

Northamptonshire Police



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Transgender Equality Guidance

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1. Introduction

- 1.1.1 Transgender is an umbrella term to embrace a wide variety of gender expressions. It includes people who intend to undergo, are undergoing or have undergone a permanent change of gender, as well as those who have no intention of permanently changing their gender, or those who do not identify as either a man or a woman. According to the Equality Act the medical term for those who have undergone, or are undergoing, a permanent change of gender is transsexual. Best practice is to ask the individual which term(s) they prefer.
- 1.1.2 A transition is the process or journey of an individual from one perceived gender identity to another/others. It should be noted that there is no specific time scale for a transition. It neither has to be permanent or irreversible and the objective may change at any time. The process for transitioning can and often does take many years and may or may not involve some form of medical intervention or procedures.
- 1.1.3 Some people that believe themselves to be non-binary or fluid with regard to gender. The terms non-binary and gender-fluid are often used to describe persons who identify as male or female (or a combination of both) at different times or in different situations. Others may believe that they don't want to be identified by any gender, i.e. agendered or gender neutral.
- 1.2 It is also important that each member of staff who identifies as transgender is dealt with on an individual basis and reasonable adjustments are considered to accommodate their individual status and needs. It is recognised that the perceived gender or appearance may change and that person will be protected regardless of whether they fall within the current scope of the Equality Act.
- 1.3 A National Transgender Toolkit produced by NPCC is available as guidance for line managers which can be found here [Transgender Toolkit](#).
- 1.4 The Force takes equality, diversity and human rights matters very seriously and is fully committed in ensuring that an equal, fair and inclusive policing service is available to everyone.

2. Confidentiality

- 2.1 Information that comes into the possession of a staff member, which includes information about their colleagues, should be treated confidentially. The information will not be shared with third parties, except in the proper course of police duty, i.e. where it would assist with the prevention or investigation of a crime, or where it is required by a court or a tribunal.

- 2.2 Breaches of confidentiality will be treated in the same manner as disclosure of personal details of any other member of staff.
- 2.3 In addition to the above, S.22 of the Gender Recognition Act 2004 makes unauthorised disclosure of a person's gender identity or history to any person outside the organisation a criminal offence.

3. Recruitment

- 3.1 Northamptonshire Police is committed to ensuring that transgender individuals receive full and equal consideration throughout the whole recruitment process. Northamptonshire Police welcomes applications to reflect the diversity of the area it polices.
- 3.2 Applicants are only obliged to give current names for employment references. The respective forms used for security checks and medical screening will seek information that will lead to identification of their gender history. This information will remain confidential and the disclosure of this information will be restricted to those personnel involved in the two processes.
- 3.3 Any subsequent paperwork that indicates the individual's gender history will not be accessible to other personnel.

4. Transitioning

The following section is intended to ensure transgender colleagues undergoing gender reassignment have a smooth transition within the workplace.

4.1 Initiating the process

- 4.1.1 The individual may find it helpful to identify another member of staff to support them or to be another point of contact. This could be their line manager although that will be a decision for the individual. It is recommended that all concerned will need to have discussions with their line manager to agree a way forward. It is recognised that everyone will need to be treated individually according to their own journey of a gender re-assignment. The line manager will discuss with the individual when and how the Head of Department/Policing Area and the Human Resources HR Advisor will be notified of the agreed process.
- 4.1.2 The following needs to be considered:-
 - Does the individual feel able to stay in their current post, or could the force facilitate redeployment to another post/role if appropriate?

- The individual will discuss with their manager the date that they expect the organisation to recognise them in their acquired gender(s) and for changes such as name change to take effect within the workplace.
- Any amendments that would need to be made to records and systems. The steps to be taken to ensure these changes are implemented simultaneously for the date that they acquire their new gender(s). Examples of these could be intranet phonebook entries, identity cards and uniform epaulettes. A change in identity/warrant number could also be appropriate if the individual feels that they would like more of a distinct division in the work that they may have been involved in with a different gender identity.
- Where possible the individual should be accommodated within existing policy although their specific needs will take priority should there be conflict between the two. Where sensible adjustments are needed in relation to standards of appearance policy these can now be formally agreed with the Head of Professional Standards.
- Individuals must always be addressed and referred to in the terms in which they request (e.g. their preferred pronouns and a name taken).

