

## **BRIEFING NOTE 5 – GUIDANCE FOR TRANSGENDER AND NON-BINARY PEOPLE**

### **1.0 Introduction**

1.1 The University of East Anglia, referred to as “the University” throughout this document, has developed this Briefing Note to demonstrate the steps that will be taken to ensure equality in respect of transgender and to ensure its compliance with the Equality Act 2010.

### **2.0 Transgender**

2.1 The trans community is a diverse group and trans people have a range of identities and terms for them. Currently the Equality Act 2010 uses the term ‘Transsexual’, whilst other terms include ‘Gender Dysphoric’ and ‘Transgender’. These terms relate to individuals who seek to adjust their lives to live as a member of the opposite sex.<sup>1</sup> In this document the University uses the term “transgender”, which also includes “non-binary”. An explanation of terms used in respect of transgender is provided in [Briefing Note 6 – Glossary of Transgender terms](#).

### **3.0 The Legislation**

3.1 The Equality Act 2010 makes it unlawful to discriminate against an individual on the grounds of gender re-assignment in employment and vocational training. This applies where an individual intends to undergo gender re-

---

<sup>1</sup> Source: The Gender Trust [www.thegendertrust.org.uk](http://www.thegendertrust.org.uk)

assignment; or, the individual is undergoing gender re-assignment; or, the individual has at some time in the past undergone gender re-assignment.

- 3.2 The University has a legal duty to eliminate discrimination, harassment, victimisation that is prohibited under the Equality Act 2010; to promote equality of opportunity; to promote good relations.
- 3.3 In April 2005 the Gender Recognition Act 2004 (GRA) came into force providing trans people with the opportunity to apply for legal recognition in their acquired gender. If successful in their application an individual is issued with a Gender Recognition Certificate and is entered onto the Gender Recognition Register. Please note that it is illegal to request to see an individual's Gender Recognition Certificate.
- 3.4 The Data Protection Act 1998 (DPA) places responsibilities and obligations on organisations which process data about living individuals. It also gives legal rights to individuals in respect of personal data held about them by others. The DPA recognises that certain types of sensitive personal data should be treated with particular regard. This includes data on physical or mental health or condition and sexual life.

#### **4.0 University Documents**

- 4.1 This Briefing Note is underpinned by the University's [Equality and Diversity Strategy](#) and broader quality strategy information.

#### **5.0 Confidentiality**

- 5.1 Disclosure is carried out on a 'need to know' basis and it is important that the information disclosed is not shared beyond this 'need to know' group thus leading to the transgender man or woman being 'outed'. This could have

serious implications and breaches of confidentiality of this nature will be dealt with seriously, which could lead to formal disciplinary action.

- 5.2 The GRA indicates that information about an individual entered on to the Gender Recognition Register is confidential and disclosure of this information is prohibited.
- 5.3 The DPA sets out a number of criteria for individuals handling personal data. This includes ensuring that the data is kept securely and is processed only for the purposes for which they were collected; is not divulged to third parties without the subject's consent; is relevant and up to date; and, is disposed of as confidential material when no longer needed for the purposes for which they were collected.

## **6.0 What are your responsibilities?**

- 6.1 All staff can expect to be treated with dignity and respect at all times and not to be treated less favourably than others, or subjected to harassment or bullying due to their gender or perceived gender.
- 6.2 If you are approached by a colleague, student or member of the public enquiring as to whether an individual is a transgender, has changed gender or undergone a sex change, it is essential that you do not disclose confidential information. By their asking this type of question it will be evident that they are not part of the 'need to know' group. It is suggested that you state that you are unable to clarify this for them and that they will need to speak directly with the individual concerned. By responding in this manner it means that individuals who have had the information disclosed to them are not put in a difficult situation whereby they could be drawn into general discussion and/or gossip and potentially put themselves at risk of disciplinary action.

- 6.3 If you believe that an individual is being subjected to inappropriate behaviour, please ensure that you discuss your concerns with your Manager, in order that options can be discussed and the matter dealt with appropriately and in a timely manner. You can contact your [Human Resources Manager/Adviser](#) and/or [UEA Staff Pride Group's Dignity & Respect Champions](#).
- 6.4 It is your responsibility to ensure that you do not unlawfully discriminate against, harass, bully or victimise any individual due to their gender or perceived gender. You are personally responsible for your own behaviour and it is important to note that acts of unlawful discrimination will not be tolerated and you could put yourself at risk of disciplinary action.

## **7.0 Sources of other information**

- 7.1 The Equality Challenge Unit's guidance "Employing Transsexual People in Higher Education" is available at <https://www.uea.ac.uk/hr/employee-information/equal-opportunities/equal-opportunities> .
- 7.2 Other useful information can be found at Stonewall <http://www.stonewall.org.uk/>, The Gender Trust [www.gendertrust.org.uk](http://www.gendertrust.org.uk), Gender Identity Research and Education Society (GIRES) <http://www.gires.org.uk/> and Press for change [www.pfc.org.uk](http://www.pfc.org.uk) .
- 7.3 The Equality and Human Rights Commission [www.cehr.org.uk](http://www.cehr.org.uk) .

UEA Equality & Diversity Committee – approval date	31 October 2016
Equality Impact Assessment undertaken	Yes
First published	August 2007
Review – Equality & Diversity Working Group	May 2019
Minor amendments reported to Equality & Diversity Committee	13 June 2019
Next Review Date	May 2020
Review frequency	Annually
Author	S Forder - Human Resources Division
Document Ref.	UEA Briefing Note 5 – Guidance for Transgender and Non-binary People