

**Employee Policy Centre of Expertise**

## Gender Recognition Policy

Equality impact assessment

# Equality impact assessment for Gender Recognition Policy

1. The Department for Work and Pensions has carried out an equality impact assessment on the Gender Recognition Policy to meet the requirements of the:

- Race Equality Duty;
- Disability Equality Duty;
- Gender Duty; and
- Equality Act 2010.

2. This is to ensure that:

- The Department does not directly or indirectly discriminate against people carrying out its functions, policies or services.
- Our strategies, policies and services are free from discrimination.
- Due regard is given to equality (specifically disability, gender and race) in decision making and subsequent processes.
- Opportunities for promoting equality are identified.

## **Purpose and aim(s) of the Gender Recognition Policy**

3. Introduction of the Gender Recognition Policy is to give all staff the opportunity to have their designated gender reflected on their staff record.

4. Following a successful application to the Gender Recognition Panel a transsexual person, from the date of recognition will acquire the rights and responsibilities which fall to a male or female of birth gender. They will also be able to marry in their acquired gender (a person of the opposite gender) and be eligible for the State retirement pension and other benefits at the age appropriate to the new gender. If their birth has been registered in the UK they can apply for a new birth certificate, in their acquired name and gender.

5. Once a member of staff has undergone gender reassignment and holds a Gender Recognition Certificate they can update their staff record accordingly.

6. It meets with the requirements of the Gender Reassignment Regulations and ensures DWP is compliant with current legislation.

7. The policy is for all staff to access and for all staff that have undergone gender reassignment and hold a Gender Recognition Certificate to action.

8. The process is for the individual to carry out therefore protecting their right to privacy.

9. The policy will be published on DWP's internal website.

## **Consultation and involvement**

10. We have consulted with the following:

- Shared Services as to how the process outlined in the policy will work in relation to the staff record system functionality.
- Diversity and Equality Centre of Expertise for specialist advice.
- Legal Group for legal advice on proposed processes.
- My Civil Service Pension Team for potential impacts on individuals pensions.
- DWP Trans Staff Network Group.
- Departmental Trade Union Side.

## **Impact of the Gender Recognition Policy**

### **Disability**

11. There is no impact on disability. Disabled staff will have the same opportunities to access and change their gender.

### **Gender and Gender Reassignment**

#### **Positive Impact**

12. This eliminates potential discrimination in employment as allows people who have undergone gender reassignment to amend the gender field on the staff record system to reflect their gender.

13. There is a potential impact on dependent contribution for staff who have undergone gender reassignment from male to female and are part of the Classic Principal Civil Service Pension Scheme. They may be entitled to a refund on their dependent contribution. In the Classic scheme men are liable for contributions for all of their service; women however only had to cover service from 6 April 1988. If the member of staff was employed before 6 April 1988 they would be entitled to a refund for spouse contributions up to 5 April 1998 when they leave the pension scheme.

#### **Negative Impact**

14. There is a potential impact on dependent contribution for staff who have undergone gender reassignment from female to male and are part of the Classic Principal Civil Service Pension Scheme. They may be required to make up a shortfall in contribution. In the Classic scheme men are liable for contributions for all of their service; women however only had to cover service from 6 April 1988. If the member of staff was employed prior to 6 April 1988 they would be required to make up the shortfall in spouse contributions from the date of employment to 5 April 1988.

15. Civil Service Pension Schemes were considered when the Gender Recognition Act was introduced.

16. If however the pension scheme member is single at final retirement they would, regardless of gender, be entitled to a refund of all contributions paid - either for all of their service or from the date their marriage had ended.

17. Information on Gender Reassignment is protected and will always be dealt with sensitively and securely. Any unauthorised use or disclosure would be regarded as a disciplinary issue and is an offence under the Gender Recognition Act. This extends to 'casual' conversations between staff.

### **Race**

18. There is no race impact. Ethnic minority staff will have the same opportunities to access and change their gender.

## **Religion or Belief**

19. There is no impact on religion or belief.

## **Age – staff born prior to September 1971**

### **Positive Impact**

20. Potential impact on dependent contribution for staff who have undergone gender reassignment from male to female and are part of the Classic Principal Civil Service Pension Scheme. They may be entitled to a refund on their dependent contribution. In the Classic scheme men are liable for contributions for **all** of their service; women however only had to cover service from 6 April 1988. If the member of staff was employed before 6 April 1988 they would be entitled to a refund for spouse contributions up to 5 April 1998 when they leave the pension scheme.

### **Negative Impact**

21. Potential impact on dependent contribution for staff who have undergone gender reassignment from female to male and are part of the Classic Principal Civil Service Pension Scheme. They may be required to make up a shortfall in contribution. In the Classic scheme men are liable for contributions for all of their service; women however only had to cover service from 6 April 1988. If the member of staff was employed prior to 6 April 1988 they would be required to make up the shortfall in spouse contributions from the date of employment to 5 April 1988.

22. If however the pension scheme member is single at final retirement they would, regardless of gender, be entitled to a refund of all contributions paid - either for all of their service or from the date their marriage had ended.

## **Age – staff born September 1971 onwards**

23. There is no impact on staff born from September 1971 onwards.

## **Marriage and Civil Partnership**

24. There is no impact on marriage and Civil Partnership.

## **Pregnancy and Maternity**

25. Staff on maternity leave will have to wait until they are back at work, either on a visit/keep in touch day or returned from maternity leave to update their staff record otherwise no impact.

## **Sexual Orientation**

26. Staff changing their gender on their staff record may wish to change their sexual orientation at the same time if appropriate otherwise no impact.

## **All staff**

27. There is no reason to believe that different group(s) of people could be negatively or unduly affected by the proposed policy.

28. The policy is open for use by all staff that have undergone gender reassignment and holds a Gender Recognition Certificate.

29. The proposal provides the same outcome for all staff by identifying a process for people who have undergone gender reassignment and hold a Gender Recognition Certificate to amend their staff record to reflect their correct gender.

30. The new policy will not affect relations between different groups, the intention is to meet a legal requirement to allow people that have undergone gender reassignment and who hold a Gender Recognition Certificate to amend their gender on the staff record system.

31. This policy will not discriminate unlawfully against people from different groups. It will remove discrimination for staff that have undergone gender reassignment and hold a Gender Recognition Certificate.

### **Monitoring and evaluation**

32. Monitoring of take up will not be conducted as this would infringe individual's who hold a Gender Recognition Certificate right to privacy under the Human Rights Act and Gender Reassignment Regulations.

33. However, the Departments intranet site enables staff to provide feedback on the policy and procedures. Where applicable, we will use this feedback to update or make required improvements to guidance.

34. We will also act on any feedback from DWP's Staff Network Groups.

### **Next steps**

35. The policy will be published on DWP's internal website with a link signposting staff from the home page to the policy.

### **Contact details**

36. If you require further information please contact:  
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