4.2 Informing others of gender transition

- 4.2.1 The individual may wish to disclose information personally to some or all of their colleagues or partner agencies. It is for the individual to decide who and how and the organisation should facilitate this. For example, an announcement by the individual to selected personnel, an email circulation or a post on the force internal internet.
- 4.2.2 At the point of acquiring their new gender, the individual may take a short period of time off work and return in their new name and gender. This may be used as an opportunity to inform colleagues.

4.3 The use of gendered facilities

- 4.3.1 Under no circumstances will an individual be requested to use accessible/disabled toilet facilities, regardless of their transgender status or change of gender(s).
- 4.3.2 Lockers should be provided in the facility of their choice.

4.4 Absence from work

- 4.4.1 Some transgendered persons may undergo medical procedure and their absence should be managed under existing policy. Absences should be recorded as CONFIDENTIAL. Reasonable absences should not be taken into account for the purpose of triggering attendance management procedures. It is also worth stating here that if the individual elects to seek surgery or other procedures that there is no minimum timescale for this process.

4.5 Name amendments

4.5.1 This would include amending, where required, all the IT systems, staff association membership, uniform stores data, elimination fingerprints, DNA and any awards or certificates.

4.6 Giving evidence at court

4.6.1 If a member of staff undergoing gender reassignment is required to attend court as a witness, they should request a review as to whether the attendance of the individual is necessary. It should be recognised that some members of staff may be nervous about giving evidence in case they have to disclose their previous gender identity.

4.6.2 If following the review, the evidence of the individual is deemed essential, their attendance at court must be managed to protect their gender history with consideration for an application for Special Measures.

4.6.3 Arrangements should be made at court appearances for the individual's new name to be used. This can be done by a written agreement being issued to the court by the service each time the individual is called to appear in relation to a case that commenced in the individual's previous gender. CPS have their own policy in relation to the care of transgender witnesses, including police officers.

4.7 Searching

4.7.1 The Police and Criminal Evidence Act 1984 states that stop searches that go no further than the outer clothing can be conducted by people of either sex; therefore, there are no restrictions on Transgender individuals conducting such searches.

4.7.2 In terms of intimate searches, there is no national level guidance. It is for chief officers to decide how to deploy their transgender staff and this is to be done in accordance with the Equality Act 2010. Without clear guidance from a national level it is best dealt with and agreed on a case by case basis.

4.7.3 The East Midlands Criminal Justice Service have developed joined guidance [Appendix C] which specifically addresses those situations where individuals identify as trans and non-binary are subject to detention in police custody and searches. It also includes guidance for officers and staff charged with their welfare and conducting searches including where they themselves may identify as trans or non-binary.

5. Dealing with the Media

- 5.1 In the interests of confidentiality, the name and specific post of the individual must not be revealed in media enquiries. As outlined in S.2.2 of this procedure, S.22 of the Gender Recognition Act 2004 makes disclosure of 'protected information' in certain circumstances a criminal offence. In addition, access to information within social media must be considered.

- 5.2 If the identity of the individual becomes known to the media and this of a concern to the individual then they must discuss this with Corporate Communications as soon as possible.

