusivity Statement <a href="#">Equality, Diversity &amp; Inclusion - University of Cumbria</a></li> <li>• Bullying and Harassment Policy</li> <li>• Data Protection Policy</li> <li>• Family Friendly Policy</li> <li>• Sickness Absence Policy</li> </ul>   |
| <i>vFor Office Use – Keywords for search function</i> |   |