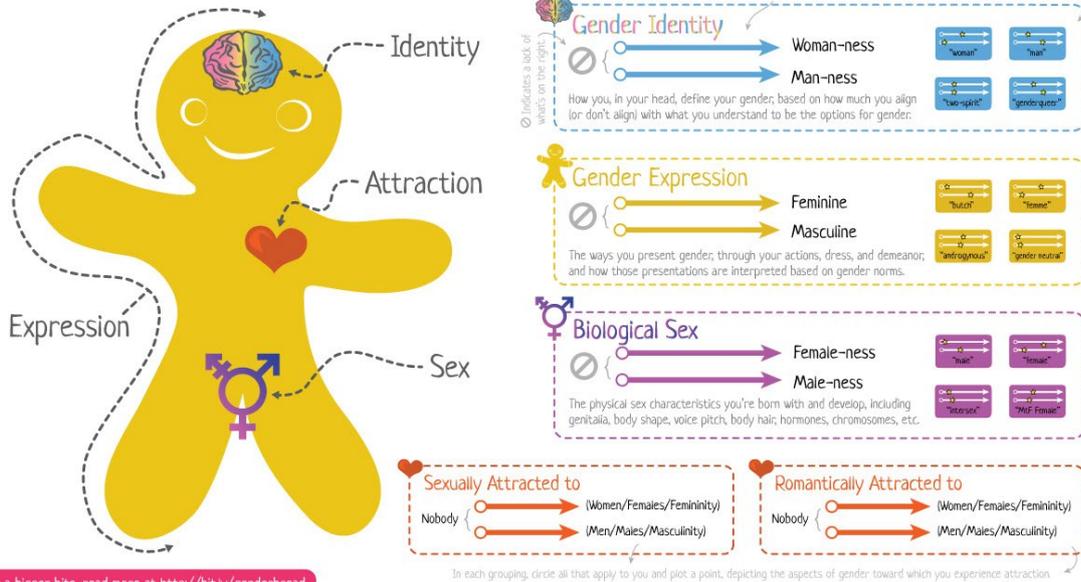
6. Appendices

Appendix A – Further reading / support

The Genderbread Person v3.3

by its pronounced **METROsexual**.com

Gender is one of those things everyone thinks they understand, but most people don't. Like *Inception*. Gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more. In fact, that's the idea.



For a bigger bite, read more at <http://bit.ly/genderbread>

In each grouping, circle all that apply to you and plot a point, depicting the aspects of gender toward which you experience attraction.

Stonewall – Trans Guidance for the Policing Sector

- An overview
- Guidance for the Individual
- Guidance for the Manager

Appendix B – Glossary of Terms

ALLIES OF TRANS PEOPLE

Usually a cis or non-trans person who supports members of the trans communities.

ACQUIRED GENDER

The law uses the phrase 'acquired gender' to refer to the gender in which a trans person lives and presents to the world. This isn't the gender that they were assigned at birth, but it is the gender in which they live.

BI

Refers to an emotional and/or sexual orientation towards more than one gender.

CISGENDER OR CIS

Someone whose gender identity is the same as the sex they were assigned at birth. Non trans is also used by some people.

CROSS-DRESSER

Someone who wears the clothes usually expected to be worn by someone of the 'opposite' gender. Other terms include 'transvestite' (now becoming a dated term and disliked by some) and 'dual role'. A cross-dresser is unlikely to have a full-time identity as a member of their cross-dressed gender and typically does not seek medical intervention.

GAY

Usually refers to a man who has an emotional, romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality – some women define themselves as gay rather than lesbian.

GENDER

Often expressed in terms of masculinity and femininity, gender is largely culturally determined and is assumed from the sex assigned at birth.

GENDER BINARY

A binary system allows only two things or states – for example, on/off. In terms of gender, it refers to the either/or categories of male/female that do not allow for, or recognize, other experiences of gender.

GENDER DYSPHORIA

Used to describe when a person experiences discomfort or distress because there's a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.

GENDER EXPRESSION

How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who doesn't conform to societal expectations of gender may not, however, identify as trans.

GENDER FLUID

A person whose gender is not static and changes throughout their life. This could be on a daily/weekly/monthly basis and will be different for everyone.

GENDER IDENTITY

A person's innate sense of their own gender, whether male, female or something else (see nonbinary below), which may or may not correspond to the sex assigned at birth.

GENDER REASSIGNMENT

Another way of describing a person's transition. To undergo gender reassignment can include undergoing some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified 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 CERTIFICATE (GRC)

This enables trans people to be legally recognized in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You don't need a GRC to change your gender markers at work or to change your gender on other documents such as your passport. Having a GCR means that information relating to an individual's gender history becomes 'protected information' and disclosure outside of exceptional circumstances (listed in the Gender Recognition Act 2004) is illegal.

INTERSEX

A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes don't fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary. Stonewall works with intersex groups to provide its partners and stakeholders information and evidence about areas of disadvantage experienced by intersex people but doesn't after discussions with members of the intersex community, include intersex issues as part of its current remit at this stage.

LGBT

The acronym for lesbian, gay, bi and trans.

LESBIAN

Refers to a woman who has an emotional, romantic and/or sexual orientation towards women.

MISGENDERING

You misgender someone when you refer to them using a word, especially a pronoun or form of address, that doesn't correctly reflect the gender they identify with.

NEURODIVERSE

A concept where neurological differences are recognized and respected in the same way as any other human difference.

NON-BINARY

An umbrella term for a person who doesn't identify as only male or only female, or who may identify as both.

OUTED

When a lesbian, gay, bi or trans person's sexual orientation or gender identity is disclosed to someone else without their consent.

PERSON WITH A TRANS HISTORY

Someone who identifies as male or female or a man or woman, but was assigned differently at birth. This is increasingly used by people to acknowledge a trans past.

PRONOUN

Words we use to refer to people's gender in conversation – for example, 'he' or 'she'. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they/their and ze/zir.

QUEER

A derogatory term for LGBT people in the past, it has now been reclaimed by LGBT young people in particular, who don't identify with traditional categories around sexual orientation and gender identity. Some people still find the term derogatory.

SEX

Assigned to a person on the basis of primary sex characteristics (genitalia) and reproductive functions.

SEXUAL ORIENTATION

A person's emotional, romantic and/or sexual attraction to another person.

TRANS

An umbrella term to describe people whose gender isn't the same as, or doesn't sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender variant, crossdresser, genderless, agender, non-gendered, third gender, two-spirit, bi-gender, transman, transwoman, trans masculine, trans feminine and neutrois.

TRANS MAN

A trans man is a female-to-male transgender person who was assigned female at birth but has a male gender identity.

TRANS WOMAN

A trans woman is a male-to-female transgender person who was assigned male at birth but has a female gender identity.

TRANSITIONING

The steps a trans person may take to live in the gender they identify with. 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 may also involve things such as telling friends and family, dressing differently and changing official documents.

TRANSPHOBIA

The fear or dislike of someone based on their being trans, including the denial/refusal to accept their gender identity. Any incident of transphobia; any form of prejudice or hatred toward a person because of their actual or perceived transgender, is considered a transgender hate crime.

TRANSSEXUAL

A more medical term (similar to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. A more common term in the past, it's generally been replaced by trans or transgender.

Appendix C – EMCJS Joint Gender Recognition Guidance for Custody

EMCJS JOINT GENDER RECOGNITION GUIDANCE FOR CUSTODY

Northamptonshire Police actively supports and promotes inclusion and equality and will not discriminate on the basis of gender identity, gender expression or gender presentation. Everyone who works with or comes into contact with Northamptonshire Police will be treated with dignity and respect.

This guidance refers to 'trans and non-binary' to include a wide range of people whose gender identity is not the same as the gender assigned at birth and includes those who have non-binary, non-gender or gender-fluid identities.

This guidance specifically addresses those situations where individuals who identify as trans and non-binary are subject to detention in police custody and searches. It also includes guidance for officers and staff charged with their welfare and conducting searches including where they themselves may identify as trans or non-binary.

Gender reassignment is a protected characteristic under the Equality Act 2010.

PRACTICAL POLICING GUIDANCE NOTES

CUSTODY:

These notes should be read in conjunction with the PACE codes of practice on searching detained persons and the Northamptonshire Police/EMCJS regional custody policy.

The overriding principles involve maintaining people's dignity and treating everyone with respect and sensitivity at a time where most people will feel particularly vulnerable. It will always remain good practice to explain the custody and search processes and enquire into and consider a range of options that can be implemented to minimise the embarrassment for all persons concerned being cognisant of the importance of safety and security.

Northamptonshire Police acknowledge their role and presence within the community and the importance of maintaining trust and confidence and are fully supportive in promoting and supporting gender identity equality.

TRANS and NON-BINARY- POLICE OFFICERS / STAFF INVOLVED IN SEARCHING:

Northamptonshire Police recognise the disclosed gender status of trans and non-binary individuals.

This means that an employee will be afforded the same rights as the gender identified and therefore in the custody environment, they will be authorised to search individuals of that same gender.

This replaces and overrules the ACPO guidance of 2005 that suggested a GRC certificate was necessary before such searches could take place.

There is case law that provides some direction in this area of work:

It has been held that any objection to being searched by a trans officer or staff member based solely upon their gender identity would be as unreasonable as an objection based upon race or religion. Such objections must be recorded in the custody record.

Objections to being searched on the sole basis of gender is likely to be based upon prejudice and as such could potentially be seen as a hate incident and in

extreme circumstances a hate crime and such behaviour will not be tolerated and will be challenged.

Northamptonshire Police policy demands a robust investigation into such instances, including the supporting of the victim and challenging the offender.

Any such incidences will be appropriately recorded, and an investigation will be undertaken in the normal manner.

Information that leads to a decision being made including any rationale should always be recorded in the custody record and all individuals concerned in the search should be invited to acknowledge their understanding or comment by signing the custody record.

Unless there is immediate anticipated threats of harm to individuals concerned the searches will be authorised to take place as in any other circumstances.

Every scenario will be different and should be dealt with on its own merits with the rationale supporting decisions recorded in the custody record.

It is equally important to be sensitive to the dignity of Police Officers and staff called upon to undertake searches. An officer or member of police staff can choose not to conduct the search as well as the detainee requesting a different officer. These cases must be dealt with sensitively to ensure officers and staff are appropriately supported.

TRANS / NON-BINARY – PERSONS DETAINED TO BE SEARCHED

Individuals will generally be dealt with in the way they present in the absence of information or disclosure that would require a change in the process. Those who present as a particular gender or gender identity should be treated as such.

Officers must never assume a person's gender or gender identity.

Early sensitive conversation is encouraged where there is any doubt about a person's gender or gender identification to avoid embarrassment.

For a person who has applied for and/or possesses a Gender Recognition Certificate, GRC, information concerning their gender history is protected and it is an offence to disclose this. However, such information may be recorded in custody records and used for the prevention or investigation of crime.

Information that leads to a decision being made including any rationale should always be recorded in the custody record and all individuals concerned in the search should be invited to acknowledge their understanding, consent or comment by signing the custody record.

Scenarios

- Gender is apparent – deal with person as that gender.
- Gender is in doubt – ask what gender the individual identifies as and treat according to their preference.
- Preference remains in doubt – if there are grounds to support preference accurately reflects predominant lifestyle – deal with as predominant lifestyle.
- No preference indicated – efforts made to identify predominant lifestyle.
- None of the above – deal with as what reasonably appears to be gender at birth.

All searches involving trans or non-binary individuals should be carried out with courtesy consideration and respect being mindful of any medical treatment. The detainee must be asked about their preference about searching staff. The staff

must be updated about those discussions and decisions and all comments and rationale must be recorded in the custody record and involved persons invited to sign.

PRACTICAL APPLICATION:

The decision on searches in custody sits with the custody sergeant. All decisions should be recorded in the custody record.

The personal safety of all involved remains the principle objective.

Any search that has the potential to result in assault or injury because of the individuals concerned for any reason would not normally take place and steps would be taken where appropriate to reduce that risk by using different staff.

However, the final decision taking account of the unique circumstances of each case will rest with the custody sergeant who should ensure that all details informing the decision are outlined to those involved and recorded in the custody record.

Trans and non-binary individuals should be provided with single occupancy cells.

SUMMARY:

Code C of PACE indicates that if there is a question about the gender of an individual about to be searched then sensitive enquiries including asking about lifestyle and preference should be undertaken.

No reference should be made to the fact individuals have acquired a new gender.

Staff are expected to invite sensitive pragmatic discussions that would reduce and minimise embarrassment likely to occur as a result of searching.

Small, considerate and thoughtful actions can make a big difference.

- Be non-judgmental.
- Be sensitive in the language used.
- Collect as much information as possible.
- Try to establish the search process that is preferred.
- Outline options and enquire into how to reduce embarrassment.
- Do not ask questions about whether a person possesses a GRC.
- ALWAYS record rationale to support decision making.
- Record objections and invite involved persons to sign custody